

2010 Legal and Public Notices

NOTICE TO CREDITORS

Notice is given that on the 5th day of August, 2014, Mark R. Mollet, whose address is 31541 468th Avenue, Burbank, SD 57010, was appointed as personal representative of the estate of Frances L. Mollet, 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.

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.

Mark R. Mollet
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(605)670-1289

JESSICA BOSSE
CLERK OF COURTS
211 W. MAIN STREET
VERMILLION, SD 57069
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**Published three times at the total approximate cost of \$55.51
Publish: August 8, 15, & 22, 2014.**

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

In the Matter of the Petition of Brooke Eleanor Kuecker

For a Change of Name to Madison Brooke Heinz

CIV: 14-77

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Brooke Eleanor Kuecker the object and prayer of which is to change Petitioner's name from Brooke Eleanor Kuecker to Madison Brooke Heinz. On the 3rd day of September, 2014, at the hour of 9:30 a.m. said verified petition will be heard by this Court before the Honorable Steven R. Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 21st day of July, 2014 at Vermillion, South Dakota.

Jessica Bosse
Clerk of Court

ATTEST:

Clerk of Court
By: _____
Deputy

**Published four times at the approximate cost of \$68.08.
Publish: July 25, August 1, 8, & 15, 2014.**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vermillion Planning Commission will meet at 5:30 p.m. on Monday, the 25th day of August, 2014, in the large conference room at City Hall, located at 25 Center Street in the City of Vermillion, at which time the said Planning Commission will hear, consider and act upon a recommendation for the following:

A proposal to rezone the following real property:

Lots 1-4, Hospital Addition to the City of Vermillion, Clay County, South Dakota, from the R-2 Residential District to the Community Oriented Healthcare Planned Development District; and

Lots 1-15, Kahl's Addition and Lots 11-20, Block 3, Eastside Addition, to the City of Vermillion, Clay County, South Dakota from the NC Neighborhood Commercial District to the Community Oriented Healthcare Planned Development District.

2010 Legal and Public Notices

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. The hearing is open to all interested parties. Information regarding accessibility for the disabled may be obtained by calling the Office of the City Manager at 677-7050. Anyone unable to attend may submit written comments prior to the hearing.

Publish: August 15, 2014

Published once at the approximate cost of \$18.86

Unapproved Minutes Council Special Session
August 4, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 4, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

2. Public art sculpture project - Dr. Larry Schou, USD College of Fine Arts

Dr. Larry Schou, Dean of USD College of Fine Arts, requested City Council consideration of a Vermillion Sculpture Walk program. Dr. Schou stated that USD entered into an agreement with the Sioux Falls Sculpture Walk for six sculptures that with the existing artworks on campus created the USD Sculpture. Dr Schou stated that the sculptures will enhance other areas of the community but noted that the City would have a separate agreement with the Sioux Falls Sculpture Walk. Dr Schou reviewed the costs noting that some are onetime costs but, for two sculptures, the cost would be \$6,620 for the two years. Dr Schou stated that the agreement will require the City to insure the sculptures, install the base, quartzite block and metal base for attaching the sculpture. Dr Schou stated that he is forming a local committee to help select and fundraise to offset some of the costs but would like some funding from the City. Dr Schou answered questions of the City Council noting that the Sioux Falls Sculpture Walk group would need to know the extent of the City commitment.

Mayor Powell asked the City Council for a consensus of how to proceed noting that without any objections they would ask the City Manager to work with Dr Schou on the Vermillion Sculpture Walk proposal for future consideration.

3. Proposed Fire Inspector position - Shannon Draper, Fire Chief

John Prescott, City Manager, stated that this a follow up to the report made last fall by Chief Draper on the lack of time to do all the inspections required. Shannon Draper, Fire Chief, reported on the fire prevention programs, public education programs, code compliance and building inspections. Chief Draper noted that he estimates that there are about 300 locations that should have an annual fire inspection and that he has only inspected about 13% of those. Shannon reviewed examples of items he found during inspections noting that the owners are not deliberately committing these violations but are unaware of the requirements. Chief Draper requested a half time position for a Fire Marshal position that would do inspections, document occupancies, plan review and education programs. He estimated the cost for this position at \$14,560 per year. Chief Draper proposed establishing an inspection fee that would offset some of the costs of the new position including explaining how other cities charge for such inspections. Chief Draper answered questions of the City Council on the inspection program and the fees noting that public education will be required before new fees are established.

4. Briefing on the August 4, 2014 City Council Regular Meeting

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

5. Adjourn

267-14
Alderman Ward moved to adjourn the Council special session at 1:07 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of August,

2010 Legal and Public Notices

2014.
THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA
BY _____

John E. (Jack) Powell, Mayor
ATTEST:
BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
August 4, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 4, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 21, 2014 Special Session; July 21, 2014 Regular Session

268-14
Alderman Willson moved approval of the July 21, 2014 Special Session and July 21, 2014 Regular Session minutes. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

269-14
Alderman Clarene Meins moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation-National Night Out

Alderman Clarene Meins read the proclamation designating Tuesday, August 5th as "National Night Out" in Vermillion. Mayor Powell presented the proclamation to Matt Betzen, Police Chief. Matt stated that the events have changed this year and reviewed the events planned for National Night Out that include a scavenger hunt, four block parties and a movie at the National Guard Armory. Matt invited the community to take part in the events.

6. Public Hearings

A. Special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 8 and 9, 2014 at the Clay County Fairgrounds

Mike Carlson, Finance Officer, reported that an application was received from the Clay County Agricultural Fair Association for a special daily malt beverage and wine license on or about August 8th and 9th for the demolition derby and Ranch Rodeo during the Clay County Fair. The notice of hearing and Police Chief's report are included in the packet. Mike stated that Jessica Kennedy, representing the Fair Board, is present to answer questions. Mike recommended approval of the special license unless additional information is provided at the hearing. Jessica stated that the Fair Board will again this year be operating the beer garden.

270-14
Alderman Willson moved approval of the special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 8 and 9, 2014 at the Clay County Fairgrounds. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the University of South Dakota Foundation on or about October 10, 2014 at the USD Muenster Center

Mike Carlson, Finance Officer, reported that an application was received from the USD Foundation for a special daily malt beverage and wine license on or about October 10, 2014 at the USD Muenster University Center. Mike stated that the notice of hearing and Police Chief's reports are included in the packet. Mike noted that Michelle Green, representing the USD Foundation, is present to answer questions. Mike recommended approval of the special license unless additional information is provided at the hearing. Michelle Green, USD Foundation Director of Marketing & Strategic Communications, reported that USD Administration has requested the

2010 Legal and Public Notices

Foundation coordinate the public launch of Onward: The Campaign for South Dakota, which will be at the Muenster University Center from 6:00 p.m. to 10:00 p.m. on October 10th.

271-14
Alderman Ward moved approval of the special daily malt beverage and wine license for the USD Foundation on or about October 10, 2014 at the Muenster University Center from 6:00 p.m. to 10:00 p.m. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Resolution of Necessity for installation of street lighting along North Norbeck Street from Roosevelt Street to E. Cherry Street

Jason Anderson, Assistant City Engineer, reported that at the July 7th meeting the City Council adopted a resolution setting the public hearing for consideration of the Resolution of Necessity for installation of street lighting along North Norbeck Street from Roosevelt Street to Cherry Street. Jason stated that the total project cost including the 8% fiscal fee is \$9,622.80 and will be assessed over 10 years at 10% interest. Jason stated that the street lights from Roosevelt Street south to Clark Street will be installed as part of another street project this year. Jason noted that North Norbeck has been designated as a collector street since the Comprehensive Plan was adopted by the City in 2000. Jason noted that there are currently several apartment buildings being constructed or planned for construction south of this area that will increase the amount of traffic (vehicle, pedestrian and bicycles) causing the need for street lighting.

Catlin Collier representing Patricia Collier, owner of an adjoining property, stated that she has an urban orchard on this lot. Catlin noted that currently there is not a lot of traffic on this portion of Norbeck Street and no evidence was reported to support the increased traffic from additional apartments as currently traffic moves to the west to Jefferson Street. She questioned the 10% interest charged on the assessment for street lights for owner occupied homes and vacant lots that are to benefit the apartment owners to the south. Catlin was concerned about the trees on her property when the street lights are installed so they would not be damaged or killed.

Discussion followed with Jason Anderson stating that the street lights will be installed on the west side of Norbeck across the street from Mrs. Collier's trees. Jason noted that it is City policy to have street lights installed when the street is paved but there are some areas that lights were not installed years ago that are now requiring the lights be installed as surrounding property is developed.

272-14
After reading the same once, Alderman Willson moved adoption of the following:

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR INSTALLATION OF STREET LIGHTING ALONG NORTH NORBECK STREET FROM ROOSEVELT STREET TO EAST CHERRY STREET

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 4th day of August, 2014, that the necessity has arisen for the construction of street lighting along the parcels of land hereinafter named, viz:

- AFFECTED ADDRESS**
- AFFECTED LEGAL DESCRIPTION**
- AFFECTED PARCEL NUMBER**
- 1325 E. CHERRY
- E 173.2' OF LOT 17, BLK 1, EXC S 90' & EXC LOT H1, OUELLETES ADDN.
- 15540-00100-170-02
- 612 N. NORBECK
- S 90' OF E 173.2' OF LOT 17, BLK 1, OUELLETES ADDN.
- 15540-00100-170-03
- 1326 LINCOLN
- LOT 16, BLK 1, OUELLETES ADDN.
- 15540-00100-160-00
- 516 N. NORBECK
- LOT 3, BLK 2, OUELLETES ADDN.
- 15540-00200-030-00
- 1324 ROOSEVELT
- LOT 4, BLK 2, OUELLETES ADDN.
- 15540-00200-040-00
- 1407 E. CHERRY
- LOT 12, BLK 1, MEISENHOLDER EAST ADDN.
- 15450-00100-120-00
- 603 N. NORBECK
- LOT 13, BLK 1, MEISENHOLDER EAST ADDN.

2010 Legal and Public Notices

15450-00100-130-00
515 N. NORBECK
LOT 1, BLK 1, WASHINGTON SQUARE ADDN.
15830-00100-010-00
503 N. NORBECK
LOT 2, BLK 1, WASHINGTON SQUARE ADDN.
15830-00100-020-00

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 7th day of July 2014 is approved and that the Engineer shall proceed with the work in the manner provided by law.

Dated at Vermillion, South Dakota this 4th day of August, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor
ATTEST:
By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Holland. Alderman Collier-Wise requested to abstain. 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.

7. Old Business

A. Second Reading of Ordinance No. 1317 - Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Block 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Block 1 Urup's Addition

Andy Colvin, Assistant to the City Manager, reported on the location of the property being considered for the zone change from R-1 to R-2. Andy noted that the zone change was an owner initiated request. Andy stated that a letter on the zone change along with a map was included in the packet. Andy reported that the Planning Commission recommended approval of the zone change and that a public hearing was held by the City Council on July 21st when the first reading of the ordinance was approved. Discussion followed on the zone change request.

273-14
Second reading of title to Ordinance No. 1317, entitled AN ORDINANCE Amending Title 15 Chapter 155 Section 155.026, Official Zoning Map for the City of Vermillion, South Dakota, rezoning certain real property from R-1 Residential District to the R-2 Residential District for the City of Vermillion, South Dakota.

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

Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1317 entitled an ordinance amending Title 15 Chapter 155 Section 155.026, Official Zoning Map for the City of Vermillion, South Dakota, rezoning certain real property from R-1 Residential District to the R-2 Residential District 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 21st day of July, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of August, 2014 at the City Hall Council Chambers in 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. 1317

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTION 155.026, OFFICIAL ZONING MAP FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY REZONING CERTAIN REAL PROPERTY FROM THE R-1 RESIDENTIAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT.

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA: That Section 155.026 is hereby amended as follows:

That the following parcel is

2010 Legal and Public Notices

hereby rezoned from the R-1 Residential District to the R-2 Residential District and the official zoning map referred to in Section 155.026 of the 2008 Revised Ordinances of the City of Vermillion is amended to include such land in the R-2 Residential District:

The S 49' of Lot 3 and all of Lots 4,8,9 & 10 Block 1 Russo 1st Addition and Lots 1,2,3,4,5,6,9,10,11,12,13 & 14 Block 1 Urup's Addition.

Dated at Vermillion, South Dakota this 4th day of August 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:
By _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Collier-Wise. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y.

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

Harlow Hatle, 2022 Augusta, an owner of some of the property that was just rezoned, thanked the Council for correcting the zoning. Mr. Hatle stated that he had sent letters to the City Council concerning the property codes asking if they wanted to inspect his property but no one accepted his offer. He noted that codes are made by people and they need to look at how the code impacts property.

8. New Business

A. Request to close a portion of Rose Street from the southern corner of Coyote Village to the Dakota Dome parking lot for USD Tailgate Nation on September 6, September 20 and October 25, 2014 from 8:00 a.m. to 4:00 p.m.; October 11, 2014 from 9:00 a.m. to 5:00 p.m.; November 8, 2014 from 10:00 a.m. to 6:00 p.m.; and November 15, 2014 from 7:00 a.m. to 3:00 p.m. The request also includes the dedication of parking stalls along the east side of N. Dakota Street immediately south of the Dakota Dome service entrance for the parking of up to three visitor busses on the same days.

James Bandy, Sr. Associate Director of Athletics and Internal Operations, stated that the request is in two parts. The first being the closing of the portion of Rose Street from Coyote Village to the Dakota Dome parking lot on the six home football games and that second is to close off a few parking spaces on the east side of Dakota Street south of the Dakota Dome service entrance for visitor team bus parking. James reviewed a map of the Dakota Dome area noting the construction site south of the dome that will be fenced and closed off moving the tailgating area to the east side parking lots. With all the pedestrian traffic from the south, the request is to close a portion of Rose Street for their safety. Access to the dome will be from Taylor Street on the east and the north entrance from Dakota Street. The Rose Street closings are requested from 8:00 a.m. to 4:00 p.m. on September 6th, September 20th and October 25th; from 9:00 a.m. to 5:00 p.m. on October 11th; from 10:00 a.m. to 6:00 p.m. on November 8th; and from 7:00 a.m. to 3:00 p.m. on November 15th. James stated that, with the construction area south of the dome, the south player and student entrance will be closed. To make the drop off and pick up process more efficient for visiting teams, the request is to block off a portion of the east side of North Dakota Street parking just south of the dome service entrance for visiting team bus parking for the six home games. Discussion followed.

274-14

Alderman Ward moved approval of the temporary closing of the portion the Rose Street from Coyote Village north to the Dakota Dome parking lot from 8:00 a.m. to 4:00 p.m. on September 6th, September 20th and October 25th; from 9:00 a.m. to 5:00 p.m. on October 11th; from 10:00 a.m. to 6:00 p.m. on November 8th; and from 7:00 a.m. to 3:00 p.m. on November 15th and the blocking off a portion of the east side of North Dakota Street parking just south of the Dakota dome service