

2010 Legal and Public Notices

County Auditor, Clay County, SD

At 10:00 a.m. the time set for the seconded reading and adoption of County Ordinance 2012-05 was held. There was no public present for the second reading and no written opposition has been received.

Wilson moved, seconded by Packard to pass and adopt the following Ordinance. Roll call vote taken- Wilson-aye, Packard-aye, Kephart-aye, Passick-Aye and Powell-aye.

ORDINANCE #2012-05 AN ORDINANCE AMENDING ORDINANCE #05-01 BY REZONING CERTAIN PROPERTY

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That Ordinance #05-01 is hereby amended as follows:

Zoning change from A-1 Agriculture District to C-Commercial District, for property described as Lee Tract 1, SE1/4, SE1/4, 11-92-52, Vermillion Township, Clay County, South Dakota, (50'x50') as shown on attached proposed plat.

And the official zoning map referred to in Article 4, Section 4.03 is amended to include the property in the Commercial District.

Planning Commission Public Hearing: November 13, 2012

First Reading: Joint Meeting w/City Dec. 11, 2012

Second Reading County: Dec 27, 2012

Adoption: Dec 27, 2012

Publication: Jan 4, 2013

Effective Date: Jan 24, 2013

CLAY COUNTY BOARD OF COMMISSIONERS

Leo F. Powell, Chairman
Jerry Wilson
Phyllis Packard
Raymond (Dusty) Passick
Leslie K. Kephart

ATTEST:

Ruth A. Bremer, Clay County Auditor
Publish: Jan 4, 2013

Personnel Updates: Sheriff & County Jail Officer- Michael Smith from part time jailer to full time deputy to fill the opening vacated by Sam Kavanagh, effective on Dec. 1, 2012. Michael's pay grade, effective December 1, will be Grade 17/Step 2 (\$13.84 per hr).

Andrew Delgado replaces Michael Smith as ft-jailer, starting Dec. 1st starting pay grade is Grade 14/Step 1 (\$12.24 hr).

Sheriff Howe met with the Board to go over county jail's request for contingency transfer.

Packard moved, seconded by Wilson and carried to pass and adopt the following: Resolution #2012-27 approving the end of the year contingency transfers for 2012.

RESOLUTION # 2012-27 Contingency Transfer

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from Commissioners Contingency Fund Budget (D-112) \$4900 to Treasurer Budget-D142 (health insurance), \$1500 to Register of Deeds D-163(Data Processing), \$2,550, to 24/7-D212 (24800) (supplies), \$23,500, to Jail (10100) -D212 (-salaried, prof. services, utilities and jv. detention), \$4,400 to Coroner Budget-D213 (Post Mortem), \$65.00 to Fire Protection Budget-4290221 (tax revenue) \$435 to Domestic Abuse #4290434(revenue budget) and \$2700 to Auditor-D141 (group insurance & deductible) and \$4,000 to Soil Conservation D525 (allocataion), for unanticipated expenses for the current Budget Year.

Motion by Commissioner _____ seconded by Commissioner _____ Vote of the Board: Packard, _____ Kephart _____ Passick _____, Powell _____, Wilson _____.

Motion carried. Dated this 27th day of December 2012.

Board of County Commissioners Clay County, South Dakota

Leo F. Powell, Chairman

ATTEST:

Ruth A. Bremer, County Auditor

Passick moved, seconded by Kephart and carried to authorize the chairman to sign Assignments for Purposes of Suit (2) submitted by Noll's Collection Agency for County Welfare Lien # 2412 &

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#3335

The Vermillion City Library Monthly Report for Dec. was accepted and placed on file.

Cathi Powell/Treasurer met with the Board regarding Resolution #2012-28 establishing administration fees for 2013 in the Treasurer's Office.

Packard moved, seconded by Passick and carried to pass and adopt the following resolution

RESOLUTION #2012-28 FOR THE ESTABLISHMENT OF AN ADMINISTRATIVE FEE FOR CERTAIN TITLE SERVICES

WHEREAS, by motion of the Board effective January 1, 2013, the Clay County Commissioners establish an administrative fee of \$20.00 for certain title transfers that are processed in the Clay County Treasurer's Office; and

WHEREAS, the fee was set for individuals or businesses permanently or temporarily residing outside the State of South Dakota or who only have a personal mailbox address in South Dakota and who have decided to utilize South Dakota as their state of choice for vehicle titling and registration; and

WHEREAS, the Clay County Treasurer does not charge the fee to active military providing military ID's or to residents of Clay County.

NOW THEREFORE BE IT RESOLVED, that the Clay County Treasurer's Office charge the \$20.00 administration fee effective January 1, 2013.

Dated this 27th day of December, 2012.

Leo F. Powell, Chairman
Board of County Commissioners

ATTEST:

Ruth A. Bremer, County Auditor

The Corp of Engineers Missouri River 2012 Post -flood Inspection Report Section 33 Program on the Missouri National Recreational Rivers was accepted and placed on file.

Motion by Packard, seconded by Kephart and carried to approve the following claims for payment: December Payroll: Commissioners-\$4,699.10, Auditor's Office-\$9,021.75, Treasurer's Office-\$11,866.20, States Attorney's Office-\$12,388.26, Court-house-\$2,210.00, DOE's Office-\$7,798.25, ROD's Office-\$6,518.25, Veteran's Office-\$1,488.58, Sheriff's Office-\$28,325.84, County Jail-\$12,286.24, 24/7 Sobriety Project - \$ 1, 5 7 0 . 0 7 , Coroner-\$116.00, LEPC-\$265.33, Emerg. Mgmt. Office-\$2,420.67, Highway Department-\$37,488.55, CHN Office-\$2,573.08, Extension Office-\$2,632.58, Weed Department-\$1,082.14, and Zoning Office-\$2,058.83; (Payroll Withholding) AFLAC-\$592.66, Clay County Treasurer-\$31,792.35, Colonial Life-\$715.98, Conesco/Washington National Ins.-\$465.50, Nationwide Retirement Solutions-\$58.82, New York Life Ins.-\$306.96, SD Retirement System-\$17,715.12, SD Supplement Retirement-\$1,100.00, TASC (Flex)-\$2,342.70, United Way Of Vermillion-\$66.00, Vermillion Federal Credit Union-\$2,071.00, Wellmark Blue Cross/Blue Shield-\$31,029.65; December Bills: (Prof. Serv./Fees) David Bergendahl-\$394.14, Denise Cody-\$15.00, David Kauffman / D a k o t a Psychological-\$2,720.00, Harmelink, Fox, Ravensborg-\$262.00, ISecuretrac-\$569.25, Johnson Engineering-\$2,117.00, Sanford Health-\$146.00, Kober Funeral Home-\$1,900.00, Jason Koistinen-\$820.00, Lewis & Clark BHS-\$447.00, Lucille Lewno-\$346.40, Netsys Plus-\$1,243.50, Peterson, Stuart, Rumpka & Rasmussen-\$3,942.88, Redwood Toxicology-\$100.00, Gretchen Richardson-\$5.00, Shepherd Reporting-\$60.50, Karen Swanda-\$30.00, University Cleaners-\$20.00, Vermillion/Clay EMS-\$134.60, Yankton Co. Sheriff-\$50.00; (Publishing) Plain Talk-\$174.72; (Repairs/Maint.) Empire HVAC-\$162.50, Iowa Office Supply-\$264.24, Jones ACE Hardware-\$20.00, Murph's Appliances-\$215.0, Netsys Plus-\$210.00, Olson's Pest Technicians-\$42.00, Presto-X-\$63.51, Turner Plumbing-\$502.75; (Historic Preservation) Jim Stone-\$236.08; (Data Processing) Bureau of Administration-\$18.00, Bruce Mastel/Macman Designs-\$25.00 Microfilm Imaging Systems-\$80.00, Netsys Plus-\$2,438.00; (Materials/Supplies) American Institutional - \$ 4 7 . 6 8 , Appeara-\$23.21, Boyer Trucks SF-\$43.10, Brunick Service-\$247.00, Campbell Supply-\$139.79, Dakota PC Warehouse-\$1626.89, Davis Pharmacy-\$548.82, Empire HVAC-\$334.58, First Bank & Trust Visa-\$892.80, FrancoTyp-Postalia-\$128.85, Kathy Heles-\$78.16, Hy-Vee-\$758.18, I-State Truck

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Center - \$ 1 3 . 4 4 . Intoximeters-\$600.00, Iowa Office Supply-\$437.42, JCL Solutions-\$211.70, Richard Jepsen/Jepsen Service-\$119.00, John Deere Financial-\$1,000.00, Jones ACE Hardware-\$60.08, Lawson Products-\$402.86, Layne's World-\$28.80, Lyle Signs-\$3,662.06, Mark's Machinery-\$218.26, McLeod's Printing & Supply-\$252.75, Netsys Plus-\$15,964.95, Neve's Uniforms-\$56.85, Pheasantland Industries-\$149.08, Quill Corp.-\$402.59, Sanitation Products-\$1,728.80, SD Dept. of Transportation-\$5,389.35, Sturdevant's Auto Parts-\$19.25, True Value-\$29.97, Verizon Wireless-\$13.95, Wal-Mart Community/GEMB-\$11.06, Western Office-\$76.73, WH Over Museum-\$125.00; (Travel/Conference) Dennis Ganschow-\$47.36, Beverly Orr-\$50.40, Raymond Passick-\$190.18, Layne Stewart-\$57.36, Jerry Wilson-\$507.25; (Inmate Transport) Lee Huber-\$11.00; (Utilities) Butch's Propane-\$915.81, Centurylink-\$397.30, Clay Rural Water-\$52.40, Midcontinent Communications-\$260.00, Reliance Telephone-\$300.00; Verizon Wireless-\$354.05, Vermillion Garbage Service-\$156.00; (Jail Meals) Cherry Street G r i l l e - \$ 3 , 2 5 3 . 4 0 ; (Machinery/Auto) Brunick Service-\$275.95, Kinetic L e a s i n g - \$ 8 5 , 4 0 4 . 9 2 ; (Coroner/Post Mortem) Sanford Health-\$1,960.00; (Books) West Group-\$294.00; (Furniture/Minor Equip.) Dakota PC Warehouse-\$619.98, Western Office-\$597.30, Netsys Plus-\$1,058.00; (POD Grant) Little Italy's-\$181.86; (Ditch Expense) Pollman Excavation-\$7,624.50; (Chemicals) VanDiest Supply-\$2,944.00; (Soil Conservation) Clay Co. Conservation District-\$4,000.00.

At 10:30 a.m. Packard moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, January 8, 2013 at 9:00 a.m.

Leo F. Powell, Chairman
Board of County Commissioners

ATTEST:

Ruth A. Bremer, County Auditor
Published once at the total approximate cost of \$166.82.
Published: January 11, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL COURT

IN THE MATTER OF THE ESTATE OF LINDA S. ISEMAN, Deceased.

PRO. 12-43 NOTICE TO CREDITORS

NOTICE is given that on December 18, 2012, Barry J. Brown, 501 Ivy Road, Tea, South Dakota 57064, was appointed as Personal Representative of the Estate of Linda S. Iseman, deceased.

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 the 21st day of December, 2012

/s/ _____
Barry Brown

Jessica Bosse
Clay County Clerk of Courts
PO Box 377
Vermillion, SD 57069
605-677-6756

Prepared by: Christopher L. Fideler
Murphy, Goldammer & Prendergast, LLP
Post Office Box 1535
Sioux Falls, SD 57101-1535
(605)331-2975
Published three times at the total approximate cost of \$49.92.

Published: December 28, 2012, January 4 & 11, 2013

NOTICE OF ADOPTION

ORDINANCE #2012-05, AN ORDINANCE AMENDING ORDINANCE #05-01 BY REZONING CERTAIN PROPERTY

Notice is hereby given that Ordinance #2012-05, a Zoning change from A-1 Agriculture District to C-Commercial District, for property described as Lee Tract 1, SE1/4, SE1/4, 11-92-52, Vermillion Township, Clay County, South Dakota, (50'x50') as shown on attached proposed plat, was duly adopted by the county commission on December 27th 2012, and will become effective on the 24th day of January 2013, unless a referendum is invoked. Copy of the Ordinance and the official zoning map referred to in Article 4, Section 4.03 is amended, to include the property in the Commercial District, are available for public

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lic review, during regular business hours at the County Auditor's Office.

Planning Commission Public Hearing: November 13, 2012

First Reading: Joint Meeting w/City Dec. 11, 2012

Second Reading County: Dec 27, 2012

Adoption: Dec 27, 2012

Publication: January 4, 2013

Effective Date: Jan 24, 2013

Ruth A. Bremer, Clay County Auditor

Published twice at the total approximate cost of \$33.03.

Published: January 4 & 11, 2013

NOTICE OF APPLICATION NO. 7472-3 to Appropriate Water

Notice is given that Paul Bremer, 31244 Bluff Road, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Lower Vermillion/Missouri Aquifer (150 feet deep) located in NE 1/4 NW 1/4 Section 13 for irrigation of 136 acres located in the NW 1/4 Section 13; all in T93N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7472-3 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 January 22, 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 January 11, 2013

NOTICE OF APPLICATION NO. 7474-3 to Appropriate Water

Notice is given that Gwen Orr, 2821 Pederson Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri/Elk Point Aquifer (115 feet deep) located in SW 1/4 NE 1/4 Section 15 for irrigation of 136 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 15; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7474-3 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

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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 January 22, 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.

NOTICE OF APPLICATION NO. 7475-3 to Appropriate Water

Notice is given that Douglas G Bye, 1559 Crestview, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri/Elk Point Aquifer (110 feet deep) located in the approximate center of the NE 1/4 Section 2 for irrigation of 144.8 acres located in the NE 1/4 Section 2; all in T92N-R53W

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7475-3because 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 January 22, 2013.

NOTICE OF APPLICATION NO. 7511-3 to Appropriate Water

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 30th day of January, 2013, at 2:00 p.m. at which time bids and proposals will be received, publicly opened, and read at that time. The bids will be acted upon by the City Council at City Hall on the 4th day of February, 2013 at 7:00 p.m The equipment required is as follows:

Water Treatment Chemicals for Water and Wastewater Treatment Plants

Copies of the specifications may be obtained from the City of Vermillion Engineering Department at 25 Center Street, Vermillion, South Dakota, 57069.

Water Treatment Chemicals for Water and Wastewater Treatment Plants

Copies of the specifications may be obtained from the City of Vermillion Engineering Department at 25 Center Street, Vermillion, South Dakota, 57069.

Bid security is required according to state law and the bid specifications.

Payment for the materials and services 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 8th day of January, 2013.

CITY OF VERMILLION by _____

Jason Anderson, Asst. City Engineer

Publish twice at the approximate cost of \$33.97

Published: January 11 & 18, 2013

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NOTICE OF APPLICATION NO. 7477-3 to Appropriate Water

Notice is given that Chad Heckathorn, 47345 319th St, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower Vermillion/Missouri Aquifer (170 feet deep) located in the approximate center of the NE 1/4 Section 16 for irrigation of 118 acres located in the NE 1/4 Section 16; all in T93N-R51W. 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. 7477-3 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 January 22, 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 \$28.31.

NOTICE OF APPLICATION NO. 7511-3 to Appropriate Water

Notice is given that the Priscilla A Johnson Family Trust, 2921 Woodland Dr, Logansport IN 46947 has filed an application for a water permit to irrigate 70.5 additional acres. Water Permit No. 7066-3 appropriates 1.39 cubic feet of water per second from one well completed into the Missouri/Elk Point Aquifer (100 feet deep) located in the center of the SE 1/4 Section 5 for irrigation of 140 acres located in the SE 1/4 Section 5; all in T92N-R53W. This application proposes to irrigate 70.5 additional acres located in the N 1/2 NE 1/4 Section 8-T92N-R53W from the existing well. This application, if approved, does not authorize any increase in the development diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7511-3 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 January 21, 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