

2010 Legal and Public Notices

OFFICE OF COUNTY COMMISSIONERS CLAY COUNTY
211 WEST MAIN, SUITE 200 VERMILLION, SOUTH DAKOTA 57069

RESOLUTION# 2012-21

A RESOLUTION AUTHORIZING THE U.S. ARMY CORPS OF ENGINEERS TO ENTER UPON THE ACQUIRED RIGHTS-OF-WAY OF THE VERMILLION AREA BANK PROTECTION PROJECT; and

WHEREAS, Clay County, has acquired the necessary lands, easements, and rights-of-way and now desires to grant to the United States of America, the United States Army Corps of Engineers, its employees, agents, and contractors the right to enter in, over, and upon the lands, easements, and rights-of-way acquired for the construction of said projects.

NOW, THEREFOR, BE IT RESOLVED that Clay County, accept the activity of said project by the United States of America, the U.S. Army Corps of Engineers, Its employees, agents and contractors shall be, and are hereby, authorized to enter in, over, and upon said lands, easements and rights-of-way acquired for the construction of said project; and that Clay County shall not be involved in any maintenance or repair of said project and hereby is authorized to execute this resolution and to transmit a copy thereof to the U.S. Corps of Engineers for the purposes set forth above.

A motion by _____ seconded by _____, and carried.

Passed and approved the 7th day of August, 2012

Leo F. Powell, Chairman
 Board of County Commissioners

ATTEST: _____
 Ruth A. Bremer, County Auditor
 Clay County, South Dakota

Rod Polley/Hwy Supt. met with the Board to discuss highway matters. Ron Bannwarth/Butler Machinery, Sioux Falls presented the Board contracts for the recent purchase of motor graders. Packard moved, seconded by Kephart and carried to authorize the Chairman to sign the contracts as recommended by the Hwy Supt.

Quotes received from two contractors for the proposed work to be done on 316th St. by the residents in the housing development were reviewed. Those attending: Annar Peterson, Randy Bertram, Art Mabry, Tom Merrigan, Vermillion Twp Supervisor and Michelle Hauck, Vermillion Twp Treasurer. Those attending have concerns about how to pay for the repairs as neither the residents nor the township can come up with the amount needed and requested the county to take over this 1/4 mile of road or once fixed take over the repairs when needed at the cost of the twp. The County cannot provide funding to them as they are under the township jurisdiction and they were recommended to propose a larger opt out to pay for the project or to delay the project until they have enough funding put aside.

The Board will revisit this again at the August 28th meeting, giving the township time to get a biring done to see what condition the base of their road is in, and what process will work to fix the road.

The Board discussed county road ditch 313th St. south side in Sec.25, Spirit Mound Twp requested by Mark Hubert, as to cleaning. The Hwy Dept has already cleaned out what was necessary for proper drainage according to county specs.

The Hwy Budget for 2013 was reviewed.

Dennis Ganschow/Weed Supervisor met with the Board to discuss concerns of weed compliance. The Board reviewed the Weed Budget for 2013.

Cathi Powell/Treasurer met with the Board to discuss the Treasurer's Budget for 2013.

The Register of Deeds Statement of Fees Collected for July 2012 for \$16,054.50 and the following Auditor's Account with the County Treasurer for July 2012 were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County

items in the hands of the County Treasurer as of July 31, 2012

I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks 2,554,846.33
 Amount of actual cash 2,026.37

Total amount of checks and drafts in Treasurer's

Possession not exceeding three

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days 78,795.14
 Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days: 1,331.64
 Checks returned and not deposited Cash Items
 Investments 251,000.00
 Cash Variation
 Total 2,887,999.48
 Dated this 1st Day of August, 2012.

Ruth A. Bremer, County Auditor

At 11:55 a.m. Packard moved, seconded by Kephart and carried to adjourn and reconvene on Tuesday August 14th at 9:00 a.m.

Leo F. Powell, Chairman
 Board of County Commissioners

Ruth A. Bremer/County Auditor
 Clay County, South Dakota

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Published: August 17, 2012

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF EDGAR THORNTON PFEIL, III

DECEASED.

PRO. 12-25

NOTICE TO CREDITORS

Notice is given that on the 30th day of July, 2012, Margaret Crew, whose address is 2531 E. Main St., Vermillion, SD 57069 was appointed as Personal Representative of the Estate of Edgar Thornton Pfeil, III.

Creditors of decedent must file their claims within four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Dated this 31st day of July, 2012.

Margaret Crew
 2531 E. Main St.
 Vermillion, SD 57069

Clerk of Courts
 PO Box 377
 Vermillion, SD 57069
 Ph:605-677-6756

Prepared by:
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Published: August 3, 10, 17 & 24, 2012

NOTICE OF BUDGET HEARING

The Vermillion Basin Water Development District (VBWDD) hereby gives notice that on Wednesday the 22nd day of August 2012, at 7:30 p.m. in the district office located at 1111 Railway in Centerville, South Dakota, the VBWDD will hold a public hearing with respect to the development of an operations budget and report of distribution at the above noted time and place. All interested persons may appear and give testimony concerning the proposed budget.

Arden Abild
 Chairman, VBWDD

VERMILLION BASIN WATER DEVELOPMENT DISTRICT

2013 PROPOSED BUDGET

APPROPRIATIONS, ADMINISTRATION, AMOUNT
 Board of Directors \$3,000.00
 Manager \$5,500.00
 Travel \$3,000.00
 Office Expense
 Telephone \$2,200.00
 Postage \$100.00
 Supplies \$750.00
 Equipment & Repairs \$1,000.00
 Rent \$3,180.00
 Payroll Expenses \$500.00
 Publishing \$750.00
 Miscellaneous \$500.00

Total Office Expense \$8,980.00
 Legal & Professional \$1,000.00
 Dues \$150.00
 Insurance & Bonds \$2,500.00

TOTAL ADMINISTRATION \$24,130.00

PROJECT ASSISTANCE (uncommitted) \$31,570.00
 PROJECT ASSISTANCE (committed) \$15,000.00

TOTAL FY 2013 BUDGET \$70,700.00

MEANS OF FINANCE

FUND BALANCE APPLIED TO

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FY13 BUDGET \$5,000.00
 INTEREST INCOMES \$200.00
 WDD TAX LEVY FOR YEAR 2013 \$65,500.00
 TOTAL MEANS OF FINANCE \$70,700.00
 Published twice at the total approximate cost of \$42.66
 Estimated publishing cost per published copy \$0.458
Published: August 10 & 17, 2012

NOTICE OF APPLICATION FOR MINOR AIR QUALITY OPERATING PERMIT

The South Dakota Department of Environment and Natural Resources (DENR) received and reviewed the application for a minor air quality operating permit for the following applicant:

APPLICANT NAME: Clay Rural Water System, Inc.

FACILITY LOCATION: Wakonda, South Dakota

The minor air quality operating permit will allow the operation of the following processes and units:

1. Generator - 1995 Cummins Onan Model # 200 DFAA/79481E diesel fuel fired generator.

A review of this facility indicates Clay Rural Water System, Inc. can operate the water treatment plant generator used for peak shaving in compliance with South Dakota's Air Pollution Control rules and the federal Clean Air Act. DENR, therefore, recommends the Board of Minerals and Environment issue a minor air quality operating permit to Clay Rural Water System, Inc. with conditions to ensure compliance with South Dakota Codified Laws (SDCL) 34A 1 and the federal Clean Air Act.

In accordance with the Administrative Rules of South Dakota (ARSD) 74:36:04:12, any person desiring to comment on DENR's draft permit conditions must submit written comments to the address below by close of business on the thirtieth day of this public notice. Comments may be directed to the following mailing address: Ashley Brakke; PMB 2020; Department of Environment and Natural Resources; 523 East Capitol; Pierre, South Dakota 57501. DENR will consider and address all comments submitted and issue a final permit decision pursuant to ARSD 74:36:04:12.01. DENR will notify the applicant and each person that requested notice or submitted written comments of DENR's final permit decision, including notification of any changes to the permit based on the comments.

Any person desiring to contest the issuance of this permit and have a contested case hearing must file a petition, which complies with ARSD 74:09:01:01. This petition must be filed either by close of business on the thirtieth day of this public notice or, if that person submits comments on DENR's draft permit pursuant to the paragraph above, within thirty days of receiving notice of DENR's final permit decision. Upon receipt of a petition, DENR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.

If no comments or objections are received by close of business on the thirtieth day of this public notice, the draft permit becomes the final permit decision and the proposed permit will be issued.

Copies of DENR's draft permit conditions and other information may be obtained from Ashley Brakke, Engineer I, at the above address or telephone at (605) 773-3151 or from DENR's website at: http://denr.sd.gov/des/aq/aapub_not.aspx
 Steven M Pirner, Secretary
 Department of Environment and Natural Resources

Published once at the total approximate cost of \$39.44
 Estimated publishing cost per published copy \$0.212
Published: August 17, 2012

NOTICE OF APPLICATION NO. 7374-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30656 455th Ave, Volin, SD 57072 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (98 feet deep) located in NW 1/4 SE 1/4 Section 19 for irrigation of 268 acres located in the NE 1/4 Section 19 and S 1/2 NW 1/4 SW 1/4 Section 20; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7374-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on petition contesting the Chief Engineer's recommenda-

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tion. 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 August 27, 2012.

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 \$27.67

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Published: August 17, 2012

Notice of Sale of Surplus Property

Notice is hereby given that the Finance Officer of the City of Vermillion, South Dakota, will receive sealed bids for the sale of the following surplus personal property, pursuant to the provisions of SDCL 6-13-4 at City Hall in Vermillion, South Dakota on the **28th day of August, 2012, at 10:00 a.m.** Such bids will be publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall located at 25 Center Street on the 4th day of September, 2012, at 7:00 p.m. Sale will be to the highest bidder for cash (but not less than 90% of the appraised value of said property).

2009 Ford Crown Victoria police package 4 door sedan which has been appraised at \$5,000.00

Copies of the bid documents may be obtained at the office of the Utilities Engineer, 25 Center Street, Vermillion, South Dakota, 57069. All sealed bids must be accompanied by a certified check or cashier's check made payable to the City of Vermillion, South Dakota, in the amount of ten percent (10%) of the bid. All bids shall be on forms provided by the City and may not be withdrawn for a period of thirty (30) days after the opening of bids.

Dated at Vermillion, South Dakota this 14th day of August 2012.
 City of Vermillion

By: _____
 Jason Anderson, Assistant City Engineer

Published twice at the total approximate cost of \$34.62

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Published: August 17 & 24, 2012

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 **University Track Complex**, University of South Dakota, Vermillion, South Dakota, **OSE# R0612-02X/TRACK.**

The project will include an 8 lane all-weather track; a building consisting of toilet rooms, concessions, storage, elevator and press box; exterior spectator bleacher seating; and lighting for illumination of the track venue and the building complex. The total project budget is \$5,000,000 and is to be constructed during 2013. 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 outlining their qualifications including past experience with similar projects, resumes of key personnel who will be assigned to this job including subconsultants, 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

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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, August 27, 2012.** 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 perform 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 at the total approximate cost of \$40.62

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Published: August 17, 2012

Unapproved Minutes Council Special Session August 6, 2012 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 6, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Meins, Osborne, Ward, Willson, Zimmerman,

Absent: Davies, Grayson, Mayor Powell

President Osborne requested a moment of silence in remembrance of Roger Kozak who passed away last week. Roger served the City as Mayor and Alderman.

2. Educational Session - Transportation Study Report - Bill Troe and Jason Carbee, URS Corp.

Jose Dominguez, City Engineer, reported that earlier this year the City received a State matching grant to update the transportation study for the city. Jose noted that the City contracted with URS, Corp for the transportation study and that Bill Troe, Transportation Engineer with URS, Corp, is present to update the City Council on the progress on the report.

Bill Tore, Transportation Engineer, reported that the study was multimodal including auto/truck/bike/pedestrian. The study looked at the needs for today as well as needs for the next 20 years including the growth areas outside the city. Community input was obtained with recommendations developed within budget and also items outside the budget. Bill reviewed areas of concern and proposals for bike/pedestrian path extensions as well as roadway elements of the report. He reviewed the report recommendations and answered questions of the City Council on the report.

3. Briefing on the August 6, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

272-12

Alderman Meins moved to adjourn the Council special session at 12:40 p.m. Alderman Willson seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of August, 2012.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA
 BY _____
 Kent Osborne, President

ATTEST:
 BY _____
 Michael D. Carlson, Finance Officer

Unapproved Minutes City Council Regular Session August 6, 2012 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 6,

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2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Thiel

Absent: Grayson

Mayor Powell requested a moment of silence in remembrance of Roger Kozak who passed away last week. Roger had service as Mayor and Alderman.

2. Pledge of Allegiance

A. July 16, 2012 Special Session; July 16, 2012 Regular Session

3. Minutes

273-12

Alderman Willson moved approval of the July 16, 2012 special session minutes and the July 16, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

274-12

Alderman Willson moved approval of the agenda. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

Mayor Powell read a response to the letter to the editor about the Stanford Street Project.

6. Public Hearings

A. Resolution of Necessity for Sidewalk Safety Improvements

Jose Dominguez, City Engineer, reported that the City Council requested staff to develop a list of sidewalk gaps within the city. Since then, the list has been refined through several discussions with the City Council. The list of properties is designed to complete gaps in the existing sidewalk system and address pedestrian safety. The City Council passed the resolution setting tonight as the public hearing for the resolution of necessity for the project. Jose noted that the resolution calls for the sidewalks to be installed by October 31, 2012 or the demonstration that the sidewalk is under contract to be completed by December 31, 2012.

275-12

After reading once, Alderman Zimmerman moved approval of the following resolution. Alderman Meins seconded the motion. Discussion followed on the completion date.

276-12

Alderman Willson moved to amend the motion to adjust the completion date to October 31, 2012, or if the property owner can demonstrate that the sidewalk is under contract to be completed no later than June 1, 2013. Alderman Collier-Wise seconded the amendment. Discussion followed on the amendment noting the need for additional time to allow contractors time to complete the work without driving prices up. Amendment carried 8 to 0. Mayor Powell declared the motion amended.

The original resolution as amended.

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR SIDEWALK SAFETY IMPROVEMENTS IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 6th day of August, 2012, that a necessity has arisen for sidewalk improvements along the parcels of land hereinafter named, viz:

Violation Address, Violation Legal Description, Violation Addition, Violation Parcel Number

16 N. Dakota Street, Lots 1, 2, 3 & 4, Block 33, Snyders, 15720-03300-040-00; 1708 Vonnie Street, Lot 3 Exc. E 48', Block 4, Westgate, 15840-00400-030-00; 818 James Street, Lot 2 & E 48' of Lot 3, Block 4, Westgate, 15840-00400-020-00; 1804 Vonnie Street, Lot 28, Block 4, Westgate, 15840-00400-280-00; 1822 Vonnie Street, Lot 25, Block 4, Westgate, 15840-00400-250-00; 1846 Vonnie Street, Lot 21 & N 40' of Lot 22, Block 4, Westgate, 15840-00400-210-00; 1840 Vonnie Street, Lot 22 Exc. N 40', Block 4, Westgate, 15840-00400-220-01; 1708 Constance Drive, Lot 2, 3, 4, 5 and 5A, Block 5, Westgate, 15840-00500-020-00; 1700 Constance Drive, Lot 1, Block 5 Westgate, 15840-00500-010-00; 916 N. University Street, S 111.75' of E 143' of Lot M-2 NE 1/4 13-92-52, Miscellaneous Entries, 15880-09252-131-04; 501 N. Crawford Road, N 45' of Lot 7 & All of Lot 8, Block 1, LaCroix, 15365-00100-080-00; 515 N. Crawford Road, Lot 10, Block 1, LaCroix, 15365-00100-100-00; 716 Rose Street, Lot 1 & E 1/2 of Lot 2, McKellars, 15430-00000-020-00; 1722 Baylor Street, Lot 7 & 8, Block 3, Westgate, 15840-00300-070-00;