

8A Vermillion Plain Talk

2010 Legal and Public Notices

NOTICE OF ADOPTION

ORDINANCE #2014-03, AN ORDINANCE AMENDING ORDINANCE #2013-04 BY REZONING CERTAIN PROPERTY

Notice is hereby given that Ordinance #2014-03, a zoning change (two parcels) from Agriculture to L1: Light Industrial to build industrial structures. The legal descriptions of the properties are: the South 175 feet of the East 422.27 feet of the West 1,625.62 feet of Heikes Tract 4, a subdivision of the SE1/4 SE1/4, SW1/4 SE1/4, the S1/2 SW1/4 NE1/4 SE1/4, the E1/2 SE1/4 SE1/4 NW1/4 SE1/4, and the East 23.5 acres of the S1/2 of Lot 1 of the SW1/4, Section 7, T92N, R52W of the 5th P.M. and the South 175 feet of the East 633.49 feet of the West 1,203.35 feet of Heikes Tract 4, a subdivision of the SE1/4 SE1/4, SW1/4 SE1/4, the S1/2 SW1/4 NE1/4 SE1/4, the E1/2 SE1/4 SE1/4 NW1/4 SE1/4, and the East 23.5 acres of the S1/2 of Lot 1 of the SW1/4, Section 7, T92N, R51W of the 5th P.M., was duly adopted by the County Commission on November 25, 2014, and will become effective on the 1st day of January, 2015, unless a referendum is invoked. Copy of the Ordinance and the official zoning map referred to in the Joint Zoning Regulations for Clay County and the City of Vermillion effective February 16, 2012, Article 2, Section 2.07 is amended, to include the property in the L1 Light Industrial, are available for public review, during regular business hours at the County Auditor's Office.

Carri R. Crum, Auditor

Planning Commission Public Hearing: October 27, 2014

First Reading County: November 18, 2014

Second Reading Joint Meeting w/City: November 25, 2014

Adoption: November 25, 2014

Publication: December 4/5 & 11/12, 2014

Effective Date: January 1, 2015
Published twice at the approximate cost of \$45.27.

Published: December 5 & 12, 2014

STATE OF SOUTH DAKOTA)
COUNTY OF CLAY)

IN CIRCUIT COURT
1st JUDICIAL CIRCUIT

In the Matter of the Petition of

Hillary Rose McCann

For a Change of Name to

Hillary Rose McCann LeFebvre

CIV: 14-128
NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Hillary Rose McCann the object and prayer of which is to change Petitioner's name from Hillary Rose McCann to Hillary Rose McCann LeFebvre. On the 10th day of December, 2014, at the hour of 9:00 am 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 4 day of November, 2014 at Vermillion, South Dakota.

/s/ _____
Jessica Bosse
Circuit Court Judge or Clerk of Court

ATTEST:

Clerk of Court
By: _____
Deputy
Published: Nov. 14, 21, 28 & Dec. 5, 2014

NOTICE OF ADOPTION

Notice is hereby given that Ordinance #2014-02, an Ordinance Amending Ordinance #00-01, And Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County, was duly adopted by the County Commission on November 25, 2014, and will become effective on the 24th day of January 2015, unless a referendum is invoked.

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ORDINANCE #2014-02

AN ORDINANCE AMENDING ORDINANCE #00-01 An Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County

BE IT ORDAINED BY CLAY COUNTY, that the Commissioners of Clay County are charged with protecting the health and safety of the citizens of Clay County, including all property situated herein; and

By South Dakota Codified Law 7-8-20(18) the Clay County Board of Commissioners authorizes the Clay County Office of Emergency Management to enact the Declaration of a Fire Danger Emergency and to Prohibit Open Burning Within the County or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

Subject to separate action by the Clay County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within the county will be enforced immediately and autonomously when the National Weather Service places the area in a Grassland Fire Danger Index Red Flag status, meaning that wildfire and dangerous fire hazards exist.

"Open burning" shall be defined as any outdoor fire, including but not limited to the prescribed burning of fence rows, fields, wildlands, trash, and debris, the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames, or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames, or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. This also excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds.

Section I. Definitions:

A. Open Fire: Any outdoor fire, including a campfire, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney with spark arresters. Open fire shall not include charcoal grills, liquid fuel grills, outdoor fireplaces, burn barrels, as defined herein.

B. Charcoal Grill: A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

C. Liquid Fuel Grill: A metal or stone device designed to cook food using liquefied or gaseous combustible fuel.

D. Burn Barrel: A metal container used to hold combustible or flammable waste materials so that they can be ignited for the purpose of disposal. Burn barrels must have a metal grate; metal grate opening shall be no larger than 1/4" square covering at any time when in use. Burn barrels must be located in a safety zone, away from any or all combustible materials, of a 15 foot radius of the burn barrel.

E. Outdoor Fireplaces: A manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, (screen opening shall be no larger than 1/4" square), chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually attended.

F. Campground: Any permitted commercial campground operated by private individuals or corporations, State of South Dakota, Clay County, or the United States National Park Service.

Section II. Regulations:

A. Open Fire: No person shall set any open fire in Clay County, outside the boundaries of any Municipality, when the National Weather Service has declared the Grassland Fire Danger Index to be in the Red Flag Category in Clay County.

B. Burn Barrels: No person may ignite a fire in a burn barrel when the National Weather Service has declared the Grass-

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land Fire Danger Index to be in the Red Flag Category in Clay County.

C. Campgrounds: The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any permitted commercial, state, county or federal campgrounds unless otherwise specifically banned by resolution of the Clay County Board of Commissioners.

Subject to separate action by the Clay County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within the county will remain in place only until the area is no longer in Grassland Fire Danger Index Red Flag status according to the National Weather Service; and the notice of such shall be with local media outlets.

The maximum penalty for violation of this ordinance shall be as follows: thirty days imprisonment in county jail or five hundred dollars fine, or both according to South Dakota Codified Law 22-6-2(2) or its progeny. In accordance with South Dakota Codified Law 7-18A-2, the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts, and compensation to the firefighters for time lost from their employment, shall be born directly by the individual or individuals responsible for setting the fire in violation of this ordinance.

Dated this 25th day of November 2014.

First Reading: October 28, 2014

Leo F. Powell, Vice Chairman
Board of County Commissioners
Clay County, South Dakota

ATTEST:

Carri R. Crum
Clay County Auditor

Second Reading: November 25, 2014 Adoption: November 25, 2014

Publication: December 4/5 & 11/12, 2014

Effective Date: January 1, 2015
Published twice at the approximate cost of \$148.95.

Published: December 5 & 12, 2014

STATE OF SOUTH DAKOTA)
COUNTY OF CLAY)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

ESTATE OF
EDWARD B. SASSE, JR.,
Deceased.

PRO. 14 -

NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

Notice is given that on the 24th day of November, 2014, Randy L. Sasse, whose address is 143 Steel Valley Drive, Boerne, Texas 78007 was appointed as Personal Representative of the estate of EDWARD B. SASSE, JR.

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 24 day of November, 2014.

RANDY L. SASSE
143 STEEL VALLEY DRIVE
BOERNE, TEXAS 78007
830-388-6262

Clay County Clerk of Courts
211 West Main Street, Suite 300
Vermillion, SD 57069
605-677-6755

Linda L. Kogel
Kogel Law Office
P.O. Box 493
Vermillion, SD 57069
605-624-2667

STATEMENT OF NONDISCRIMINATION

East River Electric Power Cooperative is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimina-

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tion, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. Published once at the approximate cost of \$10.10.

Published: December 5, 2014.

Unapproved Minutes Council Special Session
November 25, 2014
Tuesday - 11:15 a.m.

The special joint session of the City Council City of Vermillion, South Dakota and Clay County Commission, was held on Tuesday, November 25, 2014 at 11:15 a.m. at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins (arrived 11:18 a.m.), Holly Meins (arrived 11:18 a.m.), Price, Ward (arrived 11:27 a.m.), Willson, Mayor Powell

2. Pledge of Allegiance

3. Adoption of Agenda

385-14
Alderman Willson moved approval of the agenda. Alderman Holland seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

3. Public Hearings

A. Second Reading of Ordinance 1322 - Rezoning certain real property, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District

Cynthia Aden, County Zoning Officer, reported that, as the zone change request is in the Joint Jurisdictional Zoning Area, the request was submitted to the combined County and City Planning Commissions. Cynthia reported that the combined Planning Commissions recommended approval of the rezoning of the property. Cynthia stated that the County Commission and City Council each had first reading of the ordinance to change the zoning and that a public hearing was scheduled for today before the Clay County Commission and Vermillion City Council to jointly consider second reading of the ordinance for the zone change. Discussion followed.

386-14
Second reading of title to Ordinance No. 1322, entitled AN ORDINANCE Rezoning certain real property, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1322 entitled an ordinance Rezoning certain real property, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District for the City of Vermillion, South Dakota 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 3rd day of November, 2014 and that the title was again read at this special joint meeting of the Governing Body on this 25th day of November, 2014 at the City Hall large conference room 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. 1322

AN ORDINANCE AMENDING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION, CHAPTER 2, SECTION 2.03(A) ZONING MAP, BY REZONING CERTAIN REAL PROPERTY FROM THE A-1, AGRICULTURAL DISTRICT, DISTRICT TO THE LI, LIGHT INDUSTRIAL DISTRICT

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BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Section 2.03(A) is hereby amended as follows:

That the South 175 feet of the East 422.27 feet of the West 1,625.62 feet of Heikes Tract 4, a subdivision of the SE1/4 SE1/4, SW1/4 SE1/4, the S1/2 SW1/4 NE1/4 SE1/4, the E1/2 SE1/4 SE1/4 NW1/4 SE1/4, and the East 23.5 acres of the S1/2 of Lot 1 of the SW1/4, Section 7, T92N, R52W of the 5th P.M. and the South 175 feet of the East 633.49 feet of the West 1,203.35 feet of Heikes Tract 4, a subdivision of the SE1/4 SE1/4, SW1/4 SE1/4, the S1/2 SW1/4 NE1/4 SE1/4, the E1/2 SE1/4 SE1/4 NW1/4 SE1/4, and the East 23.5 acres of the S1/2 of Lot 1 of the SW1/4, Section 7, T92N, R52W of the 5th P.M., is hereby rezoned from the A-1 Agricultural District to the LI Light Industrial District, and the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City Of Vermillion, is amended to include such land in the LI Light Industrial District. Dated at Vermillion, South Dakota this 25th day of November, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell,
Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Holland. 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, Price-Y, Willson-Y, Mayor Powell-Y.

Motion carried 6 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law. It is noted that the Clay County Commission approved second reading of their rezoning ordinance.

Clarene Meins and Holly Meins arrived at 11:18 a.m.

Mayor Powell stated that the next item is a presentation by the Dakota Hospital Foundation by Tim Tracy that will be held at the RED Steakhouse and recessed the City Council meeting at 11:20 a.m. to be reconvened at the new location.

Alderman Ward arrived 11:27 a.m.

4. Educational Session - Presentation by Dakota Hospital Foundation, Tim Tracy

Tim Tracy and Mary Merrigan with the Dakota Hospital Foundation presented information on activities of the Dakota Hospital Foundation and the medical center.

5. Adjourn

387-14
Alderman Holland moved to adjourn the Council Meeting at 12:50 p.m. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 25th day of November, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Published once at the approximate cost of \$84.74.

USD AWOL

students learn

more about

women's care

USD AWOL students learn about women's health and prenatal care in Sioux Falls by serving the Teddy Bear Den

Twelve students from the University of South Dakota travelled to Sioux Falls, S.D., Saturday, Nov. 15 to work with the Teddy Bear Den, an incentive and education based program for the limited income pregnant women in the Sioux Falls community. The Alternative Week of Off-campus Learning (AWOL) program organized the project as one of their monthly Alternative Weekends, or short-term service-learning opportunities that focus on local and regional issues.

The students assisted in various volunteer projects including moving cribs onto the donation floor. In addition to the service component, the students learned about the difficulties women with limited incomes face in Sioux Falls in both affording and receiving early and regular prenatal care.

Like other AWOL events, Alternative Weekends are entirely student-led. The site leaders for the event were Sidney Heisler of Sioux Falls, S.D.; and Lara Williams of Pierre, S.D. Other students participating were Taryn Twite of Beresford, S.D.; Courtney Arney of Canton, S.D.; Brianna Brage of Watertown, S.D.; Kennedy Ischen of Brookings, S.D.; Kelsey Weber of Mitchell, S.D.; Shane Hansen of Hot Springs, S.D.; Heather Reikofski of Crescent, Iowa; Sara Napsey of Tomah, Wis.; Stacie Kjelden of Vermillion, S.D.; and Marah Smith of Groton, S.D.

About the AWOL Program

Housed in the Center for Academic and Global Engagement, AWOL offers students the opportunity to combine community service with education during academic breaks. The AWOL program is in the eighth year on campus and the program has continued to grow. Prior to departure, students participate in six weeks of educational training. By utilizing experiences and education, AWOL enables students to become active citizens, whose community becomes a priority in their everyday life, and provides them with avenues for continued community involvement and learning. More information is available at www.usd.edu/engage/service-learning/awol-alternative-breaks.cfm.

About The Center for Academic & Global Engagement

USD's Center for Academic & Global Engagement was created as a central point of contact for students to find experiential learning information, including information about service-learning, undergraduate research, study abroad and off-campus academic experiences. The office is also a place where international students receive support, and faculty can receive support for integrating service-learning and other experiential activities into their courses. Finally, the CAGE acts as a general volunteer clearinghouse for Vermillion and the surrounding area. For information on upcoming events, e-mail the CAGE at engage@usd.edu or visit www.usd.edu/engage.
- Courtesy of USD news

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