

2010 Legal and Public Notices

**IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT**

**BAC Home Loans Servicing, LP
fka Countrywide Home Loans
Servicing, LP,**

Plaintiff,

vs,

Michael A. Skrdla; Teri L. Skrdla; and any person in possession,

Defendants.

Civil No. 11-142

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$177,529.65 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 31, 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 September 26, 2005, which Michael A. Skrdla and Teri Skrdla a/k/a Teri L. Skrdla, Mortgageors, executed and delivered to Mortgage Electronic Registration Systems, Inc., Mortgagee:

The South 19.75 Rods of the West 19.25 Rods of the SW 1/4 of Section 8, Township 94 North, Range 51 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 11th of October, 2005, in Book 123 Mtgs, Page 372; said mortgage was assigned to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP by Assignment of Mortgage recorded April 28, 2011 in Book 131, Page 992, in order to realize the amount of \$150,300.00, as of September 26, 2005, plus interest accruing thereafter on said amount at the rate of 6.00% 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 August 7, 2013, at 10:00 A.M. (CT).

Dated June 12, 2013.

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 \$59.29.

Published: July 19 & 26, 2013

NOTICE OF APPLICATION
NO. 7847-3 to Appropriate Water

Notice is given that Dan Heine, 44067 Timber Rd, Vermillion SD 57069 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (110 feet deep) located in Lot A Section 22-T92N-R52W for irrigation of 85 acres located in Lot A and Accretion land to Lot A Section 22-T92N-R52W and Accretion land below Lots 3 & 4 to river Section 16-T92N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7847-3 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 Engi-

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neer'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 August 5, 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 \$28.47
Published July 26

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 5th day of August, 2013 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permit to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Ribs, Rods & Rock'n Roll, Inc request for a special permit to exceed allowable sound levels for a street dance on Main Street between High and Prospect on Friday, September 6, 2013 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 7, 2012 between 5:00 pm and 1:00 a.m.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 12th day of July, 2013.

Michael D. Carlson, Finance Officer

Published once at the total approximate cost of \$15.92
Published: July 26, 2013

NOTICE OF PUBLIC HEARING FOR APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 5th day of August, 2013 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

Special Daily License (On-Sale) Malt Beverage and Wine License:

Ribs Rods & Rock'n Roll, Inc on or about September 6 & 7, 2013 on Main Street between High and Prospect Street, Ratingen Platz and Market Street from Main to Kidder Street.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 12th day of July, 2013.

Michael D. Carlson, Finance Officer

Published once at the total approximate cost of \$16.91.
Published: July 26, 2013

**Unapproved Minutes
Council Special Session
July 15, 2013
Monday 12:00 noon**

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 15, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Osborne

2. Informational Session- Vermillion Now! Update - Steve Howe

Steve Howe, Executive Director

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of the VCDC, updated the City Council on the activities of the Vermillion NOW! including the Bliss Pointe property, the Bliss Pointe Planned Development District, the final platting of Blocks 1-6 Bliss Pointe Addition, the creation of the tax incremental district for the Bliss Pointe Addition, the Eagle Creek project and the review of a possible second capital campaign. Steve answered questions of the City Council on the projects and funding for the projects.

3. Briefing on the July 15, 2013 City Council Regular Meeting

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

4. Adjourn

209-13

Alderman Zimmerman moved to adjourn the Council special session at 12:52 p.m. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15th day of July, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor
ATTEST:
BY _____
Michael D. Carlson, Finance Officer

**Unapproved Minutes
City Council Regular Session
July 15, 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 15, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. July 1, 2013 Special Session; July 1, 2013 Regular Session

210-13

Alderman Osborne moved approval of the July 1, 2013 special session and July 1, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

211-13

Alderman Willson moved approval of the agenda with the addition of Item C on 12. Consensus Agenda - Set a bid opening date of July 31, 2013 for annual supply of propane for the Wastewater Treatment Plant and Solid Waste Department. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. National Night Out proclamation

Alderman Meins read the proclamation designating Tuesday, August 6, 2013 as "National Night Out" in Vermillion. Mayor Powell presented the proclamation to Crystal Brady of the Vermillion Police Department. Crystal reported that the National Night Out encourages citizens to take time to get to know their neighbors. The event encourages neighborhoods to have block parties and requested the organizer to let the Police Department know and an officer will stop by to answer any questions. Crystal stated that the Department has arranged an event in Prentis Park starting at 5:00 p.m. with music and activities for children. Food will be available for \$2.25.

Jim Goblirsch, Director of Parks and Recreation, wanted to thank the employees of First Dakota National Bank for volunteering to paint the Prentis Park bathrooms. Jim stated that this is the third year that First Dakota National Bank employees have volunteered to assist the Parks and Recreation Department with labor for a project. Jim extended thanks to Fern Pratt, representing the First Dakota National Bank employees.

Alderman Osborne stated that his son was unable to attend the meeting but is working on his Eagle Scout project this week. His project is to assist the Vermillion Food Pantry with the collection of personal care items such as soap,

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diapers and shampoo. The collection will take place on Wednesday, July 17th at Wal-Mart from 4:30 p.m. to 7:00 p.m. Anyone with personal care items for the Food Pantry is encouraged to bring the items at that time.

6. Public Hearings

A. Retail on-off sale malt beverage license for BBQ Blues, LLC for BBQ Blues Smoke House at 5 Market Street

Mike Carlson, Finance Officer, reported that an application was received for a retail on-off sale malt beverage license from BBQ Blues, LLC for BBQ Blues Smoke House at 5 Market Street. The notice of hearing and Police Chief's report are included in the packet.

212-13

Alderman Grayson moved approval of the retail on-off sale malt beverage license for BBQ Blues, LLC for BBQ Blues Smoke House at 5 Market Street. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. First reading of Ordinance 1302 - To rezone Tract 1, or portion thereof, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota from the Natural Resource Conservation District to the Bliss Pointe Planned Development District (located north of Main Street and west of Stanford Street)

Jose Dominguez, City Engineer, reported that the public hearing is required to change the zoning for a portion of Bliss Pointe Tract 1 from Natural Resource Conservation (NRC) to the Bliss Pointe Planned Development District. Jose stated that, when property is annexed into the city, it enters at the most restrictive zoning, being NRC. Jose stated that the proposed Bliss Pointe Planned Development District will be divided into four areas and reviewed the makeup of each area. Jose noted that the Planning Commission recommended approval of the final plat and the amendment to the zoning ordinance to create the Bliss Pointe Planned Development District at their July 8th meeting. Jose answered questions of the City Council on the ordinance.

213-13

Mayor Powell read the title to the above mentioned Ordinance and Alderman Zimmerman moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1302 entitled An Ordinance Amending Chapter 155, Zoning Regulations, of the Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026 entitled Adoption of Official Zoning Map and adding Section 155.058 Entitled Bliss Pointe Planned Development District rezoning a portion of Tract 1, Bliss Third Addition of the City of Vermillion, South Dakota from Natural Resource Conservation District to the Bliss Pointe Planned Development District has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 15th day of July, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Meins. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1301 - Amending Chapter 152, Signs adding Section 152.14 providing for WayFinding signs

Jose Dominguez, City Engineer, reported that this is second reading of the ordinance to provide for wayfinding signs. Jose stated that the background for this ordinance was a request for wayfinding signs in 2010 by the University of South Dakota. Jose stated that the SD Department of Transportation denied this type of sign but since has worked with the City in developing criteria by which these signs will be allowed. The criteria requires an ordinance that outlines the requirements for this type of signs be adopted by the local government. Jose stated that the ordinance has been reviewed by the DOT and recommended approval of second reading. Jose answered questions on the ordinance and the signs.

214-13

Second reading of title to Ordinance

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nance No 1301, entitled AN ORDINANCE AMENDING Chapter 152, Signs, Section 152.02 definitions, and adding Section 152.14 Wayfinding Signs for the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Grayson moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1301 entitled An Ordinance Amending Chapter 152, Signs, Section 152.02 definitions, and adding Section 152.14 Wayfinding Signs, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 1st day of July, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 15th day of July, 2013 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

**ORDINANCE NO. 1301
AN ORDINANCE AMENDING CHAPTER 152, SIGNS, SECTION 152.02 DEFINITIONS, AND ADDING SECTION 152.14 WAYFINDING SIGNS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, REGARDING REGULATIONS FOR SIGNS WITHIN THE CITY OF VERMILLION AND THE JOINT JURISDICTIONAL ZONING AREA OF CLAY COUNTY.**

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA:

That Sections 152.02 be amended to read as follows and the additional new Section 152.14 read as follows:

152.02 DEFINITIONS

WAYFINDING SIGN. A sign used to direct tourists, visitors, and other road users to key civic, cultural and visitor attractions within the City.

152.14 WAYFINDING SIGNS

(A) Criteria
a. Wayfinding signs will be allowed for locations meeting the following criteria:

- i. Civic Destinations:
 1. City administrative facilities
 2. County administrative facilities
 3. State administrative facilities
 4. University of South Dakota administrative facilities
- ii. Cultural Destinations:
 1. City and County parks
 2. Public libraries
 3. Public museums
 4. 4-H Grounds
 5. Vermillion High School athletic and cultural facilities
 6. University of South Dakota athletic and cultural facilities
- iii. Visitor Destinations:
 1. Business areas (e.g. downtown) directly associated, and impacted, by tourists. A business within a business area will not be allowed to have a separate place within a wayfinding guide sign.

(B) Design

- a. Number of destinations:
 - i. Only three destinations will be allowed on a sign within the State's right-of-way.
 - ii. Only four destinations will be allowed on a sign within the City's right-of-way.
- b. Size:
 - i. Signs within the State's right-of-way shall be no more than 48 inches wide and 56 inches tall.
 - ii. Signs within the City's right-of-way will be the same width, but shall be 64 inches tall.
 - iii. The height of either sign includes the space for the City logo.
- c. Text:
 - i. The text shall be, at a minimum, 6 inches for the uppercase letters and 4 inches for the lowercase letters.
 - ii. The text shall comply with the latest version of the Manual on Uniform Traffic Control Devices.
- d. Colors:
 - i. Background: White
 - ii. Text: Black
 - iii. Arrows: Red
 - iv. Outside Border: Black
 - v. Inside Border: Red
- e. Retroreflectivity:
 - i. Retroreflectivity shall comply with the latest version of the Manual on Uniform Traffic Control Devices.
 - f. Sign Layout:
 - i. all signs shall be laid out as follows:
 1. Directional arrow shall be placed on the left hand side of the sign for destinations requiring motorists to turn left or continue straight. Destinations requiring-

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motorist to turn right shall require directional arrows on the right hand side of the sign.

2. If multiline of text is required, the text will be centered on the directional arrow.

3. The city logo shall be prominently displayed at the top Of the sign.

g. Installation:

- i. Signs shall be installed by City crews, or under the City supervision. The height and lateral location of the sign shall comply with the latest version of the Manual on Uniform Traffic Control Devices.

h. General Provisions and Assurances:

i. Wayfinding signs shall comply with the following:

1. South Dakota Department of Transportation Policy No. DOT-OS-OT-9.0
2. Manual on Uniform Traffic Control Devices.

Dated at Vermillion, South Dakota this 15th day of July, 2013

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor
ATTEST:
BY _____

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. First reading of Ordinance No. 1303 - Adding Chapter 92 Section 92.08, Rapid Entry System, to the City Of Vermillion Code Of Ordinances, which will require certain government, residential, and business structures to install a rapid entry system

Richard Draper, Fire Chief, stated that, at the February 19th noon meeting, the knoxbox rapid entry system was discussed and recommended for all facilities. Richard stated that the knoxbox product is a secure, safe lock box containing facility keys that is attached to the exterior of a building. This box is only accessible by Fire Department personnel giving them quick and unimpeded access to the facility during emergencies. Quick access to the structure results in less property damage from forcible entry and increased safety for emergency responders. Richard stated that the proposed ordinance will require the installation of an approved rapid entry system for new construction commercial or industrial structures that are secured in a manner that restricts access during an emergency, new multifamily residential structures that have restricted access and new governmental structures and nursing care facilities. Richard reviewed the procedures in place for accessing the knoxbox by the Fire Department. Richard noted that City facilities, public school facilities and a few private businesses have or are in the process of installing the knoxbox. Discussion followed noting that, while the ordinance does not apply to existing facilities, those that have a change in use or have major remodeling will need to comply. Richard answered questions of the City Council on the proposed ordinance.

215-13

Mayor Powell read the title to the above mentioned Ordinance and Alderman Grayson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1303 entitled An Ordinance Adding Section 92.08 Rapid Entry System of the 2008 Revised Ordinances of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 15th day of July, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. Final Plat of Block 1 - 6, and