

**November 10, 2009
Commissioner Minutes**

The Board of County Commissioners met in regular session Tuesday, November 10, 2009 at 9:00 a.m. Members present: Somervold, Wilson, Powell, Passick, and Kephart.

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

Minutes of the November 3rd meeting were approved with a motion by Wilson, seconded by Passick and carried.

Rod Polley/ Highway Superintendent met with the Board to discuss highway matters.

The Board reviewed the closing of Bridge #14-120-111- At 464 Ave and 306 St Pleasant Valley Twp due to the condition as recommended by the Johnson Engineering, Inc. It was reported that the approaches to the bridge are in need of repairs, the bridge itself is in good condition with a load rate of 8,000 tons. Somervold moved, seconded by Wilson and carried to close the bridge temporarily until the approaches are repaired.

It was the consensus of the Board that the county wait to authorize the payment of SD Dot for the County Line Road Project (452 Ave) with Yankton County until they can review the material list associated with the project.

The Board discussed the bill the county presented to Don Kelly Construction (contractor for Lewis and Clark Water Project) for road damage on Greenfield Road and 309 St. Dan Zukoskey, Construction Administrator was present for Lewis & Clark Water to discuss the repair work done on these roads and to insure the county that they will be paid for all repairs made by the County.

Ray Hofman/Zoning Director met with the board to discuss zoning matters.

Somervold moved, seconded by Wilson and carried to pass and adopt the following Resolution approving Survey Plat of Tract 1 Schultz Addition, in the NE1/4 of the NW1/4 and the W1/2 NW1/4 NE1/4 of Section 21, T95N, R51W of the 5th P. M. Clay County, SD, Janice Schultz, Aaron Schultz, Shelly Schultz and Vaughn Schultz, 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 Tract 1 Schultz Addition, in the NE1/4 of the NW1/4 and the W1/2 NW1/4 NE1/4 of Section 21, T95N, R51W of the 5th P. M. Clay County, SD, Janice Schultz, Aaron Schultz, Shelly Schultz and Vaughn Schultz, 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 approved.

**Leo F. Powell, Chairman
Board of County
Commissioners**

I, Ruth A. Bremer, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on November 10, 2009.

**County Auditor,
Clay County, SD**

Kephart moved, seconded by Somervold and carried to table the decision on Survey Plat of Lots 4 and 5, Goeman Tract 2, in the SW1/4 of the NE1/4 of Section 17, T92N, R51W of the 5th P. M. Clay County, SD, Kenneth J. Renner & Jolynn A. Bugbee, owners, until the signatures from City Officials, Ron Peterson, Road Authorization and County Treasurer (taxes paid) were on the Plat.

At 10:30 a.m. the time set for the public hearing on an application for a 2-day On-sale malt beverage license presented by Westlund/Peterson Post #44 in Garfield Township, Section 29. No one appeared in person and no written comments were filed objecting to the approval of the license. Somervold moved, seconded by Wilson and carried to approve the application and grant the license.

Troy Carmann/ICON Engineering, Nicole Prince-State NFIP Coordinator and Karen Amrhein-State MMS Coordinator met with the Board to review Preliminary Flood Insurance Program Maps put together by FEMA. Updates have not been done in recent years and what was presented showed very few changes to the Flood Plain but what is done shows greater detail to the plan.

Somervold moved, seconded by Wilson and carried to authorize the Chairman to sign Assignment for Purpose of Suit with Nolls Collection.

The Sheriff's Monthly Cash Report for October was accepted and placed on file.

The Register of Deeds Fees Collected for October 2009 for \$7,911.90 and the following Auditor's account with the County

Treasurer for October 2009 were accepted and placed on file
AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER
To the Honorable Board of County Commissioners of Clay County

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of October 31, 2009
Total amount of deposits in banks 6,421,714.75
Amount of actual cash 3,099.95
Total amount of checks and drafts in treasurer's possession not exceeding three days 625,934.90
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days
Checks returned and not deposited 1,132.99
Cash Items 851,000.00
Investments 851,000.00
Cash Variation 7,902,881.99
Total 7,902,881.99
Dated this 2nd Day of November 2009

**Ruth A. Bremer,
County Auditor**

Wilson moved, seconded by Kephart and carried to recess for lunch at 11:30 a.m. At 1:00 p.m. Representative Doug Tonnenmacher with Pictometry met with City, County and Clay County personnel for a presentation of their program on taking Ariel images that present buildings and land in great detail, which could be beneficial in assessments, law enforcement, E-911 viewing roads and bridges, city streets, electrical, fire and many other areas of interest.

At 3:30 p.m. the Pictometry session ended and the Board recessed until 4:30 p.m. the time set to have a joint session with the County Planning Commission to discuss the Joint Zoning Regulations with Toby Brown/SECOG.

At 4:30 p.m. the Board reconvened in regular session. The Goeman Tract 2 Plat presented earlier today was tabled due to needed signatures. Ray Hofman/Zoning Director resubmitted the Plat with signatures in place. Kephart moved, seconded by Somervold and carried to reconsider the motion made earlier today and to approve the following Plat of Lots 4 and 5, Goeman Tract 2, in the SW1/4 of the NE1/4 of Section 17, T92N, R51W of the 5th P. M. Clay County, SD, Kenneth J. Renner & Jolynn A. Bugbee, 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:

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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 approved.

**Leo F. Powell, Chairman
Board of County
Commissioners**

I, Ruth A. Bremer, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on November 10, 2009.

**County Auditor,
Clay County, SD**

Motion by Somervold, seconded by Kephart and carried to approve the following claims for payment: November Bills: (Ins. Deductible Reimburse.)
Rodney Polley-\$53.46; (Prof. Serv./Fees) Amanda Anderson-\$40.00, Avera McKennan-\$55.00, David Bergendahl-\$193.20, John Billings-\$2,193.75, City Of Vermillion-\$60.00, Dept. Of Revenue-\$2,294.04, Donna Dietrich-\$137.64, Jennifer Holman-\$80.00, Kabeiseman & Pollard-\$502.50, Kennedy, Pier, & Knoff-\$153.60, Nelva Kooistra-\$15.00, Janice McGuire-\$40.00, Rec. & Sew. Office-\$906.31, Cathy Refuss-\$15.00, SESDAC-\$360.00, Mathias Stricherz-\$2,697.50; (Repairs/Maint.) Century Business Products-\$43.08, Empire HVAC-\$347.50, Hartelco-\$10.00, Johnson Controls-\$810.24, KONE-\$365.07, Midwest Bldg. Maint.-\$24.00, Paul's Plumbing-\$69.55, Presto-X-\$63.00, Turner Plumbing-\$104.04; (Historic Preservation) Pressing Matters-\$667.00, Thomas Thaden-\$200.00; (Data Processing) Microfilm Imaging Systems-\$425.00; (Materials/Supplies) A-OX Welding Supply-\$126.79, Appera-\$62.72, Brunick Service-\$640.00, Campbell Supply-\$113.99, Diamond Schemp-\$224.00, JCL Solutions-\$188.47, JD Evans Equipment-\$100.67, Jones ACE Hardware-\$39.46, Lawson Products-\$207.94,

McLeod's Printing-\$23.52 Midwest Bldg. Maint.-\$40.00, National Imprint Corp.-\$168.00, Perkins Office Solutions-\$263.07, Pressing Matters-\$25.99, Quill Corp.\$61.63, SD Dept. Of Transportation-\$15,160.40, SE Farmers Elevator Coop.-\$1,050.00, Sioux Falls Rubber Stamp-\$17.35, Stewart Oil & Tire-\$305.70, Sturdevant's Auto Parts-\$447.99, True Value-\$127.98, Velvet Uniforms-\$62.98; (Travel/Conference) First Bank & Trust Visa-\$629.89, Will Kennedy-\$151.35, Rodney Polley-\$43.00; (Utilities) City Of Vermillion-\$1,098.59, Fischer's Disposal-\$100.00, Hartelco-\$49.95, MidAmerican Energy-\$628.08, Quest-\$511.14; (Machinery/Auto) Brunick Service-\$117.72, Quality Motors-\$34.43, Sturdevant's Auto Parts-\$7.77, Vermillion Ford-\$96.17; (Jury/Witness) Main Street Pub-\$73.75; (Grants) emLogic-\$500.00, First Bank & Trust Visa-\$177.80, Jones Food Prenter-\$643.50, Layne's World-\$429.94, Print Source-\$538.30, Vermillion Music Boosters-\$150.00; (Training/Special Equip.) Dakota PC Warehouse-\$69.99; (Juvenile Detention) Minnehaha Co. JDC-\$810.00; (Books) SD Continuing Legal Education-\$45.00, SDSU-Dept. Of Animal & Range Sciences-\$33.25, West Group-\$592.05; (Furniture/Minor Equip.) Dakota PC Warehouse-\$89.99, Perkins Office Solutions-\$189.99; (Law Library) West Group-\$399.97; (24/7 Sobriety Project) Intoximeters-\$280.00.

At 4:35 p.m. Kephart moved, seconded by Somervold and carried to adjourn and reconvene Tuesday, November 24, 2009 at 9:00 a.m.

**Leo F. Powell, Chairman
Board of County
Commissioners
ATTEST:**

**Ruth A. Bremer,
County Auditor**

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Publish: December 4, 2009

**Joint Meeting
Planning & Zoning Board
County Commissioners
November 10, 2009
4:35 P.M.**

The Board of County Commissioners met in Joint Session with the County Planning Zoning Board, to discuss revisions to the Joint Jurisdiction Zoning Regulations. County Commission Members present: Wilson, Powell, Passick and Somervold; Zoning Board Members present: Kephart, Bliss, and Walz, and Zoning Director/Hofman.

Also present was County Auditor, Ruth Bremer, and Toby Brown/Representative from SECOG.

Together the Joint Boards reviewed the Joint Zoning Regulations for Clay County and the City of Vermillion with SECOG and Toby Brown. The Board Members (city and county) for their review and approval of the Joint Zoning Regulations.

At 6:10 p.m. Kephart moved seconded by Somervold and carried to adjourn the Joint Meeting with the County Planning Commission.

**Leo F. Powell, Chairman
Board of County
Commissioners
ATTEST:**

Ruth A. Bremer, Auditor

Published once at the approximate cost of \$13.71
Estimated publishing cost per circulated copy: \$0.01
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NOTICE TO BIDDERS

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota will meet at the City Hall meeting room of said City on the 16th day of December, 2009, at 2:00 p.m. at which time bids and proposals will be received by the City and read at that time. The bids will be acted upon by the City Council at City Hall on the 21st day of December, 2009, at 7:00 p.m. The equipment required is as follows:
15 KV Power Cable & Padmount Distribution Transformers
Copies of the specifications may be obtained at the office of the Utilities Engineer, 25 Center Street, Vermillion, South Dakota, 57069

Payment for the equipment herein provided for will be in cash. 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 30th day of November, 2009.

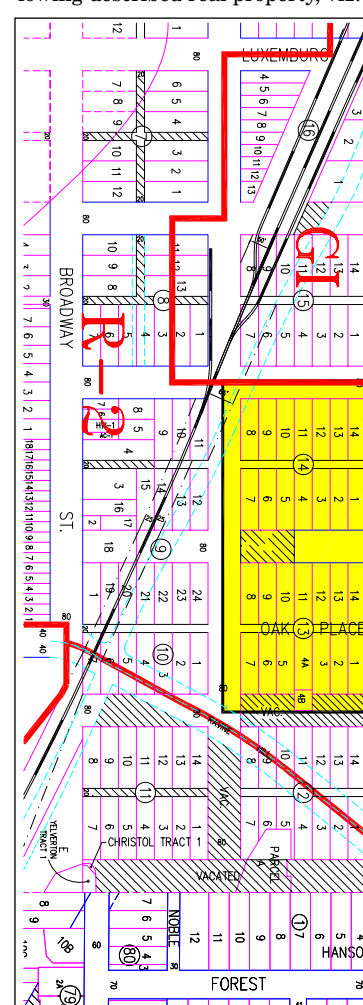
**CITY OF VERMILLION
Harold Holoch,
Utilities Engineer**

Published twice at the approximate cost of \$22.05
Estimated publishing cost per circulated copy: \$0.1
Publish: December 4 & 11, 2009

**NOTICE OF HEARINGS
NOTICE IS HEREBY GIVEN**

that the Planning Commission of the City of Vermillion, South Dakota, will meet at 5:30 p.m. on Monday, the 14th day of December,

2009, in the 2nd floor Meeting Room 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 Petition to amend the Zoning Ordinance of the City of Vermillion From R-2 Medium density Residential District to R-1 low density Residential District for the following described real property, viz.



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 21st day of December, 2009 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 the following:
A Petition to amend the Zoning Ordinance of the City of Vermillion From R-2 Medium density Residential District to R-1 low density Residential District for the following described real property, viz. Attached Map

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.

Dated at Vermillion, South Dakota this 24th day of December, 2009.

**Farrel Christensen,
City Building Inspector**

Published once at the approximate cost of \$105.02
Estimated publishing cost per circulated copy: \$0.6
Publish: December 4, 2009

**NOTICE OF HEARING
NOTICE IS HEREBY GIVEN**

that the Board of Adjustment of the City of Vermillion, South Dakota, will meet at 7:00 p.m. on Monday, the 21st day of December, 2009 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Board of Adjustment will hear, consider and act upon the following:
A Petition for a conditional use permit to build a 30 foot telecommunication tower at 926 N Plum Street

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 petition and that at said time and place the Board of Adjustment will consider and decide whether or not this petition change should be approved.

Dated at Vermillion, South Dakota this 24th day of November, 2009.

**Farrel Christensen,
City Building Inspector**

Published once at the approximate cost of \$9.60
Estimated publishing cost per circulated copy: \$0.1
Publish: December 4, 2009

**NOTICE OF HEARING
NOTICE IS HEREBY GIVEN**

that the Board of Adjustment of the City of Vermillion, South Dakota, will meet at 7:00 p.m. on Monday, the 21st day of December, 2009 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Board of Adjustment will hear, consider and act upon the following:
A Petition for a conditional use permit to build a 30 foot telecommunication tower at 1309 N Dakota Street

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 petition and that at said time and place the Board of Adjustment will consider and decide whether or not this petition change should be approved.

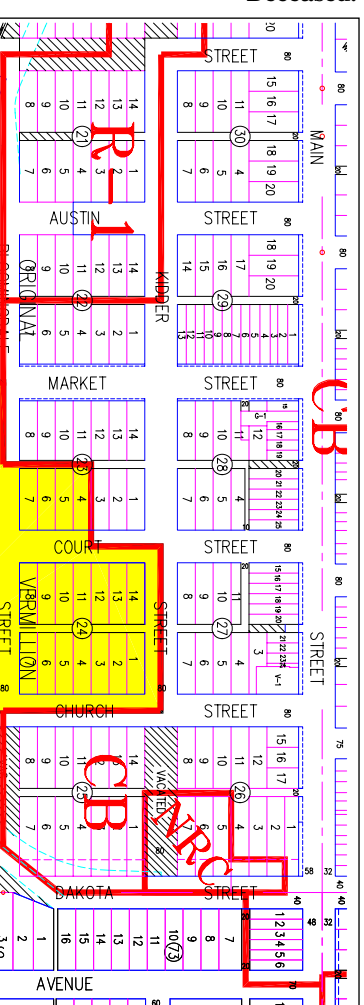
Dated at Vermillion, South Dakota this 24th day of November, 2009.

**Farrel Christensen,
City Building Inspector**

Published once at the approximate cost of \$9.60
Estimated publishing cost per circulated copy: \$0.1

Publish: December 4, 2009

**STATE OF SOUTH DAKOTA
COUNTY OF CLAY, SS
IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
Pro. 09-38
IN THE MATTER OF THE
ESTATE OF
DEBRA LYNN PALMER,
Deceased.**



NOTICE TO CREDITORS

Notice is given that on the 13th day of November, 2009, Pamela K. Palmer, whose address is 401 N. Mystic Circle, Sioux Falls, South Dakota 57110, was appointed as personal representative of the estate of Debra Lynn Palmer.

Creditors of decedent must file their claim 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 13th day of November, 2009.

**Pamela K. Palmer
401 N. Mystic Circle
Sioux Falls, SD 57110
(605) 360-6537**

**Craig K. Thompson Law
Offices
P.O. Box 295
Vermillion, SD 57069
(605) 624-2097**

Published four weeks at the total approximate cost of \$43.90
Estimated publishing cost per circulated copy: \$0.1
**Publish: November 20, 27,
December 4 & 11 2009**

**Unapproved Minutes
Council Special Session**

November 23, 2009
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 23, 2009 at 12:00 p.m. at the City Hall large conference room.

1. Roll Call
Present: Edelen, Hofman, Meins, Osborne, Powell, Ward (arrived 12:06 p.m.), Wilson

Absent: French, Mayor Christopherson

2. Consulting contract with Dr. Matt Fairholm to compile the results of the City Manager and Finance Officer performance evaluations

John Prescott, City Manager, reported that Mayor Christopherson had contacted Dr. Matt Fairholm about updating the performance evaluation forms and compiling the results. The consulting contract is the same as last year for an amount not to exceed \$500.00.

Alderman Edelen moved approval of the professional services agreement with Dr. Matt Fairholm with total cost not to exceed \$500.00. Alderman Willson seconded the motion. Motion carried 6 to 0. President Powell declared the motion adopted.

Alderman Ward arrived at 12:06 pm

3. Review of the process to complete the City Manager and Finance Officer performance evaluations

Matt Fairholm reviewed the City Manger and Finance Officer evaluations and explained the process to ranking the responses. The evaluation explains the performance evaluation scale. Discussion followed on the evaluation process. To allow time to compile the results, Mr. Fairholm requested that the completed forms be returned to him by December 11th for annual evaluations on the December 21st meeting.

4. Adjourn
391-09

Alderman Hofman moved to adjourn the Council special session at 12:21 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. President Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 23rd day of November, 2009.

**THE GOVERNING BODY OF
THE CITY OF VERMILLION,
SOUTH DAKOTA**

**BY Jack Powell, President
ATTEST:**

**Michael D. Carlson,
Finance Officer**

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Publish: December 4, 2009

**STATEMENT OF
NONDISCRIMINATION**

East River Electric Cooperative is the recipient of Federal financial assistance from the Rural Utilities Service, an agency of the U.S. Department of Agriculture, and is subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, as amended, and the rules and regulations of the U.S. Department of Agriculture which provide that no person in the United States on the basis of race, color, national origin, sex, religion, age, or disability shall be excluded from participation in, admission or access to, denied the benefits of, or otherwise be subjected to discrimination under any of this organization's programs or activities.

The person responsible for coordinating this organization's nondiscrimination compliance efforts is Elizabeth Avery, Manager, Administrative Services. Any individual, or specific class of individuals, who feels that this organization has subjected them to discrimination may obtain further information about the statutes and regulations listed above from and/or file a written complaint with this organization; or the Administrator, Rural Utilities Service, Stop 1510, 1400 Independence Avenue, SW, Washington, DC 20250-1510; or the Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410; or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer. Complaints must be filed within 180 days after the alleged discrimination. Confidentiality will be maintained to the extent possible.

Published once at the approximate cost of \$16.55
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Publish: December 4, 2009

**STATE OF SOUTH DAKOTA
COUNTY OF CLAY, SS
IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
Pro. 09-39
IN THE MATTER OF THE
ESTATE OF
KATHRYN M. TILTON,
Deceased.**

NOTICE TO CREDITORS

Notice is given that on the 25th day of November, 2009, Shirley Brunick, whose address is 111 Shurley University, Vermillion, SD 57069 and Peggy Taylor, whose address is 4315 Tyler Street, Sioux City, Iowa 51108 were appointed as Personal Representatives of the Estate of Kathryn M. Tilton.

Creditors of decedent must file their claim 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 30th day of November, 2009.

**/s/ Shirley Brunick
PERSONAL
REPRESENTATIVE**

**III South University Street
Vermillion, SD 57069
/s/ Peggy Taylor
PERSONAL
REPRESENTATIVE**

**4315 Taylor Street
Sioux City, Iowa 51108**

**Clerk of Courts
211 W. Main Street
Vermillion, SD 57069
Ph: 605-677-6755**

**Prepared by:
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**E-mail:
sdmannschreck@live.com**

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NOTICE TO BIDDERS

This bid opening has been extended for the following bid to December 21, 2009 at 2:00 PM. The University of South Dakota is soliciting sealed bids for interior construction services for the Center for Children and Families located at 505 Stanford St., Vermillion, SD; bid number KMB-13290061-USD. Sealed bids will be accepted up to and then publicly opened at 2:00 PM, December 21, 2009 in Slagle Hall room 209, 414 East Clark St., Vermillion, SD. Copies of the bid solicitation and specifications are available by contacting the USD Purchasing Office, 414 East Clark St., Vermillion, SD, Slagle Hall room 209, 605-677-5667. The University reserves the right to reject any and all bids.

Published once at the approximate cost of \$7.28
Estimated publishing cost per circulated copy: \$0.03
Publish: December 4, 2009

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