

2010 Legal and Public Notices

5% of the base bid and all add alternates and drawn on a State or National Bank or a 10% bid bond issued by a surety authorized to do business in the State of South Dakota and made payable to the Board of Regents of the State of South Dakota.

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

Effective January 9, 2013, the University of South Dakota is a smoke-free campus.

KRISTI HONEYWELL, P.E.
State Engineer
Office of the State Engineer

Published once at the total approximate cost of \$53.61

Published: August 9, 2013

INVITATION TO BID
BAPTIST CREEK BANK
STABILIZATION - PHASE 1
CLAY COUNTY, SOUTH DAKOTA

Sealed Bids will be received by the Board of County Commissioners of Clay County, South Dakota until 9:00 AM on Tuesday the 13th day of August, 2013 for the above referenced Project. Bids shall be prepared and submitted in strict accordance with the Bidding Documents.

At or shortly after the time named above and within the Clay County Courthouse, such Bids will be publicly opened, read aloud, and referred to the County Highway Superintendent for review. Bids will be passed upon by the Board of County Commissioners of Clay County following the County Highway Superintendent's review.

The Project includes the following Work:

Channel cleaning including excavation, surface restoration, and related items as well as placing rip rap and turf reinforcement mat along Baptist Creek for approximately 4,000 feet

The Work to be performed under this contract shall be substantially completed on or before the 1st day of November, 2013.

Each bid shall be accompanied by a Bid Security as described in the Bidding Documents. The Successful Bidder shall be required to provide Payment and Performance Bonds as described in the Bidding Documents

Bidding Documents may be examined at the following locations:
Clay County Courthouse
211 W. Main St., Suite 200
Vermillion, SD 57069
(605) 677-7120

Clark Engineering Corporation
1410 W Russell St
Sioux Falls, SD 57104
605-331-2505

A copy of the Bidding Document may be obtained from the Sioux Falls office of Clark Engineering located in the Convention Center Plaza, 1410 West Russell Street, Sioux Falls, SD 57104-1328 [Telephone (605) 331-2505].

Clay County reserves the right to accept or reject any and/or all Bids as set forth in the Bidding Documents.

BY: _____
Rodney Polley
Clay County Highway Superintendent

PUBLISH: August 2nd, August 9th

Published twice at the total approximate cost of \$60.18

Published: August 2 and 9, 2013

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE
ESTATE OF
LILLIAN B. AMUNDSON,

DECEASED.

PRO 13-27

NOTICE TO CREDITORS

Notice is given that on the 1st day of August, 2013, Sandra J. Amundson, whose address is 1703 Arnold Palmer Lane, Elk Point SD 57025, was appointed as personal representative of the estate of Lillian B. Amundson, Deceased.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

2010 Legal and Public Notices

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.

/s/ _____
Sandra J. Amundson
1703 Arnold Plamer Lane
Elk Point, SD 57025
605-670-8388

JESSICA BOSSE
CLERK OF COURTS
211 W. MAIN STREET
VERMILLION, SD 57069
(605)677-6756

CRAIG K. THOMPSON
CRAIG K. THOMPSON LAW OFFICES
P.O. BOX 295
VERMILLION, SD 57069
(605)624-2097
craig@cktlaw.net

Published three times at the total approximate cost of \$55.47

Published: August 9,16, and 23 2013

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

OneWest Bank, FSB,

Plaintiff,

vs,

Miranda Halvorson; Jeremy Lindula; Citibank (South Dakota) NA; and any person in possession,

Defendants.

Civil No. 12-307

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$84,261.20 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 June 12, 2013, for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated September 21, 2007, which Miranda Halvorson and Jeremy Lindula, Mortgagees, executed and delivered to Mortgage Electronic Registration Systems, Inc., Mortgagee:

The East 391 Feet of Anderson Tract I in the W1/2 of the NW 1/4 of Section 13, Township 94 North, Range 53 West of the 5th P.M., Clay County, South Dakota.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the September 21, 2007, in Book 126, Page 698; said mortgage has been assigned to OneWest Bank, FSB, by Assignment of Mortgage dated May 17, 2011, recorded May 25, 2011, in Book 132 of Mortgages, Page 80, in order to realize the amount of \$64,800.00, as of September 21, 2007, plus interest accruing thereafter on said amount at the rate of 8.625% 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 easements and restrictions of record, 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 August 22, 2013, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee or the Mortgagee's attorney.
Dated June 27, 2013.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

By: _____
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 \$63.45.

Published: August 9 & 16, 2013

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 19th day of August, 2013 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the fol-

2010 Legal and Public Notices

lowing application for a special permit to exceed allowable sound levels on Saturday, August 24, 2013 between the hours of 9:00 p.m. and midnight which has been filed in the Finance Officer's Office:

Pi Kappa Alpha request for a special permit to exceed allowable sound levels in the open lot in the southwest corner of Cherry and Pine Streets on Saturday, August 24, 2013 from 9:00 p.m. and midnight for student welcoming concert.

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 for special permit.

Dated at Vermillion, South Dakota this 2nd day of August, 2013.

Michael D. Carlson,
Finance Officer

Published once at the total approximate cost of \$17.21

Published: August 9, 2013

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 19th day of August, 2013 at the hour of 7:00 p.m. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permit to exceed allowable sound levels which has been filed in the Finance Officer's Office:

St. Agnes Catholic Church & School request for a special permit to exceed allowable sound levels for a celebration of the St. Agnes campaign in the parking lot east of the school building at 909 Lewis Street, Wednesday, September 11, 2013 between 6:00 p.m. and 8:30 p.m.

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 for special permit.

Dated at Vermillion, South Dakota this 2nd day of August, 2013.

Michael D. Carlson,
Finance Officer

Published once at the total approximate cost of \$16.55

Published: August 9, 2013

NOTICE OF PUBLIC HEARING OF APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 19th day of August, 2013 at the hour of 7:00 P.M. at City Hall Council Chambers will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Retail On-off Sale Malt Beverage with the addition of SD Farm Wine;
Varsity Pub, LLC for the Varsity Pub at 113 E. Main.

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 2nd day of August, 2013

Michael D. Carlson,
Finance Officer

Publish: August 9, 2013
Published once at the total approximate cost of \$16.22

Published: August 9, 2013

NOTICE OF PUBLIC HEARING ON APPLICATION FOR SALE OF MALT BEVERAGES OUTSIDE MUNICIPALITIES

NOTICE IS HEREBY GIVEN THAT: The Board of County Commissioners in and for Clay County, South Dakota, on the 13th day of August 2013 at 9:10 a.m., at the Clay County Courthouse in the County Commissioners meeting room, will meet in regular session to consider the following application for Malt Beverage License to operate outside

2010 Legal and Public Notices

of a municipality for one (3) day license which has been presented to the Board of County Commissioners and filed in the County Auditor's Office.

Coyote Country Rodeo Club, Norway Township, Section #20 (On-sale malt beverage August 23, 24 & 25, 2013)

NOTICE IS FURTHER GIVEN THAT any person or their attorney may appear at said scheduled Public Hearing who is interested in the approval or rejection of any such application.

Carri R. Crum
Clay County Auditor

Published once at the total approximate cost of \$15.39

Published: August 9, 2013

The University of South Dakota is accepting sealed bids for Carpenter's Storage Roof Modifications until 2:00 P.M., August 23, 2013. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Copies of the bid solicitation and specifications are available through the office of A&D Technical Supply, 1822 N Street, Lincoln, NE. phone: 402-474-5454. The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$11.62

Published: August 9 & 16, 2013

July 30, 2013
Commissioner Meeting

The Board of County Commissioners met in regular session Tuesday, July 30, 2013 at 9:00 a.m. Members present: Kephart, Mockler, Packard, Passick, and Powell.

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

Minutes of the July 9th regular meeting and the July 18th special meeting were amended and approved with a motion by Powell seconded by Packard and carried.

Carri Crum, County Auditor, discussed with the Board the creation of a Personnel Manual Review Committee. The County periodically reviews the Personnel Manual for any necessary updates, and it is time to do so. It was the consensus of the Board to ask the department heads who previously participated to review the manual again, and that Commissioner Mockler also participates.

Rod Polley, Highway Superintendent, and Kevin Goff, Clark Engineering, met with the Board to discuss bidding of the Baptist Creek Project. Powell moved, seconded by Packard and carried to authorize an invitation to bid the project.

An Application for Entrance from a County Highway was presented for Jerry Prentice in the SE1/4, Section 21, Spirit Mound Township, on 313 St. Powell moved, seconded by Kephart and carried to authorize the Chairman to sign approval of said application as recommended by the Highway Superintendent.

An Application for Entrance from a County Highway was presented for Mathias Burbach in the NE1/4, Section 1, Vermillion Township, on University Rd. Packard moved, seconded by Mockler and carried to authorize the Chairman to sign approval of said application as recommended by the Highway Superintendent.

An Application for Occupancy on the Right of Way of County Highways was presented for Clay-Union Electric for directional boring in Section 33, Fairview Township, on Saginaw Avenue. Mockler moved, seconded by Kephart and carried to authorize the Chairman to sign approval of said application as recommended by the Highway Superintendent.

Polley discussed the 5-year Road Plan with the Board. It was the consensus of the Board that Polley continue developing a maintenance-oriented plan to be presented to the Board at a later date.

The 2014 budget for the Highway Department was reviewed, including possible plans for bidding the construction of a building at the Wakonda Highway Shop site. The possibility of saving money for a building by utilizing capital outlay was discussed. It was also discussed that certain Commissioners are familiar with the current pricing for a similar building. Packard moved, seconded by Powell and carried to approve the budget request with the exception of allowing \$100,000 towards a building instead of the requested \$200,000.

Ruth Bremer met with the Board to discuss the condition of 313 St. She presented neighbor-

2010 Legal and Public Notices

hood concerns about the poor condition of the gravel surface. Polley acknowledged that the Highway Department is working on it. Cost estimates for a complete overhaul were discussed, and Polley did say that 313 St. is a part of the 5-year Road Plan.

Teddi Gertsma, State's Attorney, met with the Board to discuss the 2014 budget for the State's Attorney's Office.

Jason Rumpca, Dave Stuart, Rachel Rasmussen, all of Peterson, Stuart, Rumpca, & Rasmussen, Prof. LLC and Teddi Gertsma, State's Attorney, met with the Board to discuss renewal of the Public Defender contract. Powell moved, seconded by Packard and carried to renew the contract as proposed.

Crystal McGuire, Senior Citizen Services of Vermillion, Inc. Executive Director, met with the Board to discuss the 2014 budget allocation request of \$15,000. Powell moved, seconded by Kephart and carried to approve a \$14,000 budget allocation for 2014.

Bob Iverson, City of Vermillion Solid Waste Director, met with the Board to discuss the 2014 Waste Management budget.

Cynthia Aden, Zoning Administrator, and Michael D. Manning met with the Board to present a Variance Application for a grain bin in the SW1/4, except Parcel A, Section 35, Prairie Center Township. Powell moved, seconded by Mockler and carried to approve the application as presented.

Mockler moved, seconded by Packard and carried to pass and adopt the following resolution approving Survey Plat of Lots Y and Z, in the N1/2 of the NE1/4, Section 23, T93N, R52W of the 5th P.M., Clay County, South Dakota; US Farmland Fund Limited Partnership, 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 Lots Y and Z in the N1/2 of the NE1/4 of Section 23, T93N, R52W of the 5th P.M., Clay County, South Dakota, US Farmland Fund Limited Partnership, 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.

SN/ _____
Raymond Passick, Chairman
Board of County Commissioners

I, Carri Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on July 30, 2013.

Carri R. Crum
County Auditor, Clay County, SD

Terry Taggart, Clay County Conservation District, met with the Board to discuss the 2014 budget allocation request of \$35,000. Packard moved, seconded by Mockler to approve a 2014 budget allocation of \$27,500 until such time as Taggart is able to return with detailed expenditure and revenue projections for 2014, at which time the Board would reconsider the request. Upon vote of the Commissioners, Mockler, Packard, and Kephart voted Aye; Powell voted Nay. The motion passed.

Powell moved, seconded by Packard and carried to pass and adopt the following resolution for Fire Premium Refund.

RESOLUTION # 2013-13
Insurance Tax Distribution
Fire Premium Refund

WHEREAS, CLAY COUNTY has been issued a warrant in the amount of \$37,077.55 by the State of South Dakota, in accordance with SDCL 10-44-9.5 for a proportional share of the Fire Insurance Premium tax to be allocated to those Fire Departments currently certified by the Department of Public Safety based on the as-

2010 Legal and Public Notices

essed value and population in the area served by each Fire Department.

NOW THEREFORE, BE IT RESOLVED that distribution be made to all certified Fire Departments in Clay County, based on the assessed valuation and population in the area served by each Fire Department and shall be divided one-half in the same ratio as the assessed valuation of all property and one-half in the same ratio as the population of the area serviced.

BE IT FURTHER RESOLVED that the distribution of \$37,077.55 is made to the following Fire Departments in the amounts stated below and warrants ordered drawn by the County Auditor's Office.

Vermillion- \$29,204.08 (78.764%), Wakonda- \$3,042.72 (8.205%), Irene- \$582.00 (1.569%), Beresford- \$1,723.93 (4.648%), Centerville- \$1,195.54 (3.223%), Gayville- \$1,070.28 (2.886%), Volin- \$259.00 (0.697%).

Commissioner Powell moved the adoption of the foregoing Resolution; motion seconded by Commissioner Packard.

Vote of the Commission: Aye 4 Nay 0

Upon which voting the resolution was declared passed and adopted

Dated at Vermillion, South Dakota this 30th day of July, 2013.

BOARD OF COUNTY COMMISSIONERS

CLAY COUNTY, SOUTH DAKOTA

Raymond Passick, Chairman

ATTEST:

Carri R. Crum, County Auditor

Powell moved, seconded by Packard and carried to pass and adopt the following resolution for County Site Analysis.

RESOLUTION #2013-14
AUTHORIZING
RESOLUTION
COUNTY SITE ANALYSIS

WHEREAS the Clay County Board of County Commissioners is interested in the analysis of rural sites for potential development; and

WHEREAS this research is based upon various infrastructure, road and land use factors; and

WHEREAS the research may identify sites that are suitable for development according to a classification scale, ranging from "good" to "best"; and

WHEREAS granting permission for such research is not a public declaration of county support for any specific development activity or project; and

WHEREAS the cost of the research is being addressed by other sources, such as the South Dakota Department of Agriculture; and

WHEREAS the results of the research will be made available to the county commission and general public.

NOW THEREFORE BE IT RESOLVED by the Clay County Commission that it authorizes the South Dakota Department of Agriculture and its partner Planning and Development Districts to conduct the research on behalf of the county and other interested parties.

BE IT ALSO RESOLVED that Clay County officials will cooperate in providing any readily available data or information that may be needed in conducting the research.

Adopted this 30th day of July 2013.

SIGNED:

Chairman, Board of County Commissioners

ATTEST:

County Auditor, Clay County

At 11:54 Mockler moved, seconded by Packard and carried to adjourn and convene as Ditch Board.

The Board reviewed a proposal from Johnson Engineering Company for engineering services for channel clean-out and bank stabilization for a segment of Clay Creek Ditch from the end of the ditch to 313 St. Packard moved, seconded by Mockler and carried to accept the proposal with the following changes to the tree re-