

2010 Legal and Public Notices

December, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA:

By: John E. (Jack) Powell ATTEST:

Michael D. Carlson, Finance Officer

SEAL

CERTIFICATION OF ADOPTION:

Adoption of the above and foregoing Resolution and Notice was moved by Alderman _____, seconded by Alderman _____ and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon _____ members voted in favor thereof and _____ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

Michael D. Carlson, Finance Officer

Published once at the total approximate cost of \$53.12. Publish: January 2, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

Wells Fargo Bank, N.A.,

Plaintiff,

vs,

Melody A. Scott; City of Vermillion; and any person in possession,

Defendants.

Civil No. _____

S U M M O N S

To the Above-Named Defendant(s):

You are hereby summoned and required to serve upon Plaintiff's attorney, Mackoff Kellogg Law Firm, 38 Second Avenue East, Dickinson, North Dakota 58601, an answer to the complaint which is herewith served upon you within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This action involves a real property situated in the County of Clay, State of South Dakota described as follows:

THE SOUTH 21 NORTH FEET OF LOT 4 AND THE NORTH 41.5 FEET OF LOT 5, NELSON'S ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

The Plaintiff makes no personal claim against you in the action.

Dated June 26, 2014.

MACKOFF KELLOGG LAW FIRM Attorneys for Plaintiff 38 Second Avenue East Dickinson, ND 58601 Tel: (701) 227-1841 Fax: (701) 225-6878

By: David C. Piper, Attorney SD BAR ID #4128

Published Four times at the Total approximate cost of \$87.80. Publish: Dec. 19 & 26, 2014 & Jan. 2 & 9, 2015.

Flu season brings old threat with new face

By Emily Niebrugge Press & Dakotan

During the course of 46 years, one strain of the influenza A virus has mutated just enough to make this year's flu shot not as effective as medical experts would like.

With four different strains of influenza, two types of B viruses and two types of A viruses, H3N2 - which is a strain of influenza A - is the one affecting most people this year.

"Sometimes those viruses do mutate and the vaccine doesn't protect as well as we like," said Elizabeth Healy, a registered nurse at Yankton's Avera Sacred Heart Hospital. "The antibodies can protect against some of the other ones going around too, but all of our bodies work differently, so it might protect some people better than others."

That makes the process of predicting which vaccine to give a difficult one, she said.

The Centers for Disease Control (CDC) corroborates with other partners to determine how well the seasonal vaccines are working, and so does Lon Kightlinger with the state of South Dakota.

"It's very difficult to predict what viruses go around and how people will react to them," Healy said.

There are typically around 24 influenza deaths per year in South Dakota; this year's first death from influenza was reported last Thursday in Hutchinson County, said Kightlinger, the state's epidemiologist. The resident was in the 80-

89 age group.

Last week alone, 454 people tested positive for influenza (34 percent), and about 1,400 people were seen altogether. To date across the state, 2.2 percent (83 people) of people who were seen had influenza-like symptoms.

Avera Sacred Heart Hospital reported that 52 specimens were tested last week, with four coming back positive for influenza A. None of those patients were hospitalized.

No numbers were reported from the Yankton Medical Clinic at this time.

Although the vaccine given this year is not as effective against the flu strain going around, Avera Sacred Heart Hospital is following CDC guidelines and recommending people get the flu shot and take preventative actions.

"Stay away from sick people, wash your hands and keep your hands away from your face, especially this year," Healy said. "If you're in contact with the droplets spread from a sick person who coughs or sneezes, and then you touch your face, that's how the virus is spread."

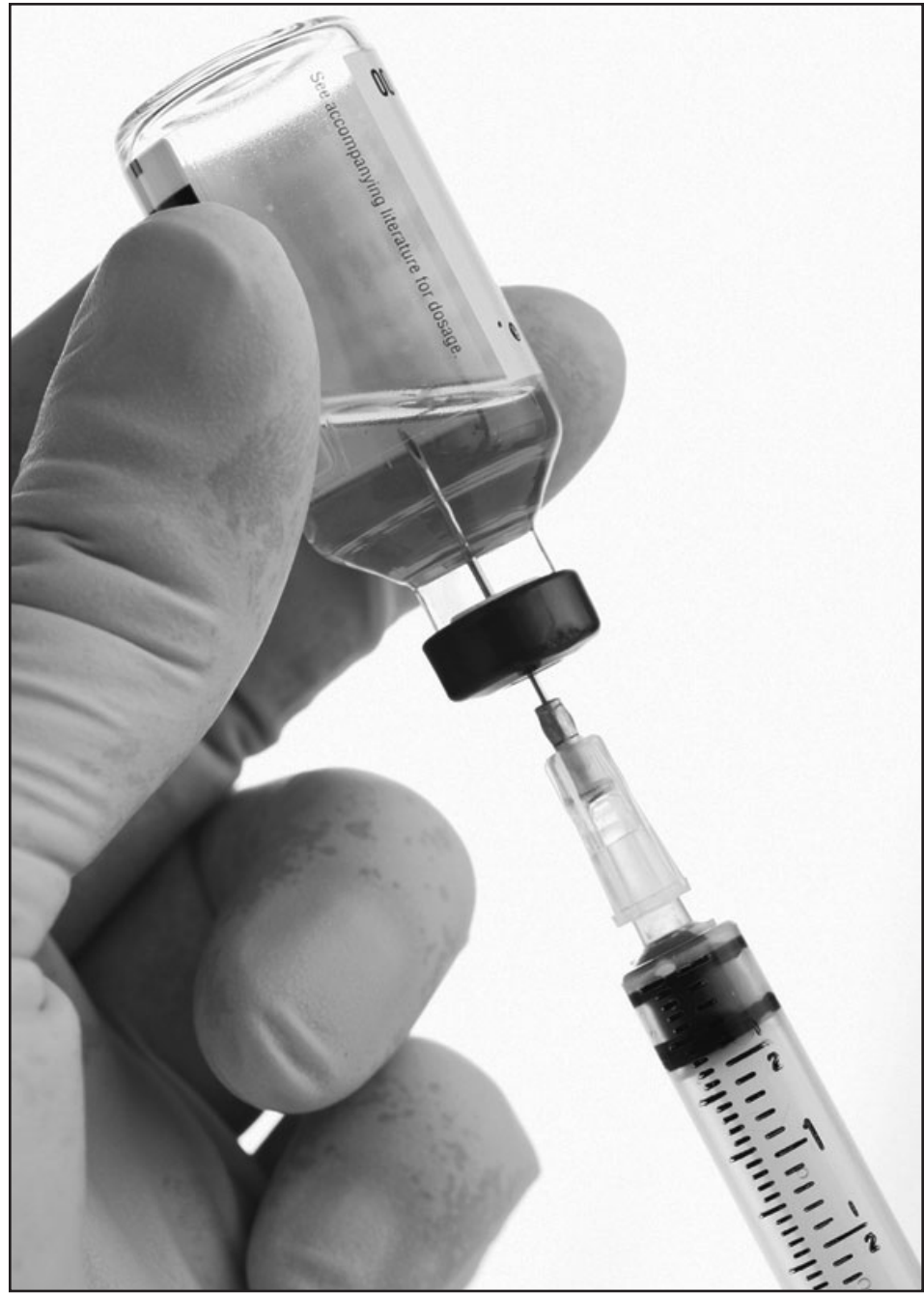
Healy also recommends staying home if a person does come down with the flu, and keeping kids out of school when they're sick.

"But the biggest thing is to wash your hands," she said.

Kightlinger said the flu vaccine does still protect against the other three strains of influenza.

"It's still our most important weapon," he said. "Even though it's not as good as it should be, it will still provide some protection."

Kightlinger said he is



COURTESY PHOTO

reminding physicians that patients can take Tamiflu early on in the illness to reduce duration and severity.

"That's another weapon we have, but it's always best to prevent it in the first place," he said.

Those at high risk of being infected with the flu, which usually peaks from December-February, include children under age 5 — especially those younger than 2 — adults 65 and over, pregnant women and people who

have heart disease, obesity, kidney disease, HIV, asthma and cancer. Symptoms of influenza include fever, cough, sore throat, runny and stuffy nose, muscle and body aches, headaches and fatigue.

Legalizing marijuana in South Dakota on Howe's radar

By Randy Dockendorf Press & Dakotan

As the new president of the South Dakota Sheriff's Association, Clay County Sheriff Andy Howe is carefully watching efforts to legalize medical marijuana in the 2015 Legislature.

The sheriff's association would need to vote on an official position, Howe said. However, he anticipates the organization would oppose any attempt to approve marijuana.

"We know that medical marijuana is simply an effort for eventual legalization for recreational use. It has gone that way in other states that have approved it," he said from his Vermillion office.

"We have the advantage of reviewing Colorado's failed experiment. They have seen cases there where doctors have been found to have recommended marijuana to patients they haven't even seen.

"They have found that 94 percent of medical marijuana 'patients' have cited pain to get a red card. Less than 1 percent cite HIV, and 3 percent cite cancer."

Authorities understand the plight of those who use

marijuana for relief from a disease, Howe said.

"I and, I think, all of law enforcement are sincerely sympathetic to those who do feel that marijuana will help ease pain and suffering," he said. "I'm not aware of anyone who uses marijuana for these purposes having been charged with a crime."

On the other hand, law enforcement officials are wary of legalized recreational usage that may follow, Howe said. YouTube videos and online photography show excessive marijuana use in Colorado, even though consumption in public places remains illegal, he said.

"There are photos and videos showing a haze of smoke at public property events, and this doesn't benefit those who feel they need the drug for medical purposes," he said.

Working For Passage

Emmett Reistroffer lived in Colorado in 2011, working with the successful effort to legalize marijuana. He is now working with efforts in South Dakota.

With Coloradoans approving marijuana, those state officials can now regulate and tax it, he said.

"The regulation of it makes it safe and responsible and also transparent. That's really the big reason why we should talk about regulating marijuana," he said. "Every step of the way is recorded and monitored as the plant is taken from seed to sale. There is nothing to hide, and the state is generating revenue on top of it."

Reistroffer touted other benefits of state control.

"The economy has really expanded. Jobs are created, and there are the public safety benefits," he said. "It shifts the marijuana from (being marketed) underground to making it transparent and legalized. They regulate how it's grown and sold, and there are limitations on how much you can purchase."

In Colorado, medical marijuana is required to be tested for its purity, and the strength can be regulated to meet a patient's needs, Reistroffer said. "In South Dakota, it's still illegal, and you're not sure what you're getting," he said.

He countered the notion that Colorado has become a state of free-wheeling pot usage. Laws place restrictions on the drug's use, he said.

"Driving under the influence and consuming it in public are still prohibited," he said. "People tend to think you legalize something and it's just wide open. I'm happy to say it's not."

Howe disputed the argument that Colorado has successfully regulated marijuana, saying the state has failed in its efforts.

"There are regulations but, as written, they are unenforceable," he said. "They have found a strong presence of the black market even though the proponents argue this eliminates it. Simply put, untaxed marijuana is cheaper."

"They have found people producing excessive quantities and selling it illegally on Craigslist and in other ways to increase profits."

Howe also disputed the idea of state-regulated, consistency quality of marijuana. He pointed to the wide variation in levels of THC (tetrahydrocannabinol), the primary ingredient in marijuana.

"We have seen that the THC content of today's marijuana, especially the concentrated hash oil and the potentially high THC concentrate in the edibles, is much higher than in the days of Woodstock (in the 1960s)," he said.

"The marijuana smoked in the past may have contained 2 to 5 percent THC, where today's (pot) may have 15-20 percent THC, and the concentrated products can be up to 90 percent THC. At this level, it has hallucinogenic effects."

Howe also pointed to the presence of marijuana in edible form, with users often lulled into complacency about the product's safety.

"A concern is that the edibles may take hours to reveal its effects; the labels say so. In the meantime, inexperienced consumers often eat too much," he said.

Facing Challenges

If South Dakota approves medical marijuana, law enforcement faces heightened demands it's not currently prepared to handle, Vermillion Police

Chief Matt Betzen said.

"We're not geared up to deal with marijuana being legal," he said. "Maybe one of the blessings, over the next several years' time, we can see how it affect the places that have chosen to do this, then we would have an educated opinion."

Colorado uses specially-trained drug recognition experts who can detect driving under the influence other than alcohol, Betzen said.

If marijuana becomes legal, Vermillion would likely need two drug recognition officers on its small squad, he said. Certification requires three weeks of classroom instruction, followed by hands-on internships in a major metro area and continued evaluation under a trainer, he said.

"You're looking at six to eight months to be prepared to do drug recognition," he added.

Besides the law enforcement concerns, medical marijuana would bring medical questions about the possible side effects for the patient and resulting liability issues for companies, Betzen said.

In addition, the revenue raised from taxing marijuana - if it can be collected — only covers about 10 percent of the estimated enforcement and social costs, he said.

"We still have the black market, which requires enforcement," the police chief said. "And it's illegal to put the proceeds from drug sales into an FDIC insured bank account. They need to set up a special account."

Even where marijuana is legal, the system has seen widespread abuse, Betzen said.

"In some states, as a caregiver I can grow plants for you, but at the same time I may also grow recreational plants," he said. "There were 612 plants in one home that was supposedly structured for a caregiver's program."

Betzen foresees marijuana advocates lobbying for bills in the 2015 Legislature.

"The ball is in their court, and we (in law enforcement) will respond to their efforts," he said.

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