

12 Vermillion Plain Talk

2010 Legal and Public Notices

Highways from Clay-Union Electric for a cable on Burbank Rd. in Section 36, Township 92N, Range 51W. Passick moved, seconded by Manning and carried to approve the application as presented.

Jane Norling, Beresford Public Library, met with the Board for the 2016 budget request.

The Board considered the 2016 budget request from Ryan Anderson, 911 Coordinator, for the E-911 Communications department.

The Board discussed service agreements and other contracts for the County departments. It was the consensus of the Board that any new contracts or renewals be presented to the Board and signed by the Chairman upon approval.

The Board considered three website proposals. Packard moved, seconded by Manning and carried to accept Wendy S. Ohl as the website designer/developer for an overhaul of the County website with a total proposal of \$3100 with work to begin as soon as possible.

Powell moved, seconded by Packard and carried to adopt the new state mileage rate of \$.42/mile and meal reimbursement rates of \$6 (breakfast), \$11 (lunch), and \$15 (dinner) for in-state travel and \$10 (breakfast), \$14 (lunch), and \$21 (dinner) for out-of-state travel retroactively effective July 1, 2015.

The Register of Deeds Monthly Report was accepted and placed on file.

Cynthia Aden, Veterans Service Officer, Welfare Director, and Zoning Administrator, met with the Board for the 2016 budget request.

Passick moved, seconded by Manning and carried to pass and adopt the following resolution for plat of Frick's Conservation Easement Tract 1 in the SW ¼ and the S ½ of the NW ¼ of Section 15, T93N, R53W of the 5th P.M., Clay County, South Dakota; Steve Frick and Linda Frick, owners.

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 Frick's Conservation Easement Tract 1 in the SW ¼ and the S ½ of the NW ¼ of Section 15, T93N, R53W of the 5th P.M., Clay County, South Dakota; Steve Frick and Linda Frick, owners.

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.

Travis Mockler, Chairman Board of County Commissioners
I, Carri R. 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 28, 2015.

Carri R. Crum
County Auditor, Clay County, SD
Carri Crum, Auditor, met with the Board to discuss the 2016 election budget request. Powell moved, seconded by Packard and carried to authorize the 2016 purchase of 5 ExpressVote machines and 2 DS200 ballot counting machines, with the purchase being reimbursed by grant funds.

Teddi Gertsma, State's Attorney, met with the Board for the 2016 budget request.

Bob Iverson, City of Vermillion Solid Waste Director, met with the Board to discuss the 2016 budget request.

Layne Stewart, Emergency Management Director, met with the Board to present an addendum to the State & Local Agreement with the State of South Dakota. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the addendum.

At 10:28 a.m., Packard moved, seconded by Powell and carried to adjourn and convene as Ditch Board.

Packard moved, seconded by Manning and carried to authorize the mailing of letters to each landowner in the County's taxed drainage districts listing the parcels owned by the landowner within the districts to eliminate any confusion regarding properties within the districts.

The Board discussed tree growth along Prairie Center Ditch. It was agreed that Manning would speak with landowners along the ditch to determine if there is a need for a ditch meeting.

At 10:45 a.m., Manning moved, seconded by Passick and carried to adjourn and reconvene as Board of Clay County Commissioners.

Lauren Hollenbeck, 4-H Educator, met with the Board to discuss the 2016 budget request.

Terry Taggart, Mike Lynch, Roger Hansen, Bob Fallon, Connie Wulff, and Ryan Frickel, Clay Co. Soil Conservation District, met with the Board to discuss the 2016 budget request.

At 11:35 a.m., Passick moved, seconded by Powell and carried to commence an Executive Session for legal matters.

At 11:52 a.m., Passick moved, seconded by Packard and carried

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to exit the Executive Session. No further action was taken.

Passick moved, seconded by Packard and carried to adopt the provisional budget for 2016 and to set Tuesday, September 1, 2015 at 9:30 a.m. as the time for public hearing regarding the 2016 Provisional Budget.

Passick moved, seconded by Manning and carried to approve the following claims for payment. July 2015 Payroll: Commissioners \$7,740.96, Auditor's Office \$8,599.42, Treasurer's Office \$14,650.75, States Attorney's Office \$13,948.42, Courthouse \$2,497.92, DOE's Office \$9,532.08, ROD's Office \$6,394.66, Veteran's Office \$1,630.83, Sheriff's Office \$31,294.30, County Jail \$20,029.18, 24/7 Sobriety Project \$1,205.60, LEPC \$377.67, Emerg. Mgmt. Office \$3,399.00, Highway Department \$35,015.39, Community Health Nurse \$2,204.08, Extension Office \$2,791.75, Weed Department \$8,079.96, and Zoning Office \$2,375.43. July Bills: (Payroll Withholdings) Aflac \$1,267.55; Clay Co. Treasurer \$40,400.12; Colonial Life \$359.97; Conesco/Washington \$100.70; Dearborn National \$213.36; New York Life Insurance \$244.04; Optilegra Inc. \$17.92; SD Retirement System \$18,762.38; SD Supplement Retirement \$1,135.00; SDRS Roth 457(B) Plan \$350.00; United Way of Vermillion \$202.00; Vermillion Federal \$2,566.00 and Wellmark Blue Cross \$32,421.62; (Due to Other Governments) Reliance Telephone 500.00 and State of SD Game Fish \$298.00; (Clearing Fund - Misc.) Dept. of Revenue \$101.60; (Professional Services and Fees) Audra Malcomb Consulting \$275.31; Corrisoft LLC \$173.25; CPS Technology Solutions \$2,617.51; Davis Pharmacy \$430.91; FedEx \$53.86; Houska, DDS, Randy \$414.00; Katterhagen, Mark \$15.00; Lewno, Lucille M \$150.49; Netsys Plus, Inc. \$289.50; Ohl, Wendy S. \$1,550.00; Pharmchem, Inc. \$233.00; SD Dept. of Health Lab \$245.00; Swanda, Karen \$15.00; Yankton Co Sheriff \$25.00; Yankton Co Treasurer \$113.75 and Yankton Medical Clinic \$77.66; Brevik Law Office LLC \$245.92; Peterson, Stuart, Rump \$5,640.14; Reed Law Offices \$576.00 and Thompson, Craig K \$2,376.41; SD Achieve \$180.00; (Repairs and Maintenance) Butler Machinery Co. \$30.00; Century Business Products \$25.00; Fast Auto Glass, Inc. \$246.00; Johnson Controls, Inc. \$1,331.23; Office Elements \$1.48 and Reliance Telephone \$332.00; (Data Processing/Clay Creek Ditch) CPS Technology Solutions \$8,105.83; (Supplies and Materials) Bob Barker Co. Inc. \$142.62; Butler Machinery Co. \$68.23; Campbells Supply Co. \$138.33; Chemco, Inc. \$360.12; Diesel Machinery, Inc. \$3,401.84; Hollenbeck, Lauren \$41.99; Hy-Vee, Inc. \$124.72; JCL Solutions - Spencer \$330.05; Jebro Inc. \$238,946.15; Johnson Feed, Inc. \$32.78; Lawson Products, Inc. \$139.62; Marco \$283.29; Neve's Uniforms & Equipment \$116.85; Paul's Plumbing, Inc. \$27.00; Quill Corporation \$115.96; SDVSOA \$85.00; Sign-Up Ltd. \$40.10; Sturdevant's Auto Parts \$124.85; Verizon Wireless \$12.10 and Walmart Community/Geer \$144.24; (Travel and Conference) Pederson, Paul \$353.46; SD Counties \$660.00 and SDAAO C/O Wendy Semmler \$600.00; (Inmate Travel) Fick, Shawn \$76.00 and Smith, Michael \$26.00; (Utilities) Anders, Jeffrey \$740.00; Armstrong, Aaron \$120.00; City of Vermillion \$2,602.68; Clay Union Electric Co. \$385.98; Howe, Andy \$240.00; Husby, Tiffany \$240.00; Kyte, David \$120.00; Pederson, Paul \$120.00; Smith, Michael \$120.00; Verizon Wireless \$354.06; Vermillion Garbage Svc \$156.00 and West, Jerami \$240.00; (Car Expense) Brunick Service, Inc. \$279.00; (Allocations) Clay Co Arg. Fair Assoc. \$4,250.00; Clay Co Conservation Dept. \$8,750.00; Dakota Senior Meals \$1,473.00; Lewis & Clark Behavior \$4,694.50; National Music Museum \$850.00; Vermillion Food Pantry \$1,875.00; Vermillion Public Library \$1,000.00; Vermillion Senior Center \$625.00; Wakonda Public Library \$625.00; Wakonda Senior Center \$625.00 and WH Over Museum \$1,875.00; (Payment) Dept of Revenue \$1,545.00; (Chemicals) Crop Production Service \$4,507.50; Van Diest Supply Company \$7,989.80; (Inmate Meals) Hy-Vee, Inc. \$423.87; Walmart Community/Geer \$257.71; (Building and Structures) Paul's Plumbing, Inc. \$3,292.16; (Books) Thomson Reuters - West \$1,285.12.

At 1:13 p.m., Packard moved, seconded by Manning and carried to commence an Executive Session regarding economic development matters.

At 1:15 p.m., Packard moved, seconded by Manning and carried to cease the Executive Session.

At 1:15 p.m., Packard moved, seconded by Manning and carried to adjourn and reconvene Tuesday, August 7, 2015 at 9:00 a.m.

Travis Mockler, Chairman Board of County Commissioners
ATTEST:
Carri R. Crum, County Auditor
Published once at the total approximate cost of \$116.18.
Publish: August 7, 2015.

NOTICE FOR APPLICATION OF EXECUTIVE CLEMENCY
Scott B. Beckman, who was sentenced from Clay County, the 22nd day of January, 2004, to 10 years in the State Penitentiary with 8 years suspended, for

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Aggravated Assault, has applied to the South Dakota Board of Pardons and Paroles for a Pardon.

Ryan Kolbeck
Trial Lawyer / Partner
Waltner Kolbeck Law Firm
315 N. Main, Ste. 200,
Sioux Falls, South Dakota, 57104
Telephone: 605-498-0120
Email: ryan@waltnerkolbecklaw-firm.com

Published three times at the approximate cost of \$20.29.
Publish Aug. 7, 14, & 21, 2015.

NOTICE OF APPLICATION
NO. 8162-3 to Appropriate Water

Notice is given that Don Schellpfeffer, 26912 Baker Park Place, Sioux Falls SD 57108 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from two wells to be completed into the Niobrara Aquifer (120 feet deep) located in the approximate center of the SW 1/4 and the NW 1/4 SW 1/4 Section 9 for irrigation of 122.65 acres located in the SW 1/4 Section 9; all in T94N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8162-3 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 August 17, 2015.

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: August 7, 2015.

NOTICE OF BUDGET HEARING
The Vermillion Basin Water Development District (VBWDD) hereby gives notice that on Wednesday the 19th day of August 2015, 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

2016 PROPOSED BUDGET

APPROPRIATIONS	AMOUNT
Board of Directors	\$3,000.00
Manager	\$6,500.00
Travel	\$2,500.00

Office Expense	\$2,000.00
Telephone	\$ 100.00
Postage	\$ 250.00
Supplies	\$ 750.00
Equipment & Repairs	\$ 33,300.00
Rent	\$ 700.00
Payroll Expenses	\$ 600.00
Publishing	\$ 250.00
Miscellaneous	\$ 250.00

Total Office Expense	\$7,950.00
Legal & Professional	\$1,500.00
Dues	\$ 450.00
Insurance & Bonds	\$2,250.00

TOTAL ADMINISTRATION	\$24,150.00
PROJECT ASSISTANCE (uncommitted)	\$52,875.00
PROJECT ASSISTANCE (committed)	\$0

TOTAL FY 2016 BUDGET
\$77,525.00

MEANS OF FINANCE

FUND BALANCE APPLIED TO FY16 BUDGET	\$5,000.00
INTEREST INCOME	\$ 25.00
WDD TAX LEVY FOR YEAR 2016	\$72,500.00

TOTAL MEANS OF FINANCE	\$77,525.00
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Published twice at the total approximate cost of \$43.03.
Publish: August 7 & 14, 2015.

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

NOTICE IS HEREBY GIVEN THAT THE Vermillion City Council on the 17th day of August, 2015 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 following application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

USD Athletics request for a special permit to exceed allowable sound levels on Ratingen Platz and half block of Market Street south of Main Street on Thursday, September 10, 2015 from 4:00 p.m. to 8:00 p.m. for a kick-off event for the sports seasons for USD and VHS.

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 29th day of July, 2015.

Michael D. Carlson, Finance Officer
Published once at the total approximate cost of \$15.39.
Publish: August 7, 2015.

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

NOTICE IS HEREBY GIVEN THAT THE Vermillion City Council on the 17th day of August, 2015 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 following application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

USD Marketing request for a special permit to exceed allowable sound levels on Ratingen Platz Thursday, August 27, 2015 from 6:00 p.m. to 8:00 p.m. for a DJ and sound system on the Platz as part of an event to introduce new students to downtown.

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 3rd day of August, 2015.

Michael D. Carlson, Finance Officer
Published once at the total approximate cost of \$15.06.
Publish: August 7, 2015.

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

NOTICE IS HEREBY GIVEN THAT THE Vermillion City Council on the 17th day of August, 2015 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 following application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

Sigma Alpha Epsilon/Tau Kappa Epsilon fraternities request for a special permit to exceed allowable sound levels at 855 Madison Street on Sunday, September 6, 2015 from 4:00 p.m. to 8:00 p.m. for an event that will include a DJ and sound system for a social.

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 3rd day of August, 2015.

Michael D. Carlson, Finance Officer
Published once at the total approximate cost of \$13.30.
Publish: August 7, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

Wells Fargo Bank, N.A.,

Plaintiff,

vs,

Melody A. Scott; City of Vermillion; and any person in possession,

Defendants.

Civil No. 14-66

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$122,734.95 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 24, 2015, 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 December 23, 2009, which Melody A. Scott, Mortgagee, executed and delivered to Wells Fargo Bank, N.A., Mortgagee:

THE SOUTH 21 FEET OF LOT 4 AND THE NORTH 41.5 FEET OF LOT 5, NELSON'S ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

and recorded in the office of

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the Register of Deeds of Clay County, South Dakota, on the 23rd day of December, 2009, in Book 130, Page 187, in order to realize the amount of \$115,185.00, as of December 23, 2009, plus interest accruing thereafter on said amount at the rate of 4.875% 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 19, 2015, 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 Mortgagor, the Mortgagee or the Mortgagees attorney.

Dated June 29, 2015.

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

By:
David C. Piper, Attorney #4128
38 Second Avenue East
Dickinson, SD 58601
(701) 227-1841
Attorneys for Plaintiff

Published twice at the total approximate cost of \$60.64.
Publish: July 31 & Aug. 7, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF

DONNA L. KNUDSEN,

DECEASED.

PRO. 15-17

NOTICE TO CREDITORS

Notice is given that on the 17th day of July, 2015, Mark Knudsen, whose address is 45583 Iverson Place, Vermillion, SD 57069, was appointed as personal representative of the estate of Donna L. Knudsen, 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.

PRO. 15-14

NOTICE TO CREDITORS

Mark Knudsen
45583 Iverson Place
Vermillion, SD 57069
605-624-5384

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 approximate cost of \$53.49.
Publish: July 24 & 31 and August 7, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF

KATHERINE I. VAILLANCOURT,

DECEASED.

PRO. 15-18

NOTICE TO CREDITORS

Notice is given that on the 20th day of July, 2015, STEPHEN W. VAILLANCOURT, whose address is 18172 461st Avenue, Castlewood, SD 57223, was appointed as personal representative of the estate of Katherine I. Vaillancourt, 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.

Dated this 20th day of July, 2015.

Stephen W. Vaillancourt
18172 461st Avenue
Castlewood, SD 57223
(864) 506-4149

JESSICA BOSSE
CLERK OF COURTS
PO BOX 377
VERMILLION, SD 57069
(605) 677-6759

Craig K. Thompson
Craig K. Thompson Law Office
P.O. Box 295

www.plaintalk.net

2010 Legal and Public Notices

Vermillion, SD 57069
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Published three times at the approximate cost of \$56.93.
Publish: July 24 & 31 and August 7, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

In the Matter of the Estate of

ORAL JOSEPH LAMBERTZ,

Deceased.

PRO. #15-16

NOTICE TO CREDITORS AND NOTICE OF INFORMAL PROBATE AND APPOINTMENT OF PERSONAL REPRESENTATIVE

Notice is given that on July 16, 2015, Michael R. Lambertz, whose address is 5205 S. Danberry Drive, Sioux Falls, SD 57106, was appointed as the Personal