#### Legal and Public 2010 2010 Notices

un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Raymond Passick, Chairman Board of County Commissioners

I, Carri Crum, Deputy Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 2,

Deputy County Auditor, Clay County, SD

Powell moved, seconded by Packard and carried to pass and adopt the following resolution approving survey plat of Tract 3 of Massa WRP Easement in Parcel A of the NE1/4 of the NE1/4 of the NE1/4 of Section 6, T92N, R51W of the 5th P.M., Clay County South Dakota, Donald L. Massa & Rebecca L. Massa, owners.

#### RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

Plat of Tract 3 of Massa WRP Easement in Parcel A of the NE1/4 of the NE1/4 of the NE1/4 of Section 6, T92N, R51W of the 5th P.M., Clay County South Dakota, Donald L. Massa & Rebecca L. Massa, owners.

Be it resolved that the Board of County Commissioners of said has examined the same County and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Raymond Passick, Chairman **Board of County Commissioners** 

I, Carri Crum, Deputy Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 2,

Deputy County Auditor, Clay County, SD

Powell moved, seconded by Packard and carried to pass and adopt the following resolution approving survey plat of Lot 1 of Massa Addition in the SW1/4 of Section 32, T93N, R51W of the 5th P.M., Clay County South Dakota, Anthony Hubert, owner.

#### RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

Plat of Lot 1 of Massa Addition in the SW1/4 of Section 32. T93N, R51W of the 5th P.M., Clay County South Dakota, Anthony Hubert, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

Raymond Passick, Chairman **Board of County Commissioners** 

I, Carri Crum, Deputy Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on April 2, 2013.

Deputy County Auditor, Clay County, SD

Legal and Public 2010 **Notices** 

Gene Lunn/Director of Equalization met with the Board to present the 2012 Director of Equalization

Powell moved, seconded by Packard and carried to pass and adopt the following resolution in support of maintaining the tax exempt bond status of municipal

#### RESOLUTION #2013-07 **Supporting Efforts to Maintain** the Tax-Exempt Status of **Municipal Bonds**

WHEREAS, the tax-exempt status of municipal bonds is nearly a century old and is vital to funding local infrastructure and economic development; and

WHEREAS, of the \$1.65 trillion of local infrastructure investment over the last decade using tax-exempt bonds, nearly all of it was in six categories: \$514 billion for primary and secondary schools; \$288 billion for hospitals; \$258 billion for water and sewer facilities; \$178 billion for roads, highways and streets; \$147 billion for public power projects; and \$106 billion for mass transit.

WHEREAS, any move to change the current tax treatment of local government bonds would lead to higher borrowing costs for local governments; and

WHEREAS, without tax-exempt financing much-needed infrastructure improvements would likely be delayed; and

WHEREAS, tax-exempt bonds are a critical tool for South Dakota counties to facilitate budgeting and financing of long-term investments in the infrastructure and facilities necessary to meet public demand for government services;

WHEREAS, at a time when infrastructure demands are great, increasing the cost of local government borrowing could have serious impacts on the national, state and local economies; and

WHEREAS, without the tax-exemption, the effectiveness of the bond market would be significantly dampened, creating higher borrowing costs for county governments, less investment in infrastructure, and fewer jobs.

NOW, THEREFORE, BE IT RE-SOLVED that Clay County does hereby support maintaining the current tax-exempt status of municipal bonds.

Approved this 2nd Day of April,

Raymond Passick, Chairman Board of County Commissioners

ATTEST:

Carri Crum, Deputy Auditor

The Board discussed the location for the annual Yankton/Clay Ditch Board meeting on June 11th. It was the consensus of the Board that the meeting location Monday 12:00 noon should remain at Toby's in Meckling.

At 10:52 a.m. Mockler moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, April 9, 2013 at 9:00 a.m.

Raymond (Dusty) Passick, Chair-

**Board of County Commissioners** 

Carri Crum, Deputy Auditor Published once at the total approximate cost of \$187.83. Published: April 12, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY:SS

IN CIRCUIT COURT FIRST JUDICIAL DISTRICT

Franklin American Mortgage

Plaintiff(s),

(1) Andrew C. Curry

(2) Lacy Sullivan

Unknowns: All Occupants And Tenants Of The Subject Real Estate, All Unknown Spouses Of Any Party Hereto, And All Other Persons Living Or Dead Whose Names Are Unknown, Who Claim Any Interest Herein,

Defendant(s).

Notice of Sheriff's Sale of Real

Case No. #12-329 Judge Steven R. Jensen

\*\*\*\*\*\*\*\*

Legal and Public 2010 **Notices** 

HEREBY NOTICE GIVEN THAT PERSUANT TO COURT IN THE ORDER ABOVE CAPTIONED TER, THE SHERIFF WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER IN LAWFUL MONEY OF THE UNITED STATES OF AMER-ICA THE REAL ESTATE DE-SCRIBED BELOW.

THE DATE, TIME, PLACE OF SAID SALE IS:

Date: May 8, 2013 Place: The Front Door of the Clay County Courthouse 211 West Main Street Vermillion, SD 57069 Time: 10:00

Real Estate:

Common Description: 32167 470th Avenue Burbank, SD 57010

Legal Description: LOT 3 AND LOT A OF LOT 4, TOGETHER WITH RIGHT OF **EGRESS** INGRESS AND OVER THERETO AND ACROSS LOT 5, ALL IN DOL-NEY'S ADDITION TO SEC-TOWNSHIP TION NORTH, RANGE 51 WEST OF THE 5TH PM.

TAX PARCEL ID #: #12600-00000-030-00

Mobile or Manufactured Home:

COUNTY, SOUTH DAKOTA.

Common Description None Known

**Legal Description**: None Known

The date of the Court Order of Judgement is March 13, 2013, pursuant to which an Execution and Order of Sale was issued on March 21, 2013. The referenced Court Order entered judgement for Plaintiff for \$101,137.00 as of March 1, 2013, plus interest, costs of this action, including all costs of the sale and costs to preserve the Real Estate, including ad valorem property taxes. Additional interest of \$10.94 per day shall accrue to the date of said sale. There are no prior liens know to Plain-

Kleinsmith & Associates, P.C. Attorney for Plaintiff

Philip M. Kleinsmith, #1005 6035 Erin Park Drive, Ste 203 Colorado Springs, CO 80918 800-842-8417

Sheriff of Clay County, SD

Address & Phone: 605-677-7100 Clay County Sheriff 15 Washington Street Vermillion, SD 57069 Published four times at the total approximate cost of \$143.48. Published: April 12, 19, 26, & May 3, 2013

**Unapproved Minutes Council Special Session** April 1, 2013

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 1, 2013 at 12:00 noon in the City Hall large conference room.

# 1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Ward

2. Informational Session - Police Department Annual Report -Police Chief Matt Betzen

Matt Betzen, Police Chief, reviewed the Police Department 2012 annual report. The report included the organizational chart for the department along with information on the following: patrol division, investigations, tactical response preparations, Explorer Post, house parties, D-Days, special recognitions, statistics and expenses. Matt answered questions of the City Council on the report.

#### 3. Briefing on the April 1, 2013 City Council Regular Meeting Agenda

Council reviewed items on the agenda with City staff. No action

# 4. Adjourn

084-13

Alderman Osborne moved to adjourn the Council special session at 1:02 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of April, 2013.

THE GOVERNING BODY OF CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor

Legal and Public 2010 **Notices** 

ATTEST: BY Michael D. Carlson, Finance Offi- nitions.

**Unapproved Minutes** City Council Regular Session April 1, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 1, 2013 at 7:00 p.m. by Mayor Powell.

#### 1. Roll Call

Present: Collier-Wise Davies. Grayson, Meins, Osborne, Ward, Willson. Zimmerman. Mayor Powell. Student Representative Jessica Peterson

## 2. Pledge of Allegiance

## 3. Minutes

A. March 18, 2012 Special Session; March 18, 2013 Regular Session

Alderman Zimmerman approval of the March 18, 2013 special session minutes and the March 18, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### 4. Adoption of Agenda

Alderman Willson moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 5. Visitors to be Heard

Mayor Powell introduced Jessica Peterson as the USD student representative to the City Council.

A. Proclamation - Mayors Day of Recognition for National Serv-

Alderman Collier-Wise read the proclamation designating April 9, 2013 as National Service Recognition Day in Vermillion and encouraged residents to recognize the positive impact of national service and to thank those who serve.

B. Proclamation - Recognizing

Earth Day 2013 Alderman Meins read the proclamation recognizing April 23, 2013 as Earth Day in Vermillion and encouraged residents to celebrate Earth Day.

Mayor Powell reported that four high school track meets were held in the Dakota Dome over the last two weeks, where over 6,500 student athletes participated along with many spectators. He noted that over 150 volunteers needed to conduct each meet and wanted to thank the volunteers as well as participants.

AJ Mayer, Pi Kappa Alpha Fraternity Philanthropic Chairman, reported that the fraternity has scheduled a week of service for April 2 through 9 with events planned to raise funds and service the community. He invited the community to the Pikes in the Park event on April 4th in Prentis Park, noting that the meal is \$5 and there will be many activities.

# 6. Public Hearings - None

# 7. Old Business

A. Second Reading of Ordinance 1297 - Amending Chapter 70, General Traffic and Parking Regulations of the 2008 Revised Ordinances of the City of Vermillion, adding Section 70.057, prohibiting the use of electronic communications devices while operating a motor vehicle

John Prescott, City Manager, re-

ported that in January it was suggested that an educational session be held on a texting ban while driving. The educational session was held on March 25th after which the Governor signed SB 106 which established bans for drivers 14 -18 years of age with an instruction permit. John stated that the ordinance presented on March 18th was based upon the ordinances adopted by other South Dakota first class cities. At that meeting, there was discussion on the language "when a vehicle is in motion or part of traffic" in section 70.058 and the City Attorney has proposed slightly different language of "when the vehicle is in motion or when the motor vehicle constitutes a part of the flow of traffic or an obstruction and hazard to traffic". John noted that there was also discussion on the definition of telecommunications device to use in the ordinance. It was suggested that the definition from SB 106 be used. John stated that he has included both versions in the packet with version A being the language used by other cities ordinances that was included in the first reading and version B is the definition used in SB 106. John stated that he provided both versions so the Council can specify which definition they want to use. As to the fee, that resolution is later on the agenda.

## Legal and Public 2010 **Notices**

Discussion followed on the defi-

### 087-13

Second reading of title to Ordinance No. 1297, entitled AN OR-DINANCE AMENDING Chapter 70 General Traffic and Parking adding Regulations, 70.057 through 70.059 of the Revised Ordinances of the City of Vermillion, South Dakota to prohibit texting while operating or in physical control of a motor vehicle for the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Osborne moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1297 entitled An Ordinance Amending Chapter 70 General Traffic and Parking Regulations, adding Sections 70.057 through 70.059 of the Revised Ordinances of the City of Vermillion, South Dakota to prohibit texting while operating or in physical control of a motor vehicle was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 18th day of March, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of April, 2013 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

Adoption of the Ordinance was seconded by Alderman Willson.

Discussion followed on the definitions included in option B being the State language noting the need to correct the wording from electronic communications device to wireless communication device and to include radio transmission communications.

088-13 Alderman Collier-Wise moved to amend the motion to replace in the definitions for "Electronic Message", section 70.058 and 70.059 the word "electronic" communications device 'wireless" communications vice and in the electronic message definition to add in the last sentence "radio transmission communications". Alderman Zimmerman seconded the motion. Discussion followed on the wording for the amendment. The amendment to the motion passed 9 to 0. Mayor Powell declared the motion

# **ORDINANCE NO. 1297**

amended as follows:

ORDINANCE AMEND-AN ING ( HAPTER 70 TRAFFIC AND PARKING 089-13 REGULATIONS, ADDING SEC-70.057 TIONS THROUGH 70.059 OF THE REVISED OR-DINANCES OF THE CITY OF VERMILLION, SOUTH KOTA. TO PROHIBIT TEX-TING WHILE OPERATING OR IN PHYSICAL CONTROL OF A MOTOR VEHICLE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 70, Sections 70.057 through 70.059 is added and it is hereby ordained by authority of the same as follows:

Sec. 70.057. Definitions.

"Wireless communication device," any wireless electronic communication device that provides for voice or data communication between two or more parties, including a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages, or a laptop computer. A wireless communication device does not include a global positioning or navigation system (GPS) used to receive

driving direction. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between two wireless communication devices. An electronic message includes, but is not limited to, email, a text message, an instant message, and a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include the use of global positioning or navigation systems, radio transmission communications, or voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communication device without the direct initiation by a

Sec. 70.058. Prohibition of use of electronic message.

No person may operate or be in actual physical control of a motor wireless communication device to compose, read, or send an electronic message when the vehicle

## **Legal and Public Notices**

is in motion or where the motor vehicle constitutes a part of the flow of traffic or an obstruction and hazard to traffic.

Sec. 70.059. Exceptions to prohibition of use of wireless communication devices and electronic messages.

Section 70.058 shall not apply if the wireless communication device is being used:

a) In the reasonable belief that a person's life or safety is in immediate danger; or

b) In an emergency vehicle while

in the performance of official du-

Dated at Vermillion, South Da-

kota this 1st day of April, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Thereafter the question of the adoption of the Ordinance as amended was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Yes, Davies-Yes, Meins-Yes, Grayson-Yes, borne-Yes, Ward-Yes, Willson-Yes Zimmerman-Yes Mayor Powell-Yes.

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second Reading of Ordinance 1298 - Amending Section 155.055 Countryside Planned Development, Subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family dwellings and establishing Lot and yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units

Andy Colvin, Assistant to the City Manager, reported that Mr. Hertz, owner and developer of the Countryside Planned Development District, has requested to include multi-family dwellings in Area B within the district. The Planning Commission considered the amendment on March 11, 2013 at which time they recommended approval of the change but would limit structure height to 35 feet with the lot and yard regulations similar to the R-3 residential district. Andy noted that no comments have been received since first reading. Discussion followed on the amendment to the Countryside Planned Development District.

Second reading of title to Ordinance No. 1298, entitled AN OR-DINANCE AMENDING section 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units for the City of Ver-

Mayor Powell read the title to the above named Ordinance, and Alderman Willson moved adoption of the following:

million, South Dakota.

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1298 entitled An Ordinance Amending Section 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units of the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 18th day of March, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of April, 2013 at the City Hall Council Chambers the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

# **ORDINANCE NO. 1298**

An Ordinance amending section 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the vehicle while using a handheld City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings