

2010 Legal and Public Notices

ADVERTISEMENT FOR BIDS

Notice is hereby given that the City of Vermillion, South Dakota will receive sealed bids for construction of the Vermillion Water-main Improvements Project. Project scope will include the following:

- 171 LF of 10" HDD Restrained Joint PVC Watermain (Highway Crossing)
- 110 LF of 16" Bored Steel Encasement (Railroad Crossing)
- 120 LF of 8" Restrained Joint PVC Watermain Jacked through Encasement (Railroad Crossing)

- together with numerous related items of work, not herein mentioned, but inferred from the construction contract documents.

Bid Alternate
- connect new watermain to existing system

- together with numerous related items of work, not herein mentioned, but inferred from the construction contract documents.

The Bids must be prepared on bid forms supplied in the Bidding Documents and filed with the Finance Officer at the Vermillion City Office, 25 Center Street, Vermillion, South Dakota, 57069 not later than 2:00 P.M., Local Time, Wednesday, May 11, 2011 at which time and place all Bids will be publicly opened and read aloud in the presence of the Bidders and their representatives. No bids will be received after the specified hour and date, and Bids which are not prepared and filed in accordance with "Instructions to Bid-ders" may be rejected.

Each Bid must be submitted in a sealed envelope. Each sealed envelope containing a Bid must be plainly marked on the outside as Bid for Vermillion Watermain Improvements, Vermillion, South Dakota. The envelope should also bear on the outside the name and address of the Bidder. If forwarded by mail or other delivery system, the sealed envelope containing the Bid must be sealed in another envelope, with the notation "Bid Enclosed" on the face thereof, and addressed to the City Finance Officer, 25 Center Street, Vermillion, South Dakota, 57069.

Bidding Documents may be examined at the offices of Banner Associates, Inc. in Brookings, SD or the Vermillion City Office, 25 Center Street, Vermillion, South Dakota. A complete set of Bidding Documents may be obtained at the office of Banner Associates, Inc., 409 22nd Avenue South, P.O. Box 298, Brookings, SD 57006, (605) 692-6342 or may be ordered from www.bannerassociates.com. Copies may be obtained upon a **refundable** payment in the sum of \$31.80 including applicable taxes and fees for each set of Bidding Documents. Electronic copies are also available and can be ordered and downloaded from the above website for a \$21.20 **non-refundable** fee. Upon request, in accordance with South Dakota Codified Law 5-18B-1, one copy of electronic or paper Bidding Documents shall be furnished, without charge, to each prime contractor resident in South Dakota who intends, in good faith, to submit a bid to the Owner. Additionally, if a paper copy is provided under the conditions of SDCL 5-18B-1, in consideration of the documents being provided at no charge, unsuccessful bidders agree to return the documents to the office of Banner Associates, at the address listed above, within thirty (30) days after the bid opening.

The Bidder to whom the contract is awarded will be required to furnish a construction performance bond and a construction payment bond to the Owner in the amount of one hundred percent (100%) of the contract award for each bond, in conformance with the requirements of the Contract Documents. The construction per-form-ance bond and construction payment bond shall remain in full force until the completion of the Contract as specified in the General Conditions.

All bids must be accompanied by a Bid security. Bid security will take the form of a bid bond in an amount of ten percent (10%) of the Bidder's maximum Bid price or a cashier's or certified check made payable to Owner in an amount of five percent (5%) of the Bidder's maximum Bid price.

The Bid security will be re-tained by the Owner as liquidated damages if the successful bidder refuses or fails to enter into an Agreement within fifteen (15) days after Notice of Award or fails at time of execut-ing the contract to furnish a construction performance bond and construction payment bond guaranteeing the faithful performance of the work.

Bids may not be withdrawn after the time fixed for opening them. The Owner reserves the right to reject any and all bids, and to waive any irregularities therein.

BY ORDER of the City of Vermillion, South Dakota.
Harold Holoch
Utilities Engineer
City of Vermillion
Published twice at the approximate cost of \$92.36

Estimated publishing cost per published copy \$0.993
Published: April 29 and May 6, 2011

2010 Legal and Public Notices

Request For Qualifications
Construction Manager at Risk
(CMR) Services

The Office of the State Engineer, on behalf of the University of South Dakota, is soliciting Construction Manager at Risk Services from firms interested in providing professional Construction Manager at Risk Services required for the renovation of the North Commons Dining Area, University of South Dakota, Vermillion, South Dakota, OSE# R0610--03X.

This project will include renovation of the existing North Complex Commons dining space including partial roof replacement, window replacement, new fire sprinkler system and limited finishes. The total project budget is \$1,300,000 and is to be con-structed during 2011 with a completion date of August 2011. Additional project criteria and scope requirements are available on the Office of State Engineer web site under Advertisement For Bids. CMR Services will be contracted using AIA Document A121/CMc and General Conditions as a basis for Agreement.

Firms wishing to be considered for providing professional construction manager at risk services for this project should send a Statement of Qualifications out-lining their qualifications including past experience with similar projects, resumes of key personnel who will be assigned to this job including subsconsultants, scheduling capabilities, estimating, budget and cost control. Include owner contact information for your last three comparable CMR projects completed. Discuss fee expectations for two phases of services - Preconstruction and Construction.

Proposals as electronic email attachment (no paper please) should be sent to Gordon.Hollenbeck@state.sd.us in the Office of State Engineer, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501-3182 by 4:00 PM, CST, Monday, May 9, 2011. Evaluation of the proposals will be based on prior experience as Construction Manager at Risk (40%), accessibility and responsiveness to owner (30%), and other (30%).

Your proposal will be ranked based on the following criteria:

- (1) Specialized expertise, capabilities, and technical competence as demonstrated by the proposed approach and methodology to meet the project requirements;
- (2) Resources available to per-form the work, including any specialized services, within the specified time limits for the project;
- (3) Record of past performance, including price and cost data from previous projects, quality of work, ability to meet schedules, cost control, and contract administration;
- (4) Availability to the project locale;
- (5) Familiarity with the project locale;
- (6) Proposed project management techniques; and
- (7) Ability and proven history in handling special project constraints.

Questions may be directed to Gordon Hollenbeck, Office of State Engineer, telephone number 605.773.3466, fax number 605.773.5980 or Cathy Wagner, University of South Dakota, telephone number 605.677.6319, fax number 605.677.8853

KRISTI HONEYWELL, P.E.
State Engineer
Office of the State Engineer
Published once at the total approximate cost of \$37.11

Estimated publishing cost per published copy \$0.199
Published: April 29, 2011

NOTICE OF DRAINAGE
PERMIT HEARING

Notice is hereby given that in accordance with the Clay County Drainage Permit Ordinance, Sections 106 and 107, the Clay County Commissioners sitting as the Clay County Board of Resolutions will conduct a hearing on drainage permit application for drainage into County ROW, in the Commissioners room at the Clay County Courthouse for the following applicant at 9:45 a.m. May 10, 2011.

11-10-Verlyn Hybertson -5817 West 32nd St, Sioux Falls, S.D. 57106

For Proposed drainage (tile) in the NW1/4 of Section 23, Township 93 North, (Prairie Center Twp) Range 51 West, of the 5th p.m. to drain into roadside ditch (468th Ave.) then into Baptist Creek to Vermillion River.

All interested persons are encouraged to attend the public hearing. Those interested persons not able to attend are invited and encouraged to send written comments prior to the hearing, to:

Clay County Commissioner
211 W. Main Street, Suite 200
Vermillion, SD 57069

Ruth A. Bremer
Clay County Auditor
Published once at the total approximate cost of \$14.59

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Publish: April 29th, 2011

2010 Legal and Public Notices

NOTICE OF SALE OF
SURPLUS AND ABANDON
PERSONAL PROPERTY

Notice is hereby given that the City of Vermillion will be selling at public auction Friday, May 13, 2011 at 5:30 p.m. at the Municipal Service Center, 115 W. Duke Street, Vermillion, SD the following surplus and abandon property;

Surplus City Vehicles:Year, Make, Model: 1991, Chevy, Lumina, 67,600 miles;
Abandon Vehicles: Year, Make, Model, Plate, VIN: 2006, Chrysler, PT Cruiser, No Plates, 3A8FV68B36T284076; 1997, Ford, Thunderbird, 19H616, 1FALP62W6VH161612; 2001, Dodge, Stratus, 27B78, 4B3AG42H01E162984; 1995, Ford, Winstar SE Sport, KF6NFW, 2FMDA5146SBD12107; 1984, Pontiac, Firebird, 19GG54, 1G2AW87GXEL258136; 1991, Pontiac, Grand Prix, No Plates, 1G2WJ14T5MF286954; 1990, Honda, Accord, 24P639, JHMCB755XLC077397; 1997, Saturn, SC, 19HR98, 168ZG1277VZ365226; 1999, Chevrolet, Monte Carlo, 21X167, 2G1WW12M0X9116757; 1991, Pontiac, Grand Prix, 7DE597, 1G2WJ54T3MF207143; 1996, Chevrolet, Blazer CT, 105 7DE427, 1GNCT18W0TK175206; 1990, Buick, Park Avenue, No Plates, 1G4CWS2K9SH628890; Approximately 35 Abandon Bicycles

Abandon Unclaimed Property from Police Department:

Cell phone case, sunglasses, bean bag game board, ice chest, multi plier pool, music CD's, assortment of DVD's, backpacks, walker, tote, garden supplies, cigarette lighters, iPod

City Surplus Property:

Metal desk, 2 ceiling mount natural gas heaters, 3M overhead projector, RCA VHS player, Olympus 3500 DLX camera, stackable steel bins, electric fan, old portable beam scale, Electric Materials: pallet of weather heads, ridged galvanized pipe, wire mold and boxes, wood cross arms, misc electric parts, 13 computers, 6 monitors, box of miscellaneous computer parts-keyboards, cables, etc., HP scanner 6200C, Desk Jet HP 890 printer, Inferno ambulance cot, inferno chair/cot, bulletin board, Carl rotary trimmer, GBC classic paper cutter, Gloss Boss Buffer, burnisher Bullman Holt, 10 photo frames, metal shelf, 6 new and 1 used Goodyear Eagle 225/60/16 tires, 2 welding torch carts, 4 used Goodyear tires 255/70/16, 2 office chairs, Sharp cash register, 20+ plastic magazine storage boxes, Nobles speed scrub walk behind scrubber, three drawer file cabinet, drafting desk, 19in TV, pallet of electric motors various hp, 3-small electric air compressors, chlorinator, sulphatorator, small parts sand blaster and small parts solvent tank cleaner

Vehicles can be seen at Municipal Service Center at 115 West Duke, starting at 7:30 a.m. on May 13th and all other property can be seen prior to the auction. The auctioneer will be Hazen Bye. All vehicles must be removed by 8:00 pm on May 16. Dated at Vermillion, South Dakota this 19th day of April, 2011.

Michael D. Carlson
Finance Officer
Published once at the approximate cost of \$34.93

Estimated publishing cost per published copy \$0.187
Published: April 29, 2011

NOTICE OF ADOPTION
2011 REVISED VERMILLION
SUBDIVISION
REGULATIONS

Notice is hereby given that Ordinance No. 1251, being the Revised Subdivision Regulations of the City of Vermillion, South Dakota, was duly adopted by the City Council of the City of Vermillion on the 18th day of April, 2011, and that such Ordinance shall be in full force and effect on and after the 19th day of May, 2011, unless the referendum shall have been invoked. A copy of the Revised Vermillion Subdivision Regulations is available for public review during regular business hours at the Vermillion City Hall, 25 Center Street, Vermillion, SD 57069.

Michael Carlson, Finance Officer
Published twice at the approximate cost of \$18.49

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Published: April 29 & May 6, 2011

April 12, 2011
Commissioner Meeting

The Board of County Commissioners met in regular session Tuesday April 12, 2011 at 9:00 a.m. Members present: Wilson, Kephart, Passick, Packard and Powell.

Packard moved, seconded by Kephart and carried to approve the agenda as presented.

Minutes of the April 5th meeting were amended and approved with a motion by Wilson seconded by Passick and carried.

Jill Munger/Community Health Nurse met with the Board. The Quarterly Report for Jan, Feb, and Mar. 2011 was presented.

Layne Stewart/Emergency Management Director met with the Board. Passick moved, seconded by Kephart and carried to authorize the Chairman to sign 2nd Quarter Reports 2011 as presented.

Rod Polley/Highway Superintendent met with the Board to discuss highway matters. Gary Freeburg & Pat Johnson/Meckling Residents met with the Board requesting permission to clean the following county road ditches: North & South road ditch from 1/4 mile west of 459th Ave. east to the Clay Creek Ditch and the North & South road ditch on 315th Street from 459 Ave to 1/2 mile east of 460 Ave., Wilson moved, seconded by Passick and carried to authorize the cleaning of said ditches according Highway Superintendent's specifications and to go no deeper than the existing culverts on said ditches all cleaning done at the expense of the landowners.

Mike and Larry O'Connor met with the Board to discuss county road ditch along 470 Ave. in Section 24-93-51. The area being drained into the ditch cannot move to the east, due to being 8-12"

2010 Legal and Public Notices

higher along Spink Township Road 313th St in Union County. The east-west ditch needs to be cleaned of cattails and weeds to allow the flow of water.

The water is currently backing up onto the landowner's field. Passick moved, seconded by Kephart and carried to authorize the Auditor to send written letter of request to the Spink Township Board for cleaning their road ditch to allow the natural flow of water.

The Board reviewed the culvert replacement resolution on University Road and Coyote St. The Hwy Superintendent reassured the Board that the replacement of culverts were stated correctly in the resolution passed at the March 29th meeting.

The Hwy Superintendent gave his recommendations for accepting the highway supplies and material bids that were opened and read aloud on April 5, 2011. Passick moved, seconded by Kephart and carried to approve and accept the following bids as recommended by the Highway Superintendent.

Clay County Highway Dept. 2011 Bid Recommendations

Asphalt Concrete
Knife River, \$60.00 per ton, Sioux City, Ia; \$56 .50 per ton, Hawarden, Ia; Concrete Materials, \$59.90 per ton, Yankton, SD; \$48.75 per ton, Sioux Falls, SD;

Superintendent recommends awarding all bidders, using supplier most advantageous to Clay County

Metal Culverts
Huron Culvert & Tank, Huron, SD; Metal Culverts Inc., Jefferson City, Mo; 18" culvert, \$11.20 per ft., \$14.63 per ft.; 24" culvert, \$14.94 per ft., \$19.58 per ft.; 60" culvert, \$62.19 per ft., \$88.78 per ft.; 48" arch, \$51.32 per ft., \$69.41 per ft.

Superintendent recommends awarding bid to Huron Culvert & Tank (low bidder)

Crane Work, Crane Men, & Driven Piling
Hollaway Construction Co. Inc., \$283.00 per hr;

Superintendent recommends awarding bid to Hollaway Construction (only bidder)

Cutting Edges
Sioux City Foundry, Huron Culvert & Tank, Titan Machinery 3/4"x8"x6', 93.50 each, \$97.20 each, \$90.43 each; 3/4"x8"x8', \$124.70 each, \$129.60 each, \$120.57 each;

Superintendent recommends awarding bid to Titan Machinery (low bidder)

Carbide Insert Cutting Edges
Sioux City Foundry, Huron Culvert & Tank, Titan Machinery; 3/4"x6"x4', \$200.00 each, \$166.00 each, \$193.45 each;

Superintendent recommends awarding bid to Huron Culvert & Tank (low bidder)

Traffic Signs & Steel Sign (U) Posts

Lyle Signs Inc. Jamestown, ND
30" x 30" Stop Sign (10 +) \$27.95 each; 36" x 36" Yield Sign (10 +), \$22.95 each; 48" x 48" Construction Signs (10 +), \$78.95 each; 7 ft. steel Sign (U) posts (50 +), \$7.40 each;

Superintendent recommends awarding bid to Lyle Signs Inc. (only bidder)

Telespar Sign Posts
3 - D Specialties Fargo, ND 12"x2"x2" 14 ga., \$23.56 each; 4"x2 1/4"x2 1/4" 12 ga., \$10.40 each; 12' x 1 3/4" x 1 3/4" 14 ga., \$19.93 each;

Superintendent recommends awarding bid to 3 - D Specialties (only bidder)

Crushed Gravel

Ralph Marquardt Yankton, SD
Gravel F.O.B., \$7.00 per ton; Gravel at Site # 1 (Wakonda), \$11.65 per ton; Gravel at Site # 2 (Browsers), \$13.10 per ton; Gravel at Site # 3 (Vermillion), \$13.10 per ton;

Superintendent recommends awarding bid to Ralph Marquardt (only bidder)

Crushed Quartzite
Concrete Materials, L. G. Everist Inc; FOB Sioux Falls, \$8.75 per ton, \$9.25; Hub City Site, 15.00 per ton, \$19.90; Westerville Site, \$16.00 per ton, \$21.65; Vermillion A-4 Site, \$17.00 per ton, \$23.65; Prairie Center Site, \$15.50 per ton, \$20.80;

Superintendent recommends awarding bid to Concrete Materials (low bidder)

Concrete Pipe
Hanson Pipe & Precast, Cretex Concrete Products; 24" RCP, \$23.77 per ft., \$27.00 per ft.; 30" RCP, \$35.32 per ft., \$39.78 per ft.; 48" RCP, \$86.29 per ft., \$85.63 per ft.; 72" RCP, \$184.11 per ft., \$184.48 per ft.;

Superintendent recommends awarding bid to Hanson Pipe & Precast (low bidder)

Precast Concrete Box Culvert
Hanson Pipe & Precast, Cretex Concrete Products; 6' x 6', \$351.00, \$339.00; 7' x 7', \$387.00, \$370.00; 8' x 8', \$420.00, \$421.00; 9' x 9', \$476.00, \$465.00; 10' x 10', \$518.00, \$522.00; 11' x 11', \$571.00, \$591.00;

Superintendent recommends awarding both bidders, using the supplier most advantageous to Clay County

Precast Cattle Pass

Hanson Pipe & Precast, Cretex Concrete Products; 4' x 5', \$150.39, \$148.06 per ft.; 4' x 6', \$169.13, \$166.49 per ft.; 5' x 7' . \$238.03, \$231.35 per ft.;

Superintendent recommends awarding bid to Cretex Concrete Products (low bidder)

Pre-stressed Concrete Bridge Deck Units

Hanson Pipe & Precast, Cretex Concrete Products; 20' long, \$1,934.65, \$1,930.00; 30' long, \$2,663.15, \$2,678.00; 40' long, \$3,400.00, \$3,436.00; 50' long, \$4,882.79, \$4,970.00; 60' long, \$5,728.53, \$5,811.00;

Superintendent recommends awarding bid to Hanson Pipe & Precast (low bidder)

Pre-stressed Concrete Bulb Tee Bridge Deck Units

Crete Concrete Products West Inc; 50' Long, \$7,841.00; 60' Long, \$10,863.00;

Superintendent recommends awarding bid to Cretex Concrete Products (only bidder)

2010 Legal and Public Notices

All bids received are on file in the Auditor's Office for public inspection.

Driveway Application was submitted on behalf of Richard Johnson for field entrance on 315 St. in Section 3, T92N, R52W (Vermillion Twp). Wilson moved, seconded by Passick and carried to authorize Chairman to sign said application at the expense of the landowner according to Highway Superintendents recommendations.

At 10:00 a.m. the County Commissioners acting as the Board of Resolutions met and acted on the following Drainage Permit:

11-03 Heckathorn Farms-47345 319th St, Elk Point, SD 57025

For Proposed drainage tile (19,350 ft) located in NE1/4 of Section 16, T 93, R51 (Prairie Center Twp) West, of the 5th p.m. to drain most Northwest outlet 1830' West and 450' South of 311th St and 467th Ave. to the Vermillion River.

Pasquale Manzerra nearby landowner spoke as to the amount of water he has seen in this waterway the applicant is draining into and the idea of adding more water could cause him to loose or damage his new fence.

Packard moved, seconded by Passick and carried to table any decision on this drainage permit application until April 26th meeting at 11:30 a.m., giving the concerned landowner and the applicant time to review the project.

Kephart moved, seconded by Packard and carried to set the following Drainage Permit Hearing for May 10th at 9:45 a.m.

NOTICE OF DRAINAGE
PERMIT HEARING

Notice is hereby given that in accordance with the Clay County Drainage Permit Ordinance, Sections 106 and 107, the Clay County Commissioners sitting as the Clay County Board of Resolutions will conduct a hearing on drainage permit application for drainage into County ROW, in the Commissioners room at the Clay County Courthouse for the following applicant at 9:45 a.m. May 10, 2011.

11-10-Verlyn Hybertson -5817 West 32nd St, Sioux Falls, S.D. 57106

For Proposed drainage (tile) in the NW1/4 of Section 23, Township 93 North, (Prairie Center Twp) Range 51 West, of the 5th p.m. to drain into roadside ditch (468th Ave.) then into Baptist Creek to Vermillion River.

All interested persons are encouraged to attend the public hearing. Those interested persons not able to attend are invited and encouraged to send written comments prior to the hearing, to:

Clay County Commissioner
211 W. Main Street, Suite 200
Vermillion, SD 57069
Ruth A. Bremer
Clay County Auditor

Wade Loosbrock/Vermillion City Resident met with the Board to discuss Clay County Park and the county's ordinance that applies restrictions to Hunting and Firearms Use. Mr. Loosbrock feels the county is in violation of the preemption clause of the state statute making the county ordinance null and void. Mr. Loosbrock requested the county adopt a resolution to revise the ordinance so it falls in compliance with the state law.

Deputy States Attorney/Loren LeClaire gave the Board his personal opinion on this, stating this is not an official opinion, but a potential resource for discussion.

Packard moved, seconded by Wilson and carried to table any decision on the county park ordinance until they have time to review the Deputy States Attorney's recommendations.

At 10:45 a.m. Kephart moved, seconded by Passick and carried to adjourn and convene as Ditch Board.

Bid opening on Laterals 50a, 50b, and 50bExtension were held.

Only one bid was received, that being Mike Pollman/Wakonda

#1. Lateral 50a -Beginning 25' South of Northwest Corner of the NE1/4 Section 19-93-53 along the South side of 312 St going East until ending at 454 Ave. (Lateral 50 Ditch) \$10,875

#2. Lateral 50b - Beginning 25' North and 25' West of Corner Common to Sec 19.20.29 and 30, 93-53 along the North side of 313th St. going East until it connects with lateral 50 at the junction of SDHwy 50. \$21,785.

#3. 50b Branch -Beginning at 25' West of Northwest corner of Sec. 27, 93-53 West side of 455 Ave going South 3165', 500' South of the Northeast Corner of SE1/4, Sec.28, Township 93 North, Range 53 West (Meckling Twp.) Clay County, South Dakota. \$8775.

Total Bid on Lat50a,b,b-extension \$41,435

Wilson moved, seconded by Passick and carried to accept the total bid submitted by Mike Pollman on Lat50a,50b and 50b Extension for \$41,435. Passick moved, seconded by Wilson to approve the culvert replacement on Lat.b, with the county supplying the culvert and fill.

Bids on removal and installation of culverts in the Clay Creek Ditch:

Only one bid was received, that being Mike Pullman/Wakonda

1. Culvert is located in the S.W. 1/4 of Sec. # 34, Bethel Twp. south side of ditch. Culvert is 60" x 30' metal with a flop gate. Clay County Ditch Board will furnish metal culvert and flop gate and can be picked up at Clay County Highway Dept. **BID: \$1950**

2. Culvert is to be installed at existing flow line, using some type of mechanical compaction. All fill will be the responsibility of the contractor. Hwy. Supt. to make final inspection. **BID: \$1785**

Passick moved, seconded by Kephart and carried to accept the bid from Mike Pollman for the re-placement of culverts on Clay Creek Ditch.

Yankton/Clay Ditch Bid: \$59,975.00

Only one bid was received, that being Mike Pullman/Wakonda

Furnish all necessary equipment and labor for the cleaning of the Yankton/Clay Ditch from the Meckling Road (Sec. 2 Norway Twp) moving East Southeast until ending at Norway Street (Sec.7 Norway Twp) Clay County, South Dakota. The Project consists of cleaning, leveling spoil-banks and removal and disposal of all trees (except large growth trees), brush and stumps within said

2010 Legal and Public Notices

Ditch. All work to be done under the supervision of the County Highway Superintendent.

Due to the insufficient amount of funds in the Yankton Clay Ditch Fund, Kephart moved, seconded by Passick and carried to reject the Bid of \$59,950.

At 11:20 a.m. Kephart moved, seconded by Wilson and carried to adjourn as Ditch Board and reconvene as Board of County Commissioners.