

2010 Legal and Public Notices

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities therein.

Dated at Vermillion, South Dakota this 8th day of April, 2014.

CITY OF VERMILLION

Jason Anderson, Asst. City Engineer

Published twice at the approximate cost of \$44.98. Publish: April 11th & 18th, 2014.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY,

Plaintiff, vs.

KIMBERLEE HOFFMAN AKA KIMBERLEE BEA BROWNE, LANCE MCKEOWN, BRETT DANIEL BROWNE, CITY OF VERMILLION, AND CLAY COUNTY, SOUTH DAKOTA,

Defendants.

CIV. NO. 13-156

NOTICE OF MORTGAGE FORECLOSURE SALE

NOTICE IS HEREBY GIVEN in accordance with South Dakota Codified Laws 21-49-25, and pursuant to a Judgment dated the 19th day of March, 2014, that a sale of certain mortgaged premises described as follows:

Commencing at a Point 80 Feet East of the NW Corner of Lot 1, Block 13, Original Townsite of Vermillion, Thence Running South to a Point on the South Line of Lot 3 of Said Block 13, 80 Feet East of the SW Corner of Said Lot 3, Thence East on the South Line of Said Lot 3, 44 Feet; Thence North to a Point on the North Line of Said Lot 1, 44 Feet East of the Point of Beginning, Thence West on the North Line of Said Lot 1 to Point of Beginning, in the City of Vermillion, Clay County, South Dakota,

shall be made by public sale to the highest bidder on the 23rd day of April, 2014, at 10:00 a.m., at the front door of the Clay County Courthouse, Vermillion, South Dakota.

The names of the mortgagors are Kimberlee Hoffman aka Kimberlee Bea Browne and Lance McKeown and the mortgage was given to First Dakota National Bank and assigned to the South Dakota Housing Development Authority of Pierre, South Dakota. The amount due, pursuant to the Judgment, is \$63,351.46. The date of the mortgage is 30th day of August, 2002, and the mortgage was recorded in the Office of the Clay County Register of Deeds on the 4th day of September, 2002, at 9:30 a.m., in Book 117 of Mortgages, page 187. **The sale is subject to the 2013 real property taxes due and payable in 2014, and any special assessments due and owing.**

Dated at Vermillion, South Dakota, this 27th day of March, 2014.

ANDREW HOWE SHERIFF OF CLAY COUNTY

Robert E. Hayes, Attorney for Plaintiff Davenport, Evans, Hurwitz & Smith, L.L.P. c/o South Dakota Housing Development Authority 3060 E. Elizabeth Street, P.O. Box 1237 Pierre, South Dakota 57501 - Phone: (605)773-5149

Published twice at the total approximate cost of \$68.53. Publish: April 11 & 18, 2014.

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Governing Body of the City of Vermillion, South Dakota, will meet at 7:00 p.m. on Monday, the 5th day of May, 2014 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Governing Body will hear, consider and act upon amending the City Zoning Ordinance as follows:

Amend Section 155.032 R-2 Residential District (C) to allow more than one multi-family building on the same lot as long as the units do not exceed

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4-units in one lot. Approval shall be granted through a Conditional Use Permit.

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said zone change and that at said time and place the Governing Body will consider and decide whether or not this ordinance change should be approved.

Jose Dominguez, City Engineer City of Vermillion

Published once at the approximate cost of \$15.23. Publish: April 11, 2014.

NOTICE OF APPLICATION NO. 7964-3 to Appropriate Water

Notice is given that Mike, John & Paul Shubeck, 29341 468th Ave. Beresford SD 57004 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the South Management Unit of the Upper Vermillion Aquifer (200 feet deep) located in the approximate center of the SE 1/4 Section 12 for irrigation of 128 acres located in the SE 1/4 Section 12; all in T95N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7964-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 21, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$27.47. Publish: April 11, 2014.

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Vermillion, South Dakota, will meet at 7 p.m. on Monday, the 28th day of April, 2014, in the Large Conference Room, located in City Hall at 25 Center Street in the City of Vermillion, at which time the said Planning Commission will hear, consider and act upon a recommendation to amend the City Zoning Ordinance as follows:

Amend Section 155.032 R-2 Residential District (C) to allow more than one multi-family building on the same lot as long as the units do not exceed 4-units in one lot. Approval shall be granted through a Conditional Use Permit.

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said zone change.

Jose Dominguez, City Engineer City of Vermillion

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The University of South Dakota is accepting sealed bids for USD Churchill-Haines Laboratories Auditorium 118 Upgrades until 2:00 P.M., April 15th, 2014. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Pre-Bid meeting will be held April 9th, 2014 at 3:00 P.M. starting in Churchill-Haines Auditorium 118. Copies of the bid solicitation and specifications may be obtained by bidders at the offices of A & D Technical Supply 1822 N Street, Lincoln, Nebraska, phone number (402)474-5454. The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$14.90. Publish: April 4 & 11, 2014.

The University of South Dakota is accepting sealed bids for USD Churchill-Haines Laboratories Auditorium 101 Upgrades until 2:00 P.M., April 15th, 2014. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Pre-Bid meeting will be held April 9th, 2014 at 3:00 P.M. starting in Churchill-Haines Auditorium 118. Copies of the bid solicitation and specifications may be obtained by bidders at the offices of A & D Technical Supply 1822 N Street, Lincoln, Nebraska, phone number (402)474-5454. The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$14.90. Publish: April 4 & 11, 2014.

April 1, 2014

The Board of County Commissioners met in regular session Tuesday, April 1, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

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

Minutes of the March 25, 2014 meeting were approved with a motion by Mockler, seconded by Packard and carried.

Andy Jensen, 4-H Advisor, met with the Board to request travel to Pierre. The County would pay half of the mileage. Powell moved, seconded by Kephart and carried to approve the travel request.

Jensen gave the Board an update on the new copier. He reported that the 4-H Leaders agreed to share the cost of the copier and maintenance contract, so the cost to the County is less.

Cynthia Aden, Welfare Director, met with the Board to present Welfare Application #C14-08. The applicant met guidelines for a County burial. Powell moved, seconded by Packard and carried to approve the application and payment to Kober Funeral Home for \$1900.00.

At 9:16 a.m., Powell moved, seconded by Packard and carried to adjourn and convene as Ditch Board. One bid was received for the cleaning of Lateral 2A, Section 16, Meckling Township along 311 St. from 454 Ave. to 455 Ave and Lateral 3A, Section 24, Meckling Township, Sections 19-20, Spirit Mound Township on 312 St. from Meckling Oil to 460 Ave. The bid from Pollman Excavation Inc. was opened and read aloud. The total gross bid for Lateral 2A was \$5162.00, and the total gross bid for Lateral 3A was \$15,010.00 for a total project bid of \$20,172.00. The Board discussed concerns that had been brought to their attention regarding placement of the spoils. Bob Emmick was present and stated that he would like to see the project completed. Powell moved, seconded by Kephart and carried to award the bid to Pollman Excavation Inc., to reserve the ability to execute a change order if necessary, and with the stipulation that work not be started until after a special meeting takes place with the landowners. Passick moved, seconded by Powell and carried to set the time and date for the special meeting as 9:00 a.m. on April 15, 2014 in the meeting room in the basement of the Courthouse.

At 9:49 a.m., Powell moved, seconded by Kephart and carried to adjourn and reconvene as Board of County Commissioners.

Rod Polley, Highway Superintendent, met with the Board. Propane quotes were presented. Powell moved, seconded by Mockler and carried to accept the low bid of \$1.50/gal. from Star Energy of Centerville.

Polley requested travel to Pierre

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April 2-3, 2014 for the South Dakota Asphalt Conference. Mockler moved/seconded by Packard and carried to approve travel as requested.

The Highway Superintendent gave his recommendations for the material bids that were opened and read aloud on March 25, 2013. Packard moved, seconded by Mockler and carried to approve and accept the following bids as recommended by the Highway Superintendent.

Liquid Asphalt Bid:
Jebro Inc.
MC800R (per gallon) \$3.1447
RC800R (per gallon) \$3.3963
MC70 (tack oil, per gallon) \$3.1570
Anti-Strip additive (per gallon) \$0.0800
Hwy. Supt. Recommendation, award bid to Jebro Inc. (only bidder)

Crushed Quartzite Bids:
L.G.Everist, Inc
Site#1 Vermillion Shop (per ton) \$14.86
Site#2 Hub City (per ton) \$12.72
Site#3 Brower's (per ton) \$14.08
Site#4 Burbank Rd (per ton) \$14.70
Concrete Materials
F.O.B. Sioux Falls Plant (per ton) \$7.00
Hwy. Supt. Recommendation, award bid to L.G.Everist. (Bid was to stock pile sites.)

Asphalt Concrete Bids:
Concrete Materials
Yankton Plant (per ton) \$66.00
Sioux Falls Plant (per ton) \$47.75
Knife River Hawarden Ia. Plant (per ton) \$63.00
Myrl & Roy's Paving, Inc.
Sioux Falls Plant (per ton) \$50.00
Hwy. Supt. Recommendation, award all bids County can use most advantageous plant site.

Crane Work & Crane Men Bid:
Hollaway Construction Co., Inc. Includes all equipment, two laborers &/or Operator, Certified Welder, one Bridge Supt. (per hour) \$304.00
Hwy. Supt. Recommendation, award bid to Hollaway Construction Co. (only bidder)

Traffic Signs & U Channel Posts Bid:
Lyle Signs Inc. All Signs H.I.P. sheeting & .080 gauge Alum. Blanks
30" x 30" Stop Sign (ten or more) \$26.95
36" x 36" x 36" Yield Sign (ten or more) \$19.95
30" x 30" Warning Sign (ten or more) \$26.95
36" x 36" Warning Sign (ten or more) \$42.30
6 ft. x 1.12lbs per ft. (under 50 ct.) \$7.99
6 ft. x 1.12lbs per ft. (over 50 ct.) \$7.39
7 ft. x 1.12lbs per ft. (under 50 ct.) \$9.32
7 ft. x 1.12lbs per ft. (over 50 ct.) \$8.62
Hwy. Supt. Recommendation, award bid to Lyle Signs Inc. (only bidder)

Telespar Sign Posts & Anchors Bid:
3D Specialties, Inc. 12ft. x 2" x 2" 12 gauge (each) \$32.21
12ft. x 1&3/4"x1&3/4" 12 gauge (each) \$29.58
4ft. x 2&1/4"x2&1/4" 12 gauge (each) \$11.60
12ft. x 2" x 2" 14 gauge (each) \$24.06
12ft. x 1&3/4"x1&3/4" 14 gauge (each) \$20.30
12ft. x 2" x 2" 14 gauge (each) \$24.06
Hwy. Supt. Recommendation, award bid to 3D Specialties, Inc. (only bidder)

Concrete Culverts, Concrete Box Culverts, & Concrete Cattle Passes Bids:
Culverts
Hancock Concrete
Cretex Concrete Products
36" Round (per Ft.) \$54.00
\$50.95
36" Arch (per Ft.) \$84.32
\$82.27
48" Round (per Ft.) \$93.56
\$91.90
48" Arch (per Ft.) \$119.87
\$119.64
60" Round (per Ft.) \$139.70
\$142.22
60" Arch (per Ft.) \$177.21
\$175.40

Concrete Culverts, Concrete Box Culverts, & Concrete Cattle Passes Bids:
Culverts
Hancock Concrete
Cretex Concrete Products
36" Round (per Ft.) \$54.00
\$50.95
36" Arch (per Ft.) \$84.32
\$82.27
48" Round (per Ft.) \$93.56
\$91.90
48" Arch (per Ft.) \$119.87
\$119.64
60" Round (per Ft.) \$139.70
\$142.22
60" Arch (per Ft.) \$177.21
\$175.40

Concrete Box Culverts
Hancock Concrete
Cretex Concrete Products
6Ft. x 6Ft. single brl. (per/L.F.) \$378.00
\$378.00
7Ft. x 7Ft. single brl. (per/L.F.) \$414.00

Concrete Box Culverts
Hancock Concrete
Cretex Concrete Products
6Ft. x 6Ft. single brl. (per/L.F.) \$378.00
\$378.00
7Ft. x 7Ft. single brl. (per/L.F.) \$414.00

Polley requested travel to Pierre

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\$412.00
8Ft x 8FT. single brl. (per/L.F.) \$451.00
\$468.00
9Ft. x 9Ft. single brl. (Per/L.F.) \$511.00
\$517.00
6Ft. x 6Ft. End Section (each) \$3,664.00
\$3,967.00
7Ft. x 7Ft. End Section (each) \$4,904.00
\$4,952.00
8Ft. x 8Ft. End Section (each) \$6,676.00
\$6,949.00
9Ft. x 9Ft. End Section (each) \$7,201.00
\$7,610.00
8Ft x 8Ft double brl. (per/L.F.) \$805.00
\$784.00
9Ft. x 9Ft. double brl. (per/L.F.) \$863.00
\$836.00
10Ft. x 10Ft. double brl. (per/L.F.) \$980.00
\$946.00
8Ft. x 8Ft. End Section (each) \$11,642.00
\$11,505.00
9Ft. x 9Ft. End Section (each) \$12,669.00
\$12,503.00
10Ft. x 10Ft. End Section (each) \$17,736.00
\$15,730.00

Concrete Cattle Passes
Hancock Concrete
Cretex Concrete Products
Per Ft. \$207.00
No Bid
Per Ft. Aprons \$2,074.00
No Bid
Hwy. Supt. Recommendation, award bid to both bidders which is most advantageous to Clay County.

Six Applications for Occupancy on the Right of Way of County Highways were presented on behalf of Clay-Union Electric for directional boring of cable in Sections 25, 26, and 27 in Township 95, Range 53 on 302 St. and Sections 33 and 34 in Township 94, Range 51 on 309 St. Powell moved, seconded by Kephart and carried to approve all applications as presented.

An Application for Entrance from a Clay County Highway was presented on behalf of Gary Lundberg for a driveway to be located on Greenfield Rd. in Glenwood Township. Powell moved, seconded by Mockler and carried to approve the application as presented with work to be completed at the landowner's expense.

An Application of Entrance from a Clay County Highway was presented on behalf of Jason Carlson for a driveway to be located 400 ft. north of 302 St. on Greenfield Rd. Mockler moved, seconded by Kephart and carried to approve the application as presented with work to be completed at the landowner's expense.

Mockler moved, seconded by Kephart and carried to approve payment by the County for a culvert to be installed by the Township for the entrance to the Lodi Cemetery on 461 Ave. south of 304 St.

Gene Lunn, Director of Equalization, met with the Board to present the Annual Audit Compliance Report. Powell moved, seconded by Mockler and carried to accept the report.

The Board reviewed proposals for the renovation of the small courtroom. Powell moved, seconded by Mockler and carried to accept the bids from Ty's Building Service for \$5065.32, Total Flooring for \$1710.00, Johnson Electric for \$970.00, and Ken Bonte for \$400.00.

Cynthia Aden, Zoning Administrator, met with the Board to discuss Zoning Ordinance Section 3.07. Mockler moved, seconded by Kephart and carried to direct Aden to take said ordinance before the Planning and Zoning Commission for revision.

The Board reviewed a proposed Jail Boarding Contract with Lincoln County. Powell moved, seconded by Mockler and carried to authorize the Chairman to sign the contract.

At 10:37 a.m., Mockler moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, April 8, 2014 at 9:00 a.m.

Raymond Passick, Chairman Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor

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FEST

From Page 01

the USD College of Fine Arts Department of Theatre and produced by Coyoteopoly, the student-run service organization from the Beacom School of Business.

The festival brought "As You Like It" to the community in 2012, along with a variety of classes and related educational sessions, all of which were offered free to the public.

While there was no play in 2013, the learning opportunities still were offered.

The city lent its support to SDSF Monday by passing a resolution of civic co-sponsorship, citing among other reasons the fact that Coyoteopoly has returned more than \$200,000 in benefits to the Vermillion area.

The council passed a similar resolution in 2011.

A special permit to exceed permissible sound levels by no more than 50 percent from 6-10 p.m. the nights of the festival also was awarded.

Festival-related street closures were finalized Monday, as well.

City Manager John Prescott said East Main Street will be closed from Plum Street to Sycamore Avenue the nights of the festival from 6-10 p.m.

According to a city council agenda memo, the barricades will be staffed so emergency vehicles can get through if necessary, similar to what was done in 2012.

"The goal of the closure is to limit traffic noise during the production," the memo read.

"The production begins at 7 p.m. and will end at approximately 9:30 p.m. East Main Street would only be closed during this time on the three nights of the performance.

"The intersection of East Main and Plum Street would remain open during the production," the memo read.

All three items passed unanimously, and Prescott added that the city probably see more business related to the festival at its next four meetings.

One of these is the allowance of a beer garden in the park during the festival, Prescott said.

Gordon-Bland said that in its first year, SDSF reached approximately 1,600 people through its performances and educational opportunities.

"The 2014 season will return to a festival schedule similar to our 2012 structure, including a full production in Prentiss Park, a scholar's roundtable event and continuation of our workshop series for youth," she said.

The official SDSF Web site said that in future seasons the activities will expand in program as well as geographic scope.

"As our theatre company grows in stability and financial efficacy we plan to expand our offerings to a repertory season of two or more plays, to extend the reach of our performances and educational programming beyond Vermillion, and to offer educational outreach programming beyond the summer months," the site reads.

"By touring to schools, outdoor parks, and venues throughout the state and region, we strive to reach beyond larger urban centers and expose geographically remote and historically under-served communities to the immensely valuable cultural, artistic and social experience of a state-wide Shakespeare Festival."

The growth will occur moderately in conjunction with increased fundraising and expanded budgets, with the ultimate goal being to "expand beyond Vermillion through performances and/or educational outreach programming by the 2018 season," the site reads.

For more information, visit sdshakespearefestival.org/.

Please Recycle!