Legal and Public 2010 2010 **Notices**

Market Street right of way from Main Street south a half a block.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 15th day of April, 2013.

Michael D. Carlson, Finance Offi-

Published once at the total approximate cost of \$17.71. Published: April 26, 2013

Notice of Responsibility to **Control Noxious Weeds and** Declared Pests

NOTICE IS HEREBY GIVEN this 26th day of April, 2013, pursuant to SDCL 38-22 as amended to all owners, occupants, agents and public officials in charge of lands in Clay County, South Dakota, that they are responsible of he suppression, control, and eradication of noxious weeds and declared pest infestations that may exist on such lands.

Chemical, biological, and/or cultural control methods used for the suppression, control and eradication of noxious weed and declared pest infestations shall be those approved for such purposes by the Clay County Week and Pest Supervisor, County Agricultural Extension Agent or the South Dakota State University Experiment Sta-

Upon failure to observe this notice, the county weed and pest board is required to proceed pursuant to the law and have the noxious weeds or declared pests destroyed by such methods as they may find necessary, the expense of which shall constitute a lien and be entered as a tax against the land, and be collected as other real estate taxes are collected, or by other means as provided by law.

Plant and animals designated as being noxious weeds and declared pests in the state of South Dakota are Leafy Spurge, Salt Cedar, Perennial Sow Thistle, Russian Knapweed, Hoary Cress, Canada Thistle, Purple Loosestrife, Prairie Dogs, and Gypsy Moth.

In addition, Musk Thistle and Plumless Thistles have been approved by the State Weed and Pest Control Commission as locally noxious weeds and are subject to the same suppression, control and eradication requirements as the before mentioned plants

NOTICE IS HEREBY GIVEN that upon establishing probable cause to believe a noxious weed or declared pest infestation exists upon any property in Clay county, a representative of the Clay County Weed and Pest Control Board will enter upon said property for the purpose of inspecting and confirming that such infestation actually exists.

Published twice at the total proximate cost of \$43.20.

Published: April 19 & 26, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

Plaintiff,

Wells Fargo Bank, NA,

Patrick W. Lynch; and any person in possession,

Defendants.

Civil No. 12-335

NOTICE OF REAL ESTATE *********

Judgment in the amount of \$120,705.07 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on December 12, 2012, for the fore-

closure of a real estate mortgage, Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated December 7, 2006, which Patrick W. Lynch, Mortgagor, executed and delivered to Wells Fargo Bank, NA, Mortga-

THE SOUTH 52 FEET OF LOT 8 AND THE NORTH 14 FEET OF LOT 7, BLOCK 1, BRECHTEL'S ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DA-KOTA.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 13th of December, 2006, in Book 125 of Mortgages, Page 366., in order to of the amount \$104,139.00, as of December 7, 2006, plus interest accruing thereafter on said amount at the rate of 4.87500% per year, together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate

taxes and assessments of Clay

County, South Dakota, and ease-

ments and restrictions of record,

Legal and Public 2010 Notices

to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse, in Vermillion, South Dakota, on May 8, 2013, at 10:00 A.M. (CT).

Dated February 6, 2013.

Sheriff of Clay County, South Da-

MACKOFF KELLOGG LAW

David C. Piper, Attorney #4128 38 Second Avenue East Dickinson, ND 58601 (701) 227-1841 Attorneys for Plaintiff Published twice at the total approximate cost of \$56.02.

Published: April 19 & 26, 2013

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 10, 2013 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, Miles; 1997. Kawasaki Mule 1500 w/dump box;

Abandon Vehicles: Year, Make, Model, Plate, VIN#;

Chevrolet. 1999 Cavalier. 1G1JC5244W7188569: 1AHC98. 1988. Jeep. 4WCHK. 730BPW. LICMU7447IT035578:

4S2CE58X324616031: 1978, Honda, CB500, ML 9401 SD, CB55OK2116823;

1993, Pontiac, Grand AM, IG2NW54N1PC740838; 1994, Jeep, Grand Cherokee, 9ED636, 1J4GZ58S4RC189233; 9ED636,

Chrysler, LHS, 7DF016, 2C3HC56G4XH658023; Ford, Taurus, 1FAFP53U2XG172085; 2000, Chevrolet, Blazer, 7DJ402,

Approximately 40 Abandon Bicy-

1GNDT13W4Y2401556;

Unclaimed Abandon Property from Police Department:

Assorted Sunglasses, assortment of tools - pliers, hammer, ratchets, multi-purpose, wrenches, several backpacks, men's Reeboks, sz 9.5, set of vehicle headrests, set of automobile floor mats' garden hose, jewelry, flashlights, knives, Magellan GPS unit (untested), ICar Play wireless plus (Monster brand) (untested). Coca Cola logo binoculars w/case, 4 boxes of SunBeam LED rope lights, 2 Planet Audio 350 w. speakers (untested), Classic Deluxe Snow box). Whistler thrower cab (in 1500 radar detector (untested), Passport 8500 Escort radar detector (untested), Pioneer GM-5400T amp (untested). Craftsman 19.2. volt cordless drill (untested) miscellaneous items: Blackberry case, business card case, clip, cards, dice, cigarette adapters, IPod cord

City Surplus Property:

2 - 2 drawer filing cabinets, Magnavox 13" TV with DVD player, RCA stereo, chalk board, Telog voltage recorder, modems, computers, monitors, keyboards, corner desk, printer stand, desk, computer speakers, literature display unit, desks, 2 loveseats, rocking chair, typewriter, dorm refrigerator, white cabinets, white browser bin, typing table, garden bench, credenza, folding table, office chair, display rack, misc library furniture & fixtures, Kenmore refrigerator, Frigidaire freezer, Vulcan grill convection oven, Poulan 22" cut push mower, 2- 2001 Chevy tailgates, 2004 Chevy tailgate, 1994 Chevy tailgate, 2- 2001 Chevy rear bumpers, 2004 Ford rear bumper, 1994 Chevy rear bumper, "Mosquito Magnet" mosquito trap, Bi Turbo T2 pool vacuum. 3 gallon electric sprayer, Electric salt spreader, metal spike drag, Coats 700 tire balancer, light bulbs, assorted vehicle service books, 2 - 205/72R14 tires, Racal wordnet logging recorder, 20 - 55 gallon plastic drums, hand grinder, 3 - small compressors, 2 small tanks

Vehicles can be seen at Municipal Service Center at 115 West Duke, starting at 7:30 a.m. on May 10th and all other property can be seen prior to the auction. The auctioneer will be Hazen Bye. All vehicles must be removed by 4:00 pm on May 15.

Dated at Vermillion, South Dakota this 15th day of April, 2013.

Michael D. Carlson, Finance Officer

Published once at the total approximate cost of \$40.73. Published: April 26, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY:SS

IN CIRCUIT COURT FIRST JUDICIAL DISTRICT

Franklin American Mortgage Company,

Legal and Public 2010 **Notices**

Plaintiff(s).

(1) Andrew C. Curry

(2) Lacy Sullivan

(3) Unknowns: All Occupants And Tenants Of The Subject Estate, All Unknown Real 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

NOTICE IS HEREBY GIVEN THAT PERSUANT TO ORDER ABOVE CAPTIONED

MAT-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.

DATE, TIME, THE 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

2002, Isuzu, Axiom, 553YLT AZ, Real Estate:

Common Description: 32167 470th Avenue Burbank, SD 57010

<u>Legal Description:</u>

LOT 3 AND LOT A OF LOT 4, TOGETHER WITH RIGHT OF AND INGRESS **EGRESS** OVER THERETO ACROSS LOT 5, ALL IN DOL-ADDITION TO SEC-TOWNSHIP NORTH, RANGE 51 WEST OF 5TH COUNTY, SOUTH DAKOTA.

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

Mobile or Manufactured Home:

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 BY_ and Order of Sale was issued on John E (Jack) Powell, Mayor 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 15, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 15, 2013 at 12:00 noon in the City Hall large conference

1. Roll Call

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

Absent: Ward

2. Informational Session - Vermillion Chamber of Commerce and Development Company update - VCDC Executive Director Steve Howe

Steve Howe, Executive Director of the Vermillion Chamber and Development Company (VCDC), stated that he wanted to thank the City Council for their assistance on the Eagle Creek project and provide an update on the project. Steve stated that the VCDC will Legal and Public 2010 **Notices**

own the building and will lease it to Eagle Creek. Steve noted that this project will require a number of City Council actions, the first of which are on the agenda for tonight, to plat the three lots into one lot, change the zoning as the three lots were in two different zoning districts and the creation of a Tax Increment District. Steve stated that the Tax Increment District will assist with repayment of the costs for site improvements. Steve stated that many entities within the community have worked together to bring this business to the city. Steve reviewed diagrams of the building site and proposed building. Steve answered questions of the City Council on the project.

Steve stated that the VCDC is also working on a residential housing development project that will also require the assistance of the City Council. Steve noted that since the Housing Needs Assessment was completed, the VCDC has been working with a committee that has been looking at options of implementing the assessment findings. Steve reviewed a proposed diagram of the project noting that it will also require many City Council actions before it is completed. Steve answered questions of the City Council on the proposed project.

3. Informational Session - Discussion on information to be provided for upcoming malt beverage license renewals June - John Prescott

John Prescott, City Manager, stated that the malt beverage license renewals will be coming to the City Council for consideration in June and wanted to know what additional information, if any, the City Council would want for the renewals. Discussion followed on the need for more complete Management Plans and that the Management Plans be provided to the City Council earlier to allow time

4. Briefing on the April 15, 2013 City Council Regular Meeting Agenda

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

5. Adjourn

Alderman Osborne moved to adjourn the Council special session at 12:59 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15th day of April, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

ATTEST: BY

Michael D. Carlson, Finance Offi-

Unapproved Minutes City Council Regular Session April 15, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 15, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell, Student Representative Rachelle 8. New Business Norberg

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. April 1, 2013 Special Session; April 1, 2013 Regular Ses-

100-13

Alderman Willson moved approval of the April 1, 2013 special session minutes and the April 1, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor declared the Powell motion adopted.

4. Adoption of Agenda

Mayor Powell stated that Administration has recommended the addition of Item 9B to Bid Openings and 12B to the Consensus Agenda.

proval of the agenda with the

101-13 Alderman Osborne moved ap-

amendment to include 9B Aviation fuel quotes and 12B Set a public hearing date of May 6, 2013 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 11, July 25, August 8, August 22 and September 5 at the Ratingen Platz on the corner of Market and Main Street and the Market Street right of way from Main Street south a Legal and Public 2010 Notices

seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted

5. Visitors to be Heard

A. Proclamation - Arbor Day

Alderman Meins read the Proclamation recognizing April 26, 2013 Arbor Day in Vermillion. Mayor Powell presented the proclamation to Aaron Baedke and Jessica Kennedy, representing the Vermillion Parks and Recreation Department. Aaron reported that this is the 28th year that the City has been recognized as a "Tree City". Jessica reported that the tree planting for Arbor Day will be in Prentis Park on April 26th with the time to be announced later. She stated that there will also be a poster contest for the Third Grade Class.

6. Public Hearings

A. First Reading of Ordinance 1299 - Rezone Lot 3, Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota from GI General Industrial District to GB General Business District (property located approximately 310 feet west of the southwest corner of Princeton Street and Bower Street)

Andy Colvin, Assistant to the City Manager, reported on the location of the property to be rezoned noting that it is within the Riverbend Business Park at the corner of Princeton and Bower Streets. The Vermillion Chamber of Commerce and Development Company (VCDC) is planning to construct a building for Eagle Creek Software on the property. The Planning Commission recommends approval of the change from GI to GB for Lot 3, Block 7, Erickson Addition.

Steve Howe, Executive Director of VCDC, thanked the City Council and all other entities that worked together to bring Eagle Creek Software to Vermillion. Steve stated that the VCDC will own the building and lease it to Eagle Creek Software for their 200 employees. Steve noted that the zone change, plat and Tax Increment District addressed later approved. on the agenda are part of this project.

Mayor Powell read the title to above mentioned Ordinance and Alderman Grayson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1299 - Rezone Lot 3. Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota from GI General Industrial District to GB General Business District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at called meeting of the Governing Body of the City on this 15th day of April, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell de-

7. Old Business - None

clared the motion adopted.

A. Street Closure Request for Main, Plum and High Streets for routing and/or staging of the Dakota Days Parade on Saturday, October 5, 2013 from 7:30 a.m. to 12:30 p.m.

John Prescott, City Manager, reported that, since the request was received, Marysa Wilson, representing the Dakota Days Committee, has met with Pete Jahn, Street Superintendent, and is requesting the closing of Franklin Street instead of High Street thus keeping the street closings the same as last year. John noted that the request was to close Main Street from Walnut to High Street from 7:30 a.m. to 12:30 p.m., Main Street from High to Plum Street from 8:00 a.m. to 12:30 p.m., Plum Street from Main to Clark Street from 9:00 a.m. to 12:30 p.m. and Franklin Street from Main to Clark Street from 9:00 a.m. to 12:30 p.m.

Marvsa stated that Franklin Street will work better than High Street for the parade and the parade route will be the same as last year. She stated that the parade will be October 5th starting at 10:00 a.m. and that the committee is working with other groups to provide cleanup after the parade.

103-13

Alderman Zimmerman moved approval of the following street closings for the Dakota Days parade on October 5, 2013: Main Street from Walnut to High Street from 7:30 a.m. to 12:30 p.m., Main Street from High to Plum half a block. Alderman Willson Street from 8:00 a.m. to 12:30 **Legal and Public**

p.m., Plum Street from Main to Clark Street from 9:00 a.m. to 12:30 p.m. and Franklin Street from Main to Clark Street from 9:00 a.m. to 12:30 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Final Plat of Lot 8, Block 7, Erickson Addition to the City of Vermillion, Clay County, South

Jose Dominguez, City Engineer, reported that the plat is to combine Lots 1, 2 and 3, Block 7, Erickson Addition into one lot for the Vermillion Chamber of Commerce and Development Company for the Eagle Creek Software building. Jose stated that the Plan-Commission has recommended approval of the plat. Jose recommended approval of

After reading the same once, Alderman Grayson moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot 8, Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. Resolution to create Tax Increment District Number Five on Lot 8, Block 7, Erickson Addition (formerly Lots 1, 2 and 3, Block 7, southwest corner of Princeton and Bower Streets

John Prescott, City Manager, stated that Steve Howe with the VCDC had reported on the other items on the agenda tonight that this meeting being a regularly are part of the Eagle Creek Software building project with this being the resolution to create the Tax Increment District Number 5 to assist the VCDC with the costs of the project. John noted that before the Planning Commission public hearing the other taxing entities were sent notice of the Planning Commission hearing to consider the district without any comment. The Planning Commission on April 8th unanimously forwarded a recommendation of approval for the tax increment district. John stated that the resolution is to create the district which will be followed by the Planning Commission adopting a plan for the district that will come back to

105-13

After reading the same once, Alderman Zimmerman moved adoption of the following:

the City Council for approval.

RESOLUTION CREATING CITY OF VERMILLION TAX INCREMENTAL DIS-TRICT NUMBER FIVE

WHEREAS, on April 8, 2013, the Vermillion Planning Commission, in accordance with the requirements of SDCL 11-9-3, held Public Hearing on the creation of a Tax Increment District in a portion of the Riverbend Business

WHEREAS, the proposed new tax increment district is located in a portion of Tax Incremental District Number Three that was dissolved by resolution on March 18, 2013; and

WHEREAS, on April 8, 2013, the Vermillion Planning Commission did adopt for recommendation a motion designating a tax incremental district defined by the following boundary:

Lots 1, 2 & 3 Block 7 Erickson Addition to the City of Vermillion, Clay County, South Dakota, that was replatted to Lot 8, Block 7 Erickson Addition to the City of Vermillion, Clay County, South Dakota; and

WHEREAS, the City Council

(1) Not less than twenty-five percent (25%), by area, of the real