

2010 Legal and Public Notices

At 9:30 a.m., bid opening commenced for the 2014 Sheriff's vehicle. Howe was present for opening and reading of the bids. Vermillion Ford's bid for a 2014 Explorer was \$24,600 (after trade-in) with the required security check. Rasmussen Motors' bid for a 2014 Tahoe was \$30,700 (after trade-in) with the required security check. The bids were compared to the State bid of \$26,426 (no trade-in). Powell moved, seconded by Kephart and carried to accept the low bid from Vermillion Ford.

At 9:40 a.m., Packard moved, seconded by Powell and carried to adjourn as Board of County Commissioners and convene as Clay Creek Ditch Board.

The Board reviewed invoices from Pollman Excavation for Clay Creek Ditch Cleanout Project Phase 1 and for removal of beaver dams. Packard moved, seconded by Kephart and carried to authorize payment of the invoice for Clay Creek Ditch Cleanout Project Phase 1 as presented. Powell moved, seconded by Packard and carried to authorize payment of the invoice for removal of beaver dams as presented.

After consulting with the Yankton County Commissioners, February 25, 2014 at 1:00 was the time set for the annual joint Yankton/Clay and Clay Creek Ditch meeting at Toby's Lounge in Meckling.

At 9:47 a.m., Powell moved, seconded by Packard and carried to adjourn as Clay Creek Ditch Board and reconvene as Board of County Commissioners.

The Joint Powers Landfill Reports and the Vermillion Public Library Reports were accepted and placed on file.

Mockler moved, seconded by Packard and carried to authorize travel for Kathy Heles, Deputy Auditor, to Mitchell January 22, 2014 for the Annual Report Workshop.

Kephart moved, seconded by Packard and carried to pass and adopt the following Resolution #2013-20 for Automatic Supplement.

RESOLUTION #2013-20 Automatic Supplement

WHEREAS, Clay County has been reimbursed \$61,592.21 for insurance recovery for water damage to the Courthouse basement; and

WHEREAS the Courthouse budget does not have adequate funds to allow payment of these extra expenses incurred in 2013 and;

WHEREAS, the Board of County Commissioners have agreed to supplement the department by an automatic supplement, with reimbursement received from Claims Associates, for the proper conduct and discharge of lawful county obligations has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted as an automatic supplement to the aforesaid annual budget:

Clay County Courthouse (10100x4250161) - Repairs - \$50,000.00

Dated this 31st day of December, 2013.

Commissioner Kephart moved the adoption of the foregoing Resolution. Motion seconded by Commissioner Packard.

Vote of the Commission: Kephart Aye, Mockler Aye, Packard Aye, Passick Aye, and Powell Aye.

Upon which voting the foregoing Resolution was declared passed and adopted.

Raymond Passick, Chairman
Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor
Clay County, South Dakota

Powell moved, seconded by Mockler and carried to pass and adopt the following Resolution #2013-21 for Contingency Transfers.

RESOLUTION # 2013-21 Contingency Transfer

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds for unanticipated expenses for the current budget year from Commissioners Contingency Fund Budget (D-112):

2010 Legal and Public Notices

- o \$2,800 to Court Appointed Attorney A&N D-154
- o \$900 to DOE D-162 (wages)
- o \$5,000 to Sheriff's Office D-211 (equipment)
- o \$2,400 to Jail D-212 (inmate meals)
- o \$2,600 to Mental Illness D-441 (HSC)
- o \$250 to Extension D-611 (supplies)

Motion by Commissioner Powell, seconded by Commissioner Mockler.

Vote of the Board: Packard Aye, Kephart Aye, Passick Aye, Powell Aye, Mockler Aye. Motion carried.

Dated this 31st day of December 2013.

Board of County Commissioners
Clay County, South Dakota

Raymond Passick, Chairman

ATTEST:

Carri R. Crum, County Auditor

Motion by Packard, seconded by Mockler and carried to approve the following claims for payment: December Payroll: Commissioners-\$4850.00, Auditor's Office-\$8845.83, Treasurer's Office-\$11431.20, States Attorney's Office-\$122569.26, Courthouse-\$2283.33, DOE's Office-\$8812.00, ROD's Office-\$6723.33, Veteran's Office-\$1533.33, Sheriff's Office-\$29221.51, County Jail-\$12614.75, 24/7 Sobriety Project-\$2223.80, LEPC-\$273.92, Emerg. Mgmt. Office-\$2493.00, Highway Department-\$36424.59, CHN Office-\$12260.64, WIC Office-\$851.86, Extension Office-\$2651.67, Weed Department-\$798.53, and Zoning Office-\$1942.89; (Payroll Withholding) AFLAC-\$682.05, Clay County Treasurer-\$35359.23, Colonial Life-\$455.62, Conseco/Washington National Ins.-\$423.70, Dearborn National-\$192.57, Nationwide Retirement Solutions-\$58.82, New York Life Ins.-\$440.23, SD Retirement System-\$18062.37, SD Supplement Retirement-\$1075.00, SD Roth 457(b)-\$250.00, SDRS Special Pay Plan-\$8633.63, TASC (Flex)-\$2488.07, United Way Of Vermillion-\$71.00, Vermillion Federal Credit Union-\$1091.00, Wellmark Blue Cross/Blue Shield-\$31033.02; December Bills: (Insurance Deductible Reimbursement) Teddi Gertsma-\$1500.00, Jane Olson-\$972.36; (Insurance Fees) Wellmark Blue Cross/Blue Shield-\$627.00; (Prof. Serv./Fees) Denise Cody-\$30.00, Gary's Repair & Wrecker Svc.-\$480.00, David Hosmer Law Office-\$265.86, iSecuretrac-\$267.30, Lewis & Clark Behavioral Health-\$160.00, Lucy Lewno-\$299.17, James McCulloch-\$1849.10, Gary Mikelson-\$256.84, Netsys Plus-\$87.50, Peterson, Stuart, & Rumpca-\$4061.16, Pharmchem-\$84.00, Professional Security-\$328.00, Reed Law Offices-\$907.20, Sanford Health-\$96.12, SD Achieve-\$120.00, SD Dept. of Health Lab-\$350.00, SDRS Special Pay Plan-\$45.00, Shepherd Reporting-\$90.00, Karen Swanda-\$30.00, University Cleaners-\$20.00, Yankton Co. Sheriff-\$25.00, Yankton Co. Treasurer-\$318.75, Yankton Fire & Safety-\$135.00, Yankton Medical Clinic-\$117.09; (Publishing) SD Assn. of Co. Weed Boards-\$938.50, Thomson Reuters-West-\$82.34; (Repairs/Maint.) Butler Machinery-\$1865.60, Century Business Products-\$5842.00, Gary's Repair & Wrecker Svc.-\$180.00, Interstate Power Systems-\$297.50, Richard Jepsen/Jepsen Svc.-\$20.00, Murph's Appliances-\$779.00, Gary Nebelsick/Gary's Tree Svc.-\$3600.00, Mark Nelsen/Nelsen Electric-\$440.00, NetSys Plus-\$62.50, Office Elements-\$79.40, Steel Tank Institute-\$10.00, Terry's Tire Svc.-\$35.00, Turner Plumbing-\$65.00, Vermillion Ford-\$128.00; (Data Processing) Bureau of Administration-\$19.00, Bruce Mastel-\$35.00, Pollman Excavation-\$68615.00; (Materials/Supplies) A&B Business-\$157.51, Allied Oil & Supply-\$684.20, Appears-\$41.49, Blue Tarp Financial-\$349.99, Bomgaars-\$99.99, Boyer Trucks SF-\$1839.25, Butler Machinery-\$4749.48, Campbell Supply Co.-\$187.10, Carri Crum-\$7.00, Dakota PC Warehouse-\$34.99, Davis Pharmacy-\$161.30, First Bank & Trust Visa-\$581.27, Francotyp-Postal-\$107.30, Higman Sand & Gravel-\$1713.70, Hy-Vee-\$16.85, Andrew Jensen-\$4.90, Richard Jepsen/Jepsen Svc.-\$296.50, Jerry's Service-\$1961.50, Johnson Electric-\$186.90, Layne's World-\$42.36, MARCO-\$199.50, McLeod's Printing-\$324.55, MidAmerican Research Chemical-\$89.96, Midwest Bldg.

2010 Legal and Public Notices

Maint.-\$42.00, Mark Nelsen/Nelsen Electric-\$158.30, Pressing Matters-\$25.00, Quill Corp.-\$796.83, Redwood Toxicology-\$112.29, Sanitation Products-\$195.74, SD Dept. of Transportation-\$2360.50, Sturdevant's Auto Parts-\$846.43, Terry's Tire Svc.-\$169.90, Truck-Trailer Sales/Svc.-\$77.00, True Value-\$83.40, Vander Haag's-\$81.09, Verizon Wireless-\$11.74, Vermillion Ford-\$12.80, Wal-Mart Community-\$55.95, Western Office Tech.-\$42.95, Wheelco Brake & Supply-\$497.50, Yankton Janitorial Supply-\$90.70; (Copier Supplies) Century Business Products-\$36.00; (Travel/Conference) Cynthia Aden-\$61.64, Dennis Ganschow-\$82.14, Leo Powell-\$22.20; (Inmate Transport) Jerry's Service-\$661.56; (Utilities) CenturyLink-\$494.21, City of Vermillion-\$988.39, Clay Rural Water System-\$52.40, MidAmerican Energy-\$1668.18, MidContinent Comm.-\$243.00, Reliance Telephone-\$400.00, Verizon Wireless-\$354.06, Vermillion Garbage Svc.-\$216.00; (Machinery/Auto) Brunick Service-\$165.00, Jerry's Service-\$1970.78, Load-Rite-\$10180.00, Vermillion Ford-\$96.80; (Inmate Meals) Cherry Street Grille-\$6911.70; (Chemicals) VanDiest Supply-\$4150.85; (Books) Thomson Reuters-West-\$1015.00; (Furniture/Minor Equip.) Netsys Plus-\$958.99, Quill Corp.-\$540.92; (Tourism/Ind. Development) Vermillion NOW!-\$10000.00; (Jury/Witness) Hy-Vee-\$5.08, Randy Anderson-\$35.16, Leslie Aust-\$50.00, James Balleweg-\$10.00, Sarah Blaine-\$24.80, Robert Boone-\$10.00, Debra Brown-\$10.00, Joshua Brown-\$20.00, Richard Burbach-\$10.00, Clayton Campbell-\$11.48, Dale Chasing Hawk-\$10.00, Mary Christopher-\$50.00, Megan Dreesen-\$111.84, Kimberly Druecker-\$10.00, Gary Dubois-\$15.18, Shannon Dyvig-\$10.00, Gail Fiedler-\$10.00, Brandon Fischer-\$13.70, Patricia Goebel-\$50.00, Melissa Griese-\$10.00, Tyler Gutzman-\$100.00, Cody Hall-\$50.00, Joseph Hall-\$10.00, Timothy Hannahs-\$10.00, Marlene Hauger-\$10.00, Lisa Hazlett-\$10.00, Kaius Helenrum-\$10.00, Brian Hensel-\$10.00, Ruth Hessman-\$68.50, David Hulkonen-\$100.00, Samantha Hulstein-\$10.00, Debbie Irwin-\$14.44, Nathaniel Jarchow-\$10.00, Joseph Johnson-\$52.96, Sidney Johnson-\$10.00, Elaine Kauer-\$10.00, Ivan Kaufman-\$32.20, Douglas Kozak-\$100.00, Calvin Krogman-\$10.00, Kimberly Loren Lunning-\$24.80, Kevin Lynch-\$14.44, Mark Mazour-\$10.00, Jill McBride-\$16.66, Candie McDonald-\$16.66, Teresa McDowell-Johnson-\$100.00, Emily McClelland-\$10.00, Kelly Mehlfah-\$27.76, Janet Merrigan-\$100.00, Gustave Miller-\$100.00, Reeo Musch-\$12.96, Mark Nelsen-\$24.80, Kathy Nelson-\$10.00, Donald O'Connor-\$18.14, William O'Connor-\$12.96, Beverly Orr-\$10.00, Catherine Paltz-\$10.00, Thomas Paulson-\$10.00, Mary Radigan-\$100.00, Reed-\$13.70, Reed-\$100.00, Roach-\$10.00, Aleetra Roberts-\$40.00, Barbara Rothschild-\$10.00, Tonya Rederick-\$40.00, Joseph Sippel-\$10.00, Gary Small-\$100.00, Sheryl Smith-\$21.10, David Styles-\$10.00, Miranda Sullivan-\$10.00, Eland Summers-\$10.00, Terrell Surprenant-\$27.02, VanKley-\$10.00, James Vankekerix-\$141.44, Deena Walraven-\$15.92, James Waters-\$100.00, Douglas Wedel-\$10.00, Harlan Wentzel-\$52.96, Randall Wheelock-\$104.44, Joyce Zimmerman-\$12.22.

At 10:01 a.m. Packard moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, January 7, 2014 at 9:00 a.m.

Raymond Passick, Chairman
Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor

Published once at the total approximate cost of \$173.52
Published: January 10, 2014

NOTICE OF HEARING on APPLICATION NO. 7919-3 to Appropriate Water

Notice is given that Larry & Marlene Erickson, 29859 461st Ave, Centerville SD 57014 has filed an application for a water permit to appropriate 1.83 cubic feet of water per second from one well to be completed to an approximate

2010 Legal and Public Notices

depth of 75 feet deep located in the approximate center of the NE 1/4 Section 9 for irrigation of 83.83 acres located in the NE 1/4 Section 9; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 7919-3 pending the completion of the study by South Dakota Geologic Survey that is currently ongoing in the area. The information from the study is necessary to determine the source of water proposed in the application to determine if there is reasonable probability that there is unappropriated water available for the applicant's proposed use. Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available. The recommendation, if revised will not be public noticed again. This is the opportunity to intervene regarding this application.

The Water Management Board will consider this application at 1:00 p.m. on March 6, 2014 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 24, 2014. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The March 6, 2014 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by February 24, 2014. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by February 24, 2014 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided

2010 Legal and Public Notices

by publication, and the applicable date to give notice to the Chief Engineer is January 20, 2014. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$68.68
Published: January 10, 2014

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

JACQUELINE MARY-DENISE MUDROW

Plaintiff,

vs,

MITCHELL DOUGLAS TURNER,

Defendants.

DIV. 13-53

DIVORCE SUMMONS

THE STATE OF SOUTH DAKOTA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT Mitchell Douglas Turner:

You are hereby summoned and required to answer the Complaint of the above-named Plaintiff, which was the 16th day of December, 2013, filed in the office of the Clerk of the Circuit Court of the First Judicial circuit in Vermillion, Clay County, South Dakota, and to serve a copy of your answer to said Complaint on the undersigned at his office of 106 West Main, PO Box 32, Beresford, South Dakota, within thirty (30) days after the service of this summons upon you, exclusive of the date of such service, and if you fail to answer within said time, the Plaintiff in this action will take judgment against you by default as requested in Plaintiff's Complaint, after thirty (30) days have elapsed from the completed service of said Summons and Complaint.

That pursuant SDCL 25-4-33.1, and until further order of the court, both the Plaintiff and Defendant named herein are restrained from the following:

1. From transferring, encumbering, concealing or in any ways dissipating or disposing of any marital assets without the written consent of the other party or an order of the court, except as may be necessary in the usual course of business or for the necessities of life, and requiring each party to notify the other party of any proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made after the temporary restraining order is in effect, and;
2. From molesting or disturbing the peace of the other party, and ;
3. From removing any minor child of the parties from the State without the written consent of the other party or an order of the court.
4. In compliance with the Uniform Child Custody Jurisdiction Act, Plaintiff States:
 - a. That the child know as Isabella Mary-Margaret Myers currently resides with Plaintiff at her address of 46766 302nd Street,

One & two bedroom apartments, **Scotland Apartments**, 821 Main St. Scotland, SD 57059. Laundry, Rental assistance available to those who qualify. For appointments or applications please call **605-624-5218** or visit www.oakleafpm.com. Equal Housing Opportunity

2010 Legal and Public Notices

Beresford, South Dakota 57004.

b. No other action concerning the custody of the child is pending in this or any other state other than in this action between the parties hereto.

c. No other party has claimed a right to the custody of the child, and no other person not a party to this proceeding has claimed a right to visitation privileges with said child at the time of the signing of this complaint.

5. Pursuant to SDCL 25-4A-11 upon the filing of a summons and complaint for divorce the Plaintiff shall also file and serve upon the Defendant a copy of the standard parenting guidelines. The standard guidelines attached to the summons shall become an order of the court upon fulfillment of the requirements of service. Any minor child of the marriage shall remain in the custody for the majority of the time in the twelve months preceding the filing of the summons and complaint, unless the parties agree otherwise. The standard guidelines shall apply and continue in effect, unless the parties agree, or the court orders otherwise. Imposition of the standard guidelines creates no presumption as to who may be awarded custody at any hearing.

Dated at Beresford, South Dakota this 27th day of December, 2013.

Michael J. McGill
Attorney for Plaintiff
PO Box 32
Beresford, SD 57004-0032
(605)763-2057

Published four times at the total approximate cost of \$179.51
Published: January 3, 10, 17, and 24 2014

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

US Bank National Association, as Trustee for the Banc of America Funding 2007-06 Trust

Plaintiff,

vs,

EDWIN A. JOHNSON; MICHELLE H. MARTIN; and any person in possession,

Defendants.

Civil No. 12-356

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$72,147.13 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 March 13, 2013 for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment to the real property described in the Mortgage dated March 21, 2007, which Edwin A. Johnson and Michelle H. Martin, Mortgagors, executed and delivered to Mortgage Electronic Registration System, INC, Mortgagee:

The N1/2 of Lots 5,6 and 7 of block 12, Van Meter's Addition to the City of Vermillion, Clay County, South Dakota: Together with that portion of the vacated alley abutting and adjoining the north line of subject lots, which reverted pursuant to Resolution recorded September 17, 1980, in Book 38 of Misc. Page 615

also the North 1/2 of the Vacant Alley Adjacent to Lots 8, 9, and 10, Van Meters Addition to the City of Vermillion.

And recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 22nd of March, 2007, in Book 125 of Mortgages, Page 799; said mortgage was assigned to Us Bank National Association, as Trustee for Banc of America. Funding 2007-06 Trust by Assignment of Mortgage recorded on the 8th day of June, 2011 in Book 132 of

Town Square I & II Apartments 505-507 W. Main St. Vermillion, SD 57069. 1 BR apartments for anyone 55 years of age or older, or persons with disabilities. Please call **605-624-5218** or visit www.oakleafpm.com. Utilities are included and we are pet friendly. Rental assistance available to those who qualify. Equal Housing Opportunity