

2010 Legal and Public Notices

Kephart and carried to approve the agenda as presented.

Minutes of the January 29, 2013 meeting were read and approved with a motion by Packard, seconded by Powell and carried.

Layne Stewart/Emergency Management Director met with the Board. Packard moved, seconded by Kephart and carried to pass and adopt the following resolution.

Establishing a Local Office of Emergency Management RESOLUTION #2013-04

WHEREAS, the laws of South Dakota (SDCL 34-48A) provide that each political subdivision of the State is authorized and directed to establish a local Office of Emergency Management; and

WHEREAS, the County of Clay recognizes such delegation of authority as outlined in state statutes and further recognizes that it is their responsibility in the event of a disaster either man-made or natural to protect the life, property and environment of Clay County residents and further to minimize human suffering and restore the economy and productivity of Clay County following a disaster;

NOW, THEREFORE, BE IT RESOLVED that Clay County hereby agrees to maintain a County Office of Emergency Management and appoint an Emergency Manager. Said Emergency Manager shall meet the qualifications designed by the County Personnel Resolution and shall be responsible to the Board of County Commissioners. The County Emergency Manager shall make program reports to the County Commissioners as directed, but not less than quarterly. The County Emergency Manager shall prepare and submit a comprehensive budget for the County Commissioners approval. The headquarters and office of record of the County Office of Emergency Management shall be located in Clay County, City of Vermillion, South Dakota

BE IT HEREBY RESOLVED that this resolution is necessary in the public interest and is hereby adopted and approved by the Clay County Commissioners on this 5th day of February, 2013.

Raymond (Dusty) Passick, Chairman
Board of County Commissioners

ATTEST:

Carri Crum, Deputy Auditor
Clay County

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Cynthia Aden/Veterans/Welfare/Zoning Administrator met with the Board regarding Welfare Case #C13-03 for a County Burial. Powell moved, seconded by Packard, and carried to approve payment of \$1900 to Hansen Funeral Home, as the case met County guidelines.

The monthly Building Permit, Welfare, and Veterans Contact Reports for January were accepted and placed on file.

The Register of Deeds Statement of Fees Collected for January 2013 for \$15,227.00 and the following Auditor's Account with the County Treasurer for January 2013 were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County items in the hands of the County Treasurer as of January 31, 2012. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	3,299,913.65
Amount of actual cash	3,841.44
Total amount of checks and drafts in Treasurer's Possession not exceeding three days	26,015.97
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	3,231.42
Checks returned and not deposited	
Cash Items	
Investments	251,000.00
Cash Variation	
Total	3,584,002.48

Dated this 1st Day of February 2013.

Ruth A. Bremer, County Auditor

Rod Polley/Highway Superintendent met with the Board. Packard moved, seconded by Mockler and carried to pass and adopt the following resolution.

RESOLUTION #13-01

CLAY COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION

Whereas, seasonal climatic changes can be detrimental to our highways, and

Whereas, the Clay County Board of County Commissioners desires to protect existing Clay County Highways, ultimately saving tax dollars, and

Whereas, South Dakota Codified Law 32-14-6 allows for the

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reduction of the legal weight limit which may be carried upon highways within Clay County, and

Whereas the Clay County Board of Commissioners, desire the enforcement of weight limitations on Clay County roads as set forth and posted by the Clay County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED;

Whereas the limits on Clay County roads shall be set at six (6) ton per axle on all hard surface roads with the exception of County road H-4 (469 ave), Burbank north to highway 50, and County roads B-1 & B-2 (455 ave), Bethel Hall north to highway 46, the West County Line, from Irene south and all gravel roads shall be posted at seven (7) ton per axle, or as posted.

That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Clay County Roads.

BE IT FURTHER RESOLVED that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55.

Vote of Clay County Commission
A Y E _____
NAY _____

Dated this 5th day of February 2013, at Vermillion, S.D.

Raymond (Dusty) Passick, Chairman
Board of County Commissioners

ATTEST:

Ruth A. Bremer, County Auditor

Mockler moved, seconded by Powell and carried to authorize the Chairman to sign letter of request/authorize the State Hwy Patrol to assist in enforcement of weight limit statutes on County highways with the enforcement date to be decided upon the weather conditions.

Powell moved, seconded by Mockler and carried to authorize the Chairman to sign an agreement with the State for the County-Wide Striping Program.

Powell moved, seconded by Kephart and carried to set February 26, 2013 at 9:30 a.m. for bid opening on the Highway Superintendent's 2013 pickup truck purchase.

Brad Preheim/Vermillion Basin Water Development District/TLC Water Project District, Craig Nelson, Richard Gregoire, and Erlin Ellison met with the Board to dis-

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cuss the County Drainage Ordinance and bills currently being presented in legislature related to drainage. It was the consensus of the Board that Commissioners would individually approach State legislators regarding opinions on proposed drainage legislation. The Board reviewed the County Drainage Ordinance and determined that Erlin Ellison could repair or clean existing tile without a County Drainage Permit, per ordinance guidelines.

At 10:45 a.m. Powell moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, February 12, 2013 at 9:00 a.m.

Raymond (Dusty) Passick, Chairman
Board of County Commissioners

ATTEST:

Carri Crum, Deputy Auditor
Clay County
Published once at the total approximate cost of \$93.54.
Published: February 15, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

ESTATE OF GREG A. GIRARD DECEASED.

PRO 13-

NOTICE TO CREDITORS

Notice is given that on the 24 day of January, 2013, Julie Girard, whose address is 22 S. Crawford Road, Vermillion, South Dakota, was appointed as personal representative of the estate of Greg A. Girard.

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.

S: _____
Julie Girard
22 S. Crawford Road
Vermillion, SD 57069

Jessica Bosse
CLERK OF COURTS
211 W. MAIN STR.
VERMILLION, SD 57069
(605)677-6755

JOSEPH H. REED
REED LAW OFFICES
110 E. MAIN STR
P.O. BOX 539
VERMILLION, SD 57069
(605)624-7090

Published three times at the total approximate cost of \$50.34.
Published: February 1, 8, 15, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE CHANGE OF NAME OF JOANNE WINGO.

CIV. # 13-7

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ORDER TO SHOW CAUSE AND NOTICE OF HEARING

On the reading and filing of the Affidavit and Petition of Joanne Wingo for a change of name from Joanne Wingo to JOANNE LEONARD, her maiden name, and good cause appearing therefore;

IT IS HEREBY ORDERED:

1. That all persons who may be affected or prejudiced by the change of name appear before this Court on the 13th day of March, 2013, at 9:00 o'clock a.m., then and there to show cause, if any they may have, why the Petition for Change of Name should not be granted; and

2. That a copy of this Order be published in a legal newspaper of general circulation in Clay County one time per week for four successive weeks preceding the date set for the hearing.

Dated at Vermillion, South Dakota, this 17th day of January, 2013.

BY THE COURT:
/s/:

Clerk of the Court for Clay County

ATTEST:
/s/:

Jessica Bosse by N. Zimmerman
Clay County Clerk of Courts

Published four times at the total approximate cost of \$65.28.

Published: January 25, February 1, 8, & 15, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

JPMORGAN CHASE BANK, NA s/b/m TO CHASE HOME FINANCE LLC

Plaintiff,

vs,

Joshua G Balleweg; and any person in possession,

Defendants.

Civil No. 12-57

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$158,577.25 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 November 28, 2012, 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 July 30, 2009, which Joshua G. Balleweg, Mortgagor, executed and delivered to Mortgage Electronic Registration Systems, Inc, Mortgagee:

SNORTLAND TRACT 1 IN THE SE 1/4 OF SECTION 23, TOWNSHIP 94 NORTH, RANGE 52 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 31st of July, 2009 in Book 129 Mtgs on page 640. Said Mortgage was assigned to JPMorgan Chase Bank, NA by Assignment of Mortgage recorded January 19, 2012, in Book 132 of Mortgages, Page 962, in order to realize the amount of \$137,700.00, as of July 30, 2009, plus interest accruing thereafter on said amount at the rate of 5.5% 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

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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 February 27, 2013, at 10:00 A.M. (CT).

Dated December 7, 2012.

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 \$60.48.

Published: February 8 & 15, 2013

NOTICE OF APPLICATION NO. 7553-3 to Appropriate Water

Notice is given that John Freeburg, Box 252, Gayville SD 57031 has filed an application for a water permit to appropriate 1.55 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SE 1/4 SE 1/4, Section 7 for irrigation of 136 acres located in the SE 1/4, NE 1/4 SW 1/4 Section 7; all in T92N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7553-3 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 February 25, 2013.

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 \$26.98.

Published: February 15, 2013

CLAY COUNTY STATEMENT OF NET POSITION - MODIFIED CASH BASIS December 31, 2012

	<u>Primary Government</u>	
	<u>Governmental</u>	
	<u>Activities</u>	
ASSETS:		
Cash and Cash Equivalents	\$ 2,853,333.53	
Investments	250,000.00	
TOTAL ASSETS	\$ 3,103,333.53	
NET POSITION:		
Restricted for: (See Note 4)		
Road & Bridge Purposes	\$ 588,608.82	
Other Purposes	421,602.86	
Unrestricted	2,093,121.85	
TOTAL NET POSITION	\$ 3,103,333.53	

The Notes to the Financial Statements are an integral part of this statement.

CLAY COUNTY STATEMENT OF ACTIVITIES - MODIFIED CASH BASIS For the Year Ended December 31, 2012

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Position	
		Charges for Services	Operating Grants and Contributions	Primary Government	Governmental Activities
Primary Government:					
Governmental Activities:					
General Government	\$ 1,311,448.82	\$ 205,399.41	\$ 41,875.11	\$ (1,064,174.30)	
Public Safety	1,288,969.09	132,399.59	66,061.47	(1,090,508.03)	
Public Works	2,809,312.01	52,199.82	925,377.14	(1,831,735.05)	
Health and Welfare	187,406.98	23,805.42	0.00	(163,601.56)	
Culture and Recreation	61,008.39	0.00	20,349.80	(40,658.59)	
Conservation of Natural Resources	251,949.02	32,119.76	111,801.33	(108,027.93)	
Urban and Economic Development	57,394.41	6,395.50	0.00	(50,998.91)	
*Interest on Long-Term Debt	6,565.38	0.00	0.00	(6,565.38)	
Total Governmental Activities	\$ 5,974,054.10	\$ 452,319.50	\$ 1,165,464.85	\$ (4,356,269.75)	

* The County does not have interest expense amount includes indirect interest expense on general long-term debt.

General Revenues:

Taxes:	
Property Taxes	4,022,126.62
911 Telephone Surcharge	77,057.06
State Shared Revenues	80,435.43
Unrestricted Investment Earnings	18,777.39
Misc Rev - Sale of County Property	197,158.96
Total General Revenues	4,395,555.46
Change in Net Position	39,285.71
Net Position - Beginning	3,064,047.82
NET POSITION-ENDING	\$ 3,103,333.53

The Notes to the Financial Statements are an integral part of this statement.