#### Legal and Public 2010 2010 **Notices**

605-624-9278

JESSICA BOSSE CLERK OF COURTS 211 W. MAIN STREET VERMILLION, SD 57069 (605)677-6756

CRAIG K. THOMPSON CRAIG K. THOMPSON LAW OFFICES P.O. BOX 295 VERMILLION, SD 57069 (605)624-2097

craig@cktlaw.net Published three times at the total approximate cost of \$54.66. Published: July 5, July 12, & July 19, 2013

#### INVITATION TO BID

#### RECEIPT OF BIDS

Sealed bids for the Baler Building project will be received by the City of Vermillion, City Engineer, at City Hall, 25 Center Street, Vermillion, South Dakota, 57069. until August 1, 2013 at 2:00 p.m., and shortly thereafter the bids will be opened publicly and read aloud in a room at City Hall.

#### GENERAL DESCRIPTION OF WORK

The project consists of cons t r u c t ing a baler building at the Vermillion Landfill located at 31426 Bluff Road, Vermillion, SD 57069. The building will be a metal framed building approximately 13,000 square feet in size. The purpose of the building is to bale waste received at the landfill. Procurement of baler system equipment is not included with this project.

Additional bid requirements and specifications that must be met by BIDDER are included in subsequent specification sections of this specification package.

#### DOCUMENT EXAMINATION AND PROCUREMENTS

Copies of the Bidding and Contract Documents will be available electronically at no charge and e-mailed to the BIDDER.

Paper copies of the Bidding and Contract Documents will be available upon request at no charge. BIDDER shall provide a \$20 refundable deposit for the paper copies. Contract documents will not be shipped until BIDDER provides delivery payment method. Refunds will be given when plans are returned to the City.

To obtain a copy of the Bidding and Contract Documents contact:

Monica Peterson HDR Engineering, Inc. 701 Xenia Avenue South Minneapolis, MN 55416 763-591-5432 Monica.Peterson@hdrinc.com

No partial sets of Specifications or Drawings will be issued.

## BID SECURITY

Each Bid shall be accompanied by bid security as described in Specification Section 00 21 13 -INSTRUCTIONS TO BIDDERS.

### CONTRACT SECURITY

The successful BIDDER will be required to furnish a Performance Bond as described in Section 00 72 00 - GENERAL CONDI-TIONS.

### CONTRACT TIME

The Contract Time is defined in Section 00 72 00 - GENERAL CONDITIONS, and specified in Specification Section 00 50 00 -AGREEMENT.

#### QUALIFICATION OF BID-DERS

Requirements concerning the qualifications of BIDDERS are described in Section Specification 00 21 13 - INSTRUCTIONS TO BIDDERS.

#### OWNER'S RIGHT TO RE-JECT BIDS

The City of Vermillion reserves the right to waive irregularities and to reject bids.

CITY OF:

DATE:

City Manager

Published twice at the total approximate cost of \$77.65. Published: July 5 & 12, 2013

### Please Recycle!

#### Legal and Public 2010 **Notices**

#### NOTICE OF AUDIT OF THE FISCAL AFFAIRS OF THE CITY OF VERMILLION

Notice is hereby given that the records and books of account of the City of Vermillion, South Dakota have been audited by Williams & Company, P.C., Certified Public Accountants of Le Mars, Iowa for the year ended December 31, 2012. A detailed report thereon is filed with the City of Vermillion and the Department of Legislative Audit in Pierre, South Dakota for public inspection.

This notice is published in compliance with the provisions of SDCL 4-11-12.

Martin L. Guindon, CPA, Auditor General Department of Legislative Audit

Published twice at the total approximate cost of \$15.79. Published: July 12, & 19, 2013

#### NOTICE OF APPLICATION NO. 7836-3 to Appropriate Water

Notice is given that Craig L Nelson, 30641 466th Ave, Vermillion SD 57069 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells to be completed into the Lower Vermillion:Missouri Aquifer (170 feet deep) located in the approximate centers of the NE 1/4 and SE 1/4 Section 20 for irrigation of 158 acres located in the E 1/2 NE 1/4. SW 1/4 NE 1/4 and the SE Section 20; all T94N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application No. 7836-3 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 the SDRS Roth 457 will provide be filed by July 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 \$27.97. Published: July 12, 2013

### NOTICE TO BIDDERS

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 31st day of July, 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 located at 25 Center Street on the 5th day of August, 2013, at 7:00 p.m. The

Annual Supply of Liquified Propane for Solid Waste and Wastewater Treatment Plant

materials required are as follows:

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

Payment for the materials 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

Dated at Vermillion, South Dakota this 9th day of July, 2013.

CITY OF VERMILLION

Jason Anderson, Assistant City

### Legal and Public **Notices**

Publish twice at the approximate cost of \$28.91 Published: July 12 & 19, 2013

## The University of

kota is accepting sealed bids for USD Dakota Dome Scenic Exterior Lighting until 2:00 P.M., July 23, 2013. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Copies of the bid solicitation and specifications are available through the office of Purchasing, University of South Dakota, Slagle Hall Room 209, phone number 605-677-5667 or

email kyra.blatchford@usd.edu. The University reserves the right to reject any and all bids. Published twice at the total approximate cost of \$12.82

### Published: July 5 & 12, 2013 Notice of Application for **Executive Clemency.**

Heather Foster who was sentenced in Clay County, the 27th day of October, to pay \$250, court costs and suspended jail. For the crime of Tampering with a motor vehicle. Has applied to the South Dakota Board of Pardons and Paroles for a Pardon. Published 3 times at the cost of

Published June 28, July 5, July

#### July 2, 2013 **Commissioner Meeting**

The Board of County Commissioners met in regular session Tuesday, July 2, 2013 at 9:00 a.m. Members present: Kephart, Mockler, Packard, Passick, and Powell.

Powell moved, seconded by Mockler and carried to approve the agenda as presented.

Minutes of the June 25th meeting were amended and approved with a motion by Powell seconded by Packard and carried.

Powell moved, seconded by Packard and carried to pass and adopt Resolution #2013-11 for Employer Election to Participate in the South Dakota Retirement System Roth 457 Plan.

#### Resolution 2013-11 **Employer Election to Participate** In the SDRS Roth 457 Plan

Whereas, SDCL 3-13-57 SDRS to allow participating employer units the opportunity to offer SDRS Roth 457 program as part of their employees' elective benefits package; and

Whereas, Clay County, South 1. Roll Call Dakota understands and agre public employees an additional savings option that allows them to make after tax contributions to the program with the opportunity of qualified tax-free withdrawals.

Now, Therefore, Be It Resolved, that Clay County, SD shall elect to offer the Roth 457 Program as provided under SDCL 3-13, Deferred Compensation Plan for Public Employees, and agrees to the terms and conditions as set forth by SDRS, with an effective date of July 2, 2013.

Raymond Passick. Chairman, Board of County Comminssioners

### Date

Powell moved, seconded by Packard and carried to approve County Burial #C13-21, presented by Cynthia Aden, Welfare Director, at the last meeting. The case meets the County's Welfare guide-

Dennis Ganschow, Weed Supervisor, met with the Board to give a status report on weed matters. Weed spraying is done, and the Weed Dept. will be working on Salt Cedar control. The Board reviewed the Weed Dept. budget for

Andy Howe, Sheriff, met with the Board to discuss the Sheriff, Jail, and 24/7 Sobriety Project budgets for 2014. Powell moved, seconded by Kephart and carried to approve payroll addition for a  $\_$ -time 24/7 Sobriety Project Administrator discussed in a previous meeting.

Bob Devine and Sam Johnson from Johnson Controls and Philip Terwilliger, Deputy State's Attorney, met with the Board to discuss the Courthouse chiller system pro-

Philip Terwilliger, Deputy State's Attorney, met with the Board to present the Committal Contract. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the

### Legal and Public **Notices**

contract as presented.

2010

The Veterans Service Officer's Monthly Activity Report, the monthly Building Permit Report, and the monthly Welfare Report were accepted and placed on file.

The following Auditor's Account with the County Treasurer Report for June 2013 was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER To the Honorable Board of County Commissioners of Clay

items in the hands of the County Treasurer as of June 30,2013 I hereby submit the following report of my examination of the cash:

Total amount of deposits in 4,162,110.21 banks Amount of actual cash 2.959.41

Total amount of checks and drafts in Treasurer's

Possession not exceeding three 20,881.35 days Itemized list of all items, checks drafts which have and been in the Treasurer's possession 1,803.38 over three days: Checks returned and not depos-

Cash Items Investments 251,000.00 0.00 Cash Variation 4,438,754.35 Dated this 1st Day of July,

ited

Carri R. Crum, County Auditor

At 11:50 a.m. Packard moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, July 9, 2013 at 9:00 a.m.

Raymond Passick. Chairman, Board of County Comminssioners

ATTEST:

Carri R. Crum, County Auditor Published once at the total approximate cost of \$53.19 Published: July 12, 2013

**Unapproved Minutes Council Special Session** July 1, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 1, 2013 at 12:00 noon at the City Hall large conference

Present: Collier-Wise, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

Absent: Davies

#### 2. Informational Session - National Music Museum - Cleveland Johnson

Mayor Powell introduced land Johnson, Director of the National Music Museum. Cleveland updated the City Council on the happenings at the National Music Museum. Cleveland reviewed what he sees as challenges and opportunities for the museum. Cleveland thanked the City Council for their support of the museum noting how much is spent on the billboards on I-29 that draw people off the interstate to see the museum and the community. Cleveland answered questions of the City Council on the

#### 3. Informational Session - New Wastewater Treatment Backup **Boiler - Paul Brunick**

museum.

Jason Anderson, Assistant Engineer, reported that the 2013 budget included \$90,000 to extend the natural gas main to the wastewater plant and convert the existing dual fuel boiler to natural gas from propane. The boiler has had some problems requiring a number of repairs and in talking to consultants they are recommending the installation of a new backup boiler that would be connected to natural gas and the existing boiler be used just for burnmethane. Paul Brunick Wastewater Superintendent, reviewed the issues that are going on with the current boiler and the problems that it causes for the plant operations. Jason stated that the new boiler is estimated to cost \$190,000 and the natural gas main is estimated at \$41,000 for a total of \$231,000 for the project, noting that \$90,000 is budgeted for this year, but even if we get started now, the new boiler will not be operational until April or May of 2014. John Prescott, City Manager, stated that the increased cost would need to come from the wastewater reserves. Jason and Paul answered questions of the

City Council on the project. The

#### 2010 Legal and Public **Notices**

consensus was to bring a contract to the next meeting for consideration of the new boiler project.

#### 4. Briefing on the July 1, 2013 **City Council Regular Meeting**

Council reviewed items on the agenda with City staff. No action was taken.

#### 5. Informational Session - New Water Tower Construction Photos - Randy Isaacson

Alderman Ward requested to be excused at 12:55 p.m.

Randy Isaacson, Waster Superintendent, stated that the contractor, Maguire Iron, is working on the new water tower with the foundation work about completed and steel work is under way at their site in Sioux Falls. Randy noted that they toured the plant in Sioux Falls and reviewed pictures of the tower pieces on site. He stated that Maguire Iron plans on delivering pieces of the tower to the site starting in July, but the construction will not begin until later this year or next year. Randy noted that the completion date on the tower contract is August 15. 2014. Randy answered questions of the City Council on the tower project.

### 6. Adjourn

#### 187-13

Alderman Osborne moved to journ the Council special session at 1:00 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of July, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA BY

John E. (Jack) Powell, Mayor ATTEST:

BYMichael D. Carlson, Finance Offi-

#### **Unapproved Minutes** City Council Regular Session July 1, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 1, 2013 at 7:00 p.m. by Mayor Powell.

### 1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Powell, Student Representative Peterson.

# 2. Pledge of Allegiance

## 3. Minutes

A. Minutes of June 17, 2013 Special Session; June 17, 2013 Regular Session; June 24, 2013 Special Session.

### 188-13

Alderman Osborne moved approval of the June 17, 2013 Special Session, June 17, 2013 Regular Session and the June 24, 2013 Special Session minutes. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### 4. Adoption of Agenda

Mayor Powell noted the need to add to the Consensus Agenda Item B - Set a bid opening date of August 1, 2013 for landfill baler building.

### 189-13

Alderman Willson moved approval of the agenda with the addition of Consensus Agenda Item B - Set a bid opening date of August 1, 2013 for landfill baler building. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### 5. Visitors to be Heard

A. Park and Recreation Month proclamation.

Alderman Meins read the pro-

mation recognizing the month of July as Parks and Recreation Month in Vermillion. Mayor Powell presented the proclamation to Jim Goblirsch, Director of Parks and Recreation, and his staff present, Ryan Baedke and Aaron Baedke. Jim thanked the City Council for their support and cooperation with Parks and Recreation. Jim listed the other full time employees that were not present, noting that there are also many more part time and volunteers that assist with all the Parks & Recrea tion programs.

#### 2010 **Legal and Public**

Notices 6. Appointment of Administra-

A. Finance Officer

tive Officers

Finance Officer.

Mayor Powell recommended h appointment of Mike Carlson as

#### 190-13

Alderman Zimmerman moved approval of the appointment of Mike Carlson as Finance Officer. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. City Attorney

Mayor Powell recommended appointment of James McCulloch as City Attorney.

191-13 Alderman Willson moved approval of the appointment of James McCulloch as City Attorney. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 7. Other Appointments and Des-

A. Official Newspaper

Mike Carlson, Finance Officer, reported that State law requires the designation of an official newspaper, which has been the Vermillion Plain Talk.

#### 192-13

adopted.

Alderman Willson moved approval of the designation of the Vermillion Plain Talk as the official newspaper. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion

#### B. Official Depositories

Mike Carlson reported that State law requires the designation of official depositories of the City funds and requested designation for the following: CorTrust Bank. First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and First National Bank in Sioux Falls.

193-13 Alderman Zimmerman moved approval of the designation of the following as official depositories: CorTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and First National Bank in Sioux Falls, Alderman Meins seconded the motion. Mo-Willson, Zimmerman, Mayor tion carried 9 to 0. Mayor Powell declared the motion adopted.

> C. Consolidated Board of u a l zation

Mike Carlson, Finance Officer, reported that the County, School, and City have adopted a resolution to consolidate the Board of Equalization and the County requests that the entities reaffirm their intent before November of each year.

194-13 Alderman Collier-Wise moved approval of the consolidation of the Board of Equalization with the County and School for the coming year. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Determination of Rules of

John Prescott, City Manager, stated that the City Council Rules and Procedures call for the City Council to designate an edition of Robert's Rules of Order. He stated that the City is currently using the 9th edition and has copies of this version available. The City Council, in 2006, developed a rules and procedures manual for the Council that was updated in 2008 to reflect new City Code numbering and it would be a good time to adopt the rules and procedures again.

### 195-13

Alderman Gravson moved approval of the determination of Robert's Rules of Order 9th Edition as the rules of order for City Council meetings and to re-affirm the City Council Rules and Procedures dated March 2006 as updated in 2008. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### 8. Public Hearing - None

### 9. Old Business - None

10. New Business

A. Request to close Main Street

from Bank of the West entrance to