

10A Vermillion Plain Talk

2010 Legal and Public Notices

sion have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

SN/
Leo F. Powell, Vice Chairman
Board of County Commissioners

I, Carri R. Crum, 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 25, 2014.

Carri R. Crum
County Auditor, Clay County, SD

Dennis Ganschow, Weed Supervisor, met with the Board to request travel to Huron on December 1, 2014 for a weed meeting. Packard moved, seconded by Mockler and carried to approve travel. Ganschow also requested travel to Sioux Falls on December 9, 2014 for a weed meeting. Mockler moved, seconded by Packard and carried to approve travel.

Cynthia Aden, Welfare Director, met with the Board to present Welfare Case #C14-36 for a county burial. Mockler moved, seconded by Packard and carried to approve payment of \$1900 for the funeral as the individual qualified under the welfare guidelines.

Aden presented an appeal for Welfare Case #C14-33. The applicant had met residency requirements. However, the household income had been too high to be eligible, according to guidelines and the States Attorneys Office opinion that the entire household income should be considered. In the meantime, Sanford Health has notified the County that it will be proceeding with a civil suit regarding this case. Mockler moved, seconded by Packard and carried to defer action due to the pending civil suit by Sanford Health.

Packard moved, seconded by Mockler and carried to approve the following claims for payment. November 2014 Payroll: Commissioners \$4,995.50; Auditors Office \$8,758.14; Treasurers Office \$13,015.24; States Attorney Office \$13,357.67; Courthouse \$2,425.83; DOE's Office \$9,151.50; ROD's office \$6,106.99; Veterans Office \$1,583.33; 24/7 Sobriety Project \$2,203.29; Sheriffs Office \$30,200.85; County Jail \$13,063.83; Emg. Management \$366.67; LEPC \$3,330.00; Highway \$36,378.46; Health Nurse \$2,038.50; County Extension \$2,750.00; Weed Control \$585.21; and Zoning Office \$2,210.34. (Payroll Deductions) AFLAC \$692.57, Clay Co Treasurer \$35,962.00, Colonial Life \$409.47, Conseco/Washington \$100.70, Dearborn National \$195.72, Nationwide Ret. Solutions \$58.82, New York Life Ins. \$244.02; Optilegra Inc. \$17.92, SD Retirement System \$18,273.54, SD Supplement Retirement \$625.00, SDRS Roth \$275.00, TASC (Flex System) \$2,915.82; United Way of Vermillion \$147.00, Vermillion Federal \$1466.00 and Wellmark Blue Cross \$31,956.94; (Other Insurance) SD Public Assurance \$192.00; (Professional Services and Fees) Cody, Denise \$45.00; Corrisoft LLC \$138.60; Houska, DDS. Randy \$207.00; Lewno, Lucille M \$524.97; Netsys Plus, Inc. \$541.88; SD Dept of Health Lab \$1,970.00; Swanda, Karen \$45.00 and Yankton Co Sheriff \$75.00; (Other Professional Service) Schaefer, Dean \$162.00; (Repairs and Maintenance) Harmelink, Fox, Ravnsb \$138.50; Mickelson, Gray E; Attorney \$420.12; Peterson, Stuart, Rump \$5,035.84; Reed Law Offices \$191.40; Yankton Co Treasurer \$440.00; SD Achieve \$180.00; Campus Catering \$230.44; Fast Auto Glass, Inc. \$285.00; Johnson Feed, Inc. \$285.00; Muenster, Ted \$478.07; National Alliance Office \$100.00; Netsys Plus Inc. \$955.00; Office Elements \$1.64; Pressing Matters \$108.00; Stone, Jim \$137.87; Mastel, Bruce \$35.00; Netsys Plus, Inc. \$123.25 and Software Services, Inc. \$340.00; (Supplies & Materials) Appera \$43.92; Cretex Concrete Products \$47,170.00; Diamond Mowers Inc. \$123.07; Francotyp-Postalia Inc. \$129.00; Hy-Vee, Inc. \$40.90; John Deere Financial \$501.98; Johnson Feed, Inc. \$91.77; Lawson Products, Inc. \$180.03; Lyle Signs, Inc. \$258.20; Marco \$220.76; Midwest Ready Mix \$1,920.25; Neves Uniform & Equipment \$94.90; Office Elements \$42.35; Riverside Hydraulics \$270.05; Truck-Trailer Sales \$115.95; TrueNorth Steel \$33,365.62; Vander Haags, Inc. \$3,326.94; Verizon Wireless \$11.88; Walmart Community/Geer \$110.56 and Western Office Tech. \$39.50; (Travel and Conference) Aden, Cynthia \$25.99; Granschow, Dennis \$18.00; Howe, Andy \$49.51; McPherson, Larry \$41.00; Polley, Rodney \$18.00; Ramkota Hotel \$181.92; Stewart, Layne \$96.36 and Styles, David \$47.36; (Utilities) Clay Rural Water System \$37.10; Verizon Wireless \$354.06 and Verm./Clay Co. Landfill \$10.00; (Inmate Meals) Hy-Vee, Inc. \$288.95; (Machinery/Auto) Quality Motors \$40.43; Butler Machinery Co. \$18,762.00 and Kinetic Leasing \$85,404.92; (Books) Thomson Reuters West \$86.46.

At 10:48 a.m., Mockler moved, seconded by Packard and carried to adjourn and reconvene in a joint meeting with the City of Vermillion City Council at 11:15 a.m. at City Hall, 25 Center St., Vermillion, SD.

At 11:15 a.m., the Board of County Commissioners convened in a joint meeting with the City of

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Vermillion City Council at City Hall, 25 Center St., Vermillion, SD. Members present: Mockler, Packard, Powell; Kephart and Passick absent.

A public hearing was held for the Second Reading of ORDINANCE #2014-03, an ordinance amending Ordinance #2013-04, a request to re-zone land (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., Clay County, SD. Aden reported that both the City of Vermillion's and Clay County's planning commissions unanimously approved the zoning change. No one appeared in opposition, and no written correspondence was received. Packard moved, seconded by Mockler to adopt Ordinance #2014-03 and authorize the Vice Chairman to sign the ordinance. Vote of the Commission: Mockler: Aye, Packard: Aye, Powell: Aye. Motion passed. A copy of the ordinance is on file and available to the public in the Auditors Office.

At 11:18 a.m., Packard moved, seconded by Mockler and carried to adjourn and reconvene at 11:45 in a meeting with the City of Vermillion City Council at RED Steakhouse, 1 E. Main St., Vermillion, SD to receive updates from Dakota Hospital Foundation and Sanford Vermillion Medical Center.

At 11:55 a.m., Mockler moved, seconded by Packard and carried to convene at RED Steakhouse.

Timothy Tracy and Mary Merrigan gave updates on construction plans for the Sanford Vermillion Medical Center. The Dakota Hospital Foundation has completed the requirements to combine multiple lots, which will allow for future expansion. Construction plans include new laundry and pharmacy facilities, a drive-thru ambulance garage, an expanded emergency room, a decontamination center, a new MRI, and a relocation of the laboratory.

At 12:53 p.m., Mockler moved, seconded by Packard and carried to adjourn and reconvene Tuesday, December 2, 2014 at 9:00 a.m.

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

Carri R. Crum, County Auditor

Published once at the total approximate cost of \$229.38. Publish: January 9, 2015.

NOTICE OF ADOPTION

Notice is hereby given that Ordinance #2014-04, an Ordinance Imposing a County Wheel Tax, was duly adopted by the County Commission on December 30, 2014, and will become effective on the 5th day of February, 2015, unless a referendum is invoked.

ORDINANCE #2014-04 AN ORDINANCE IMPOSING A COUNTY WHEEL TAX

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That a county tax be imposed on all licensed vehicles with wheels as defined by SDCL 32-3-1 which are registered in Clay County, at a rate not to exceed four dollars (\$4.00) per wheel on all vehicles registered in Clay County. The total vehicle tax may not exceed the sum of sixteen dollars (\$16.00) per vehicle. The tax shall be administered and collected by the County pursuant to SDCL 32-5A-1. The total sum of all proceeds from the tax shall be retained by the County and deposited in the county road and bridge fund, to be used only for highway and bridge maintenance and construction. The Board of County Commissioners shall, upon resolution, establish a means of distributing the revenue generated by this chapter among the County, municipalities and townships located within the county. The county wheel tax shall become effective for collection beginning August 1, 2015.

First Reading: December 9, 2014

Second Reading: December 30, 2014

Adoption: December 30, 2014

Publication: January 8/9 & 15/16, 2015

Effective Date: February 5, 2015

Raymond Passick, Chairman
Board of County Commissioners
Clay County, South Dakota

ATTEST:
Carri R. Crum, Clay County

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Auditor

Published twice at the total approximate cost of \$45.75. Publish: Jan. 9 & 16, 2015.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

Quicken Loans Inc.,

Plaintiff,

vs,

Brian D Wagner; and any person in possession,

Defendants.

Civil No. 14-43

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$78,763.66 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 October 3, 2014, 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 24, 2012, which Brian D Wagner, Mortgagee, executed and delivered to Mortgage Registrations Systems, Inc. Mortgagee: LOTS 1 & 2, EXCEPT THE EAST 50' THEREOF, BLOCK 69, BIGELOW'S ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA (201 N YALE).

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the March 8, 2013, in Book 134, Page 789; Said Mortgage was assigned to Quicken Loans, Inc. by Assignment of Mortgage recorded April 16, 2014, Book 136, Page 244, in order to realize the amount of \$78,750.00, as of July 24, 2012, plus interest accruing thereafter on said amount at the rate of 4.8% 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 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 January 21, 2015, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee or the Mortgagees attorney.

Dated October 29, 2014.

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

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STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

Wells Fargo Bank, N.A.,

Plaintiff,

vs,

Melody A. Scott; City of Vermillion; and any person in possession,

Defendants.

Civil No. _____

S U M M O N S

To the Above-Named Defendant(s):

You are hereby summoned and required to serve upon Plaintiff's attorney, Mackoff Kellogg Law Firm, 38 Second Avenue East, Dickinson, North Dakota 58601, an answer to the complaint which is herewith served upon you within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This action involves a real property situated in the County of Clay, State of South Dakota described as follows:

THE SOUTH 21 FEET OF LOT 4 AND THE NORTH 41.5 FEET OF LOT 5, NELSON'S ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

The Plaintiff makes no personal claim against you in the action.

Dated June 26, 2014.

MACKOFF KELLOGG LAW FIRM
Attorneys for Plaintiff
38 Second Avenue East
Dickinson, ND 58601
Tel: (701) 227-1841

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Fax: (701) 225-6878

By: David C. Piper, Attorney
SD BAR ID #4128

Published Four times at the Total approximate cost of \$87.80. Publish: Dec. 19 & 26, 2014 & Jan. 2 & 9, 2015.



Mockler appointed Board Chairperson at 1st meeting

By Sarah Wetzel,
For the Plain Talk

The first meeting of the Clay County Board of Commissioners convened Monday at 9 am.

Travis Mockler was nominated then voted in as Chairperson to succeed Raymond Passick. Phyllis Packard was nominated and voted to become the Vice Chairperson.

This being the first meeting of the year, appointments and resolutions were the main concern of the meeting.

The Vermillion Plain Talk was designated as the official newspaper for Clay County, though the County will be publishing through other sources as well.

The front door of the Courthouse as well as the front door of the Post Office in Wakonda were designated as places for holding foreclosure sales.

Official depositories will be the First Bank & Trust, Bank of the West, CorTrust Bank/Vermillion, First Dakota National, Wells Fargo Bank/Vermillion, First Premier Bank/Wakonda, SD FIT, and Vermillion Federal Credit Union.

As far as county burials are concerned, the funeral director in charge will furnish the casket and outside container and conduct the funeral services in customary manner. For these services, a sum of \$1900 will be rendered.

The county will follow state regulations in relation to rates in connection with travel reimbursement which is set at \$.37 per mile.

If mileage rates are raised by the state during the year, the county will follow suit.

Allowance per diem for the Commissioners appointed to serve on all Boards outside of the normal County Commission Meetings was set at \$20.00 plus mileage.

Fees for boarding prisoners for other counties was approved as follows: \$60 per day with the exception of Turner and Lincoln Counties which are under contract for \$55 per day, fees for housing work release prisoners at \$20 per day, and daily boarding rate at \$15 per day, adult

electronic GPS monitoring at \$20 per day, juvenile electronic GPS monitoring at \$10 per day, applicant fingerprinting at \$15 per 2 cards, accidents reports at \$2 per page, and other reports or printing e-mailed civil process to serve at \$1 per page.

Public Assurance Alliance was approved as the County's liability insurance and SDML for

worker's compensation insurance. Resolution #2014-01 for Establishment of Election Precincts/Polling Places for 2015 was adopted which sets the election/polling location for Clay County. For the city of Vermillion this location is the National Guard Army at 603 Princeton St. The other wards of Clay County are as follows:

Rural Ward #1-SESD Experimental Farms (29974 University Rd. Beresford)
Rural Ward #2 -Senior Citizen Ctr./Wakonda (119 Ohio St. Wakonda SD)
Rural Ward #3-4-H Center/Fairgrounds (515 High St. Vermillion)

Resolution #2014-02 was also passed which deals with the Establishment of Precinct Election Officials Fees for 2015.

"The fee for precinct election officials in Clay County be set at \$120.00, and election superintendent at \$150.00, for each election," the resolution states. "Election officials be allowed a fixed fee for attendance at a meeting called by the County Auditor for instruction on election laws and the duties of the judges and clerks of election."

Other reports were accepted and put on file.

In last week's meeting, Rod Polley, Highway Superintendent, met with the Board to discuss Highway matters, namely Saginaw Avenue construction and the new Wakonda Highway shop.

Potential assignment of funds for Saginaw Avenue were discussed.

According to Polley, if funds were available the Saginaw Avenue construction it could happen late this summer. Polley also said this would put the Highway Department approximately 15 miles behind on chip sealing.

Passick stated that although Saginaw Ave. has been discussed the most, there are at least another 5-6 areas in need of major repairs.

Road repair is a widespread problem in Clay County.

In regards to the 2015 Sheriff's vehicle, the board had to choose between local and low-cost.

After reviewing the bids at the last meeting, Sheriff Andy Howe recommended the bid for a Dodge Ram in the amount of \$24,499 because it represented the lowest cost to the county.

The board members, however, were thinking of other costs as well.

Powell said that he does not like the idea of going out of town for the purchase and service of the

car because local dealers pay taxes in Clay County.

One bid was received from Vermillion Ford in the amount of \$26,990 for a 2015 Ford Explorer, and it was accompanied by the required bond check.

According to Howe, the Explorer would meet the need of the department and he understood if the Board decided to keep the business local.

Howe left the meeting to review the bid from Vermillion Ford for the Explorer to verify if the vehicle met specifications. He later returned to report that the vehicle did and the bid was accepted.

Only a few minor items are left to be completed with the new Wakonda Highway Shop. According to Polley, the final walk-through was completed on Monday.

The Board approved a final payment on the building to go through as soon as the minor items are completed.

Polley also expressed a desire he and Weed Supervisor Dennis Ganschow had to change the Highway Secretary position from 3/4 - time to full-time.

The change was approved by the Board and went into effect Jan. 1.

A Public Hearing was held for Resolution #2014-14, a Supplement of the County Budget.

The supplement involves \$10,000 to be allotted to the Care of Poor Department to cover unanticipated hospitalization expenses for qualified individuals under established welfare regulations.

No one appeared in opposition, and no written correspondence was received. The resolution was unanimously carried to pass.

Resolution #2014-13 was adopted for Contingency Transfer.

A low bid of \$2.145 from Brunick Service for 2500 gallons of #2 diesel fuel was approved.

The 2015 County Health Nurse contract with the state was signed.

Payment was approved on a welfare case for a county burial after Cynthia Aden, Welfare director, confirmed that the individual met welfare guidelines.

On the recommendation of the State Auditor and the county Treasurer, the writing-off of non-sufficient funds checks was authorized. Some of the checks were as old as the year 2000.

An Application for Abatement was approved for a mobile home that had been moved prior to 1/1/14.

says she and her late husband, who started the adolescent medicine program at Yale Medical School, had long been interested in the Native American culture since hosting a young member of the Hopi Tribe. She describes her husband as a "quiet, caring man, who did things anonymously to help people better themselves."

A lay minister during his college years, who served as interim pastor in rural communities, Anyan was a leader in establishing school-based health clinics to increase access to quality health care for all children and adolescents in Connecticut public schools and youth detention centers.

Anyan hopes to direct additional funds to the Dr. Walter Anyan Scholarship Endowment so as to completely fund scholarship recipients' expenses. "It's a wonderful way to honor his memory," she said.

Gift to USD Foundation aims to improve health care of Native American communities in South Dakota

A \$100,000 gift to the University of South Dakota Foundation by his widow will honor the memory of Dr. Walter Anyan and provide greater access to health care among Native Americans in South Dakota.

Dr. Michael Lawler, M.S.W., Ph.D., dean of the School of Health Sciences, says the money will fund scholarships for Native American students in any of the School of Health Sciences' undergraduate majors — addiction studies, dental hygiene, health sciences, medical laboratory science, nursing, and social work — who will then practice in their home communities. "This generous gift will support Native American scholars-practitioners at USD who are eager to contribute to the health and well-being of their communities," Lawler said. "We are thrilled to offer the Dr. Walter Anyan Scholarship."

Carol Ann Anyan, of Guilford, Conn.,