**Notices** Kogel Law Office P.O. Box 493 Vermillion, SD 57069 605-624-2667 Published four times at the total approximate cost of \$64.69. Published: June 7, 14, 21, & 28, STATE OF SOUTH DAKOTA

2010

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

**COUNTY OF CLAY: SS** 

IN THE MATTER OF THE ESTATE OF **JOANN** KIRKVOLD, DECEASED

\*\*\*\*\*\*\*\*\*\*

Pro 13-12

NOTICE TO CREDITORS

\*\*\*\*\*\*\*\*\*

Notice is given that on May 22. 2013, Michael Hansen, whose address is 3900 S Carnegie Circle #103, Sioux Falls, SD 57106, was appointed as personal representative of the estate of Joann Kirkvold, 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 per-

sonal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Michael Hansen 3900 S Carnegie Circle #103 Sioux Falls, SD 57106 (605)261-0098

Jessica Bosse Clerk of Courts Po Box 377 Vermillion, SD 57069 (605)677-6756

Gary B. Ward

Ward Law Office PO Box 497 Viborg, SD 57070 (605) 326-5282 Published three times at the total approximate cost of \$51.19. Published: June 7, 14, & 21,

STATE OF SOUTH DAKOTA **COUNTY OF CLAY: SS** 

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

ESTATE OF

ROBERT E. LITKE,

DECEASED. \*\*\*\*\*\*\*\*

PRO. 13-16

NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE \*\*\*\*\*\*\*\*\*

Notice is given that on the <u>3rd</u> day of June, 2013, Kevin L. Litke, whose address is 417 Meadow Ridge Drive, Tallahassee, Florida 32313 was appointed as Personal Representatives of the estate of ROBERT E. LITKE.

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 this 3rd day of June, 2013

KEVIN L. LITKE 417 MEADOW RIDGE DRIVE TALLAHASSEE, FLORIDA 32313 805-274-1738

Clay County Clerk of Courts 211 West Main Street, Suite 300 Vermillion, SD 57069 605-677-6755

Linda L. Kogel Kogel Law Office P.O. Box 493 Vermillion, SD 57069 605-624-2667 Published three times at the total approximate cost of \$58.51. Published: June 7, 14, & 21,

STATE OF SOUTH DAKOTA COUNTY OF CLAY:SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE **ESTATE** MICHELE OF MARSH, Deceased.

PRO. 13-15

NOTICE TO CREDITORS AND NOTICE OF INFORMAL PROBATE AND APPOINTMENT OF

Legal and Public 2010 Legal and Public 2010 Notices

PERSONAL REPRESENTATIVE

Notice is given that on the 30th day of May, 2013, Judith Esther Marsh, whose address is 31252 Ave., Vermillion, South 57069, was appointed as Dakota personal representative of the estate of Michele Marsh.

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 file with the clerk of courts, and a copy of the claim mailed to the personal representative.

Dated this 30th day of May,

Judith Esther Marsh 31252 464th Ave. Vermillion, South Dakota 57069

Clerk of Courts 211 West Main Street Vermillion, SD 57069

Ph: 605-677-6755

James E. McCulloch Attorney at Law P.O. Box 335 Vermillion, SD 57069 Ph: 605-624-4262

Published three times at the total approximate cost of \$55.96. Published: June 7, 14, & 21,

## NOTICE OF SALE OF SURPLUS PROPERTY

Notice is hereby given that the Finance Officer of the City of Vermillion, South Dakota, will receive sealed bids for the sale of following surplus personal property, pursuant to the provisions of SDCL 6-13-4, at City Hall in Vermillion, South Dakota on the 18th day of June, 2013, at 2:00 p.m. Such bids will be publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall on the 1st day of July, 2013, at 7:00 p.m. Sale will be to the highest bidder for cash (but not less than 90% of the appraised value of said prop-

Caterpillar 906 wheel loader which has been appraised at \$24,500.

Copies of the bid documents may be obtained from the City of Vermillion Engineering Department, 25 Center Street, Vermillion, South Dakota, 57069. All sealed bids must be accompanied by a certified check or cashier's check made payable to the City of Vermillion, South Dakota, in the amount of ten percent (10%) of the bid. All bids shall be on forms provided by the City and may not be withdrawn for a period of thirty (30) days after the opening SOUTH DAKOTA

Dated at Vermillion, South Dakota this 24th day of May 2013.

CITY OF VERMILLION

Jason Anderson, Assistant City Engineer

Publish twice at the total approximate cost of \$34.27. Published: June 7 & 14, 2013

STATE OF SOUTH DAKOTA

COUNTY OF CLAY: SS IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT IN THE MATTER OF THE ESTATE OF

DECEASED.

REIDELLA M. ENGMAN,

PRO 13-17

## NOTICE TO CREDITORS

Notice is given that on the 4th day of June, 2013, Julie Ann Springer, whose address is 837 26th Street, West Des Moines, IA 50265, was appointed as personal representative of the estate of Reidella M. Engman, Deceased.

Creditors of decedent must file their claims within four (4) 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.

Julie Ann Springer 837 26th Street West Des Moines, IA 50265 515-223-5610

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

**Legal and Public Notices** 

(605)624-2097 craig@cktlaw.net Published three times at the total approximate cost of \$54.66. Published: June 7, 14, & 21,

**Unapproved Minutes Council Special Session** June 3, 2013 Monday 12:00 noon

The special session of the City City of Vermillion, Council, South Dakota was held on Monday, June 3, 2013 at 12:00 noon at the Prentis Park pool.

1. Roll Call

Present: Grayson, Ward, Willson, Zimmerman

Absent: Collier-Wise, Meins, Mayor Powell

2. Briefing on the June 3, 2013 City Council Regular Meeting

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

3. Informational Session - Tour of the Prentis Park pool facility - Jim Goblirsch

John Prescott, City Manager, stated that, as a new pool will be an item of discussion during the upcoming budgets sessions, he felt a tour of the existing pool would give the council information on the current status. Jim Goblirsch, Director of Parks and Recreation, and his staff provided a tour of the pool facilities. Jim answered questions of the City Council on the pool.

4. Informational Session Tour of Vermillion River hike/bike path. - Jim Goblirsch

John Prescott, City Manager, stated that a report of the options for damaged hike/bike path will be presented at the next noon session and wanted to provide Council members with a tour of the condition of the hike/bike path. The meeting was moved to Cotton Park where Jim Goblirsch provided a tour of the hike/bike path including the closed sections to review the damage. John stated that more information will be provided in two weeks.

5. Adjourn

Alderman Ward moved to adjourn the Council special session at 1:00 p.m. Alderman Willson seconded the motion. Motion carried 5 to 0. President Osborne declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of June, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION,

BYKent Osborne, President ATTEST:

Michael D. Carlson, Finance Offi-

**Unapproved Minutes** City Council Regular Session June 3, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 3, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Jessica Peter-

Absent: Collier-Wise

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 20, 2013, Special and May 20, 2013 Regular Session

149-13

Alderman Zimmerman moved approval of the May 20, 2013, special minutes and May 20, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

Alderman Grayson moved approval of the agenda with the correction to 8c to change the street name from Austin to Court Street and the date from July 25th to July 24-25. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Osborne extended thanks to all that attended the Library Dedication on Saturday, June 1st. Kent encouraged citizens to stop by and see the changes to the library.

**Legal and Public** Notices

2010

6. Public Hearings

2010

A. Annual malt beverage license

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. The management plan for Gup Fei Zheng for Asian Buffet; Old Lumber Company, Inc. for Old Lumber Company Bar & Grill; Jose Gonzalez for Mi Familia Mexican Restaurant; NPC International for Pizza Hut; Bonnie Rowland for Raziel's; Prairie River, Inc for R Pizza and Dwight Iverson for Cherry Pit Stop, were handed out at last Council meeting. Mike read the list of licenses that had applied for renewal noting that the Old Lumber Company license had conditions placed on it when it was issued.

Alderman Willson was concerned about the number of license holders that failed the compliance checks that require the proper review of identifications.

151-13

Alderman Willson moved proval of the renewal of the following licenses that have not failed a compliance check: Re-issuance of Retail (On-Off Sale) Malt Beverage: Bunyan's LLC for Bunyan's at 1201 West Main Street; Café Brule, Inc. for Café Brule at 24 West Main Street; Be-Bee Street II, Inc. for Carey's Bar at 18 & 20 West Main Street; Spanrex, Inc. for Chae's at 8 West Main Street; Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street; Coyote Convenience, Inc. for Coyote Convenience at 116 East Cherry Street; Blue, Inc. for Little Italy's at 831 East Cherry Street; Main Street Pub, Inc. for Main Street Pub at 11 West Main Street; Maya Janes, Inc. for Maya Janes at 9 West Main Street; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street; Sunset Oil, Inc. for Lucky 7 Casino at 629 Stanford Suite A; Sunset Oil. Inc. for Sunset Casino at 629 Stanford Suite B: Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #1 at 203 E Main St; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St; Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street; Silk Road Café, Inc. for Silk Road Café at 12 West Main Street; OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street; City of Vermillion for The Bluff's Golf Course at 2021 East Main Street; Varsity Pub, LLC for The Varsity at 113 East Main Street; David W. Raabe for Westside Inn at 1313 West Cherry Street; Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main;

Re-issuance of Package (Off Sale) Malt Beverage: Freedom Valu Centers. Inc for Erickson Freedom HyVee Food Stores, Inc. for Hy-Vee at 525 West Cherry Street; Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street; Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street; Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street; Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine: Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St. Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Discussion followed on the management plans that were filed, the need to check identifications before selling and the compliance checks results. John Prescott, City Manager, reported that at the license holders meeting called by the Police Department, the license holders present at the meeting agreed that the failure rate was not acceptable. Discussion followed.

Alderman Willson moved ap-

proval of the renewal of the fol-

152-13

lowing licenses with the condition that the license for the Old Lumber Company, Inc be restricted to the interior of the structure located at 15 Court Street: Gup Fei Zheng for Asian Buffet at 404 Bower Street; Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street: Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101; NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street; Bonnie K. Rowland for Raziel's at 13 West Main Street: Prairie River, Inc. for R Pizza at 2 West Main Street; Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street; Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street. Alderman Grayson seconded the motion. Chad Grunewaldt, owner of the Old Lumber Company, Inc, stated that the employee made a mistake in checking the identification and that is why the compliance check was failed and a subsequent compliance check was passed. Chad stated that the business is in a new location and requested the condition of the license being restricted to the interior of the building be removed as other businesses in the downtown area have outside areas. Upon request as to what his plans would be if the restriction was removed, Chad stated that he

Legal and Public 2010

Notices would like to develop a roof top patio and possibly some sidewalk seating areas. Jim McCulloch, City Attorney, stated that the City Council could remove the restriction by action any time during the license period. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about June 13, 2013 at 202 Washington Street

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about June 13th for a special event with David Davis and the Warrior River Boys at 202 Washington Street. The notice of hearing and Police Chief's report were included in the packet.

153-13

Alderman Grayson moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about June 13, 2013 at 202 Washington Street for a concert Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Transfer of a retail on-sale liquor license to Augustus Management. LLC for Howler's Bar and Grill at 912 N. Dakota Street from Secure Success, LLC operating Pro's Sports Bar

Mike Carlson, Finance Officer, reported that an application to transfer the retail on-sale liquor license was received from Augus-Management, LLC tus Howler's Bar and Grill at 912 N Dakota Street from Secure Success, LLC operating Pro's Sports Bar. The notice of hearing and Police Chief's report are included in the packet. The owner of Augustus Management, LLC is Jon Robertson who operates Cherry Street Grille who had failed a compliance check so the Management Plan was included with the other plans two weeks ago.

154-13

Alderman Ward moved approval of the transfer of the retail on-sale liquor license to Augustus Management, LLC for Howler's at 912 N Dakota Street from Secure Success, LLC operating Pro's Sports Bar. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Issuance of a retail on-off malt beverage with South Dakota Farm Wine license for Augustus Management, LLC for Cherry Street Grille at 1122 E. Cherry Street.

Mike Carlson, Finance Officer. reported that an application was received from Augustus Management retail on-off sale malt beverage with SD Farm Wine license. The notice of hearing and Police Chief's report were included with the previous item. This license June 30, 2014. The owner of Augustus Management, LLC is Jon Robertson who operates Cherry Street Grille who had failed a compliance check so the Management Plan was included with the other plans two weeks

155-13

Alderman Ward moved approval of the retail on-off sale malt beverage with SD Farm Wine license for Augustus Management, LLC for Cherry Street Grill at 1122 E. Cherry Street. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

8. New Business

A. Amendment #1 to Erickson Addition covenants and deed restrictions for Lots 2-5 Block 6; Lots 4-8 Block 7: and Outlot B. Block 6 (Riverbend Business Park).

John Prescott, City Manager, reported that the City established covenants in 2008 for the platted lots in the Erickson business park. John noted that this property was transferred to the Vermillion Chamber and Development Company in 2010 to provide for the marketing of the property. The first amendment is to expand the covenants to cover the unplatted property being Outlot B of Block 6. The amendment also proposes to slightly change the metal/nonmetal ratio of the exterior finish, to change the irrigation landscaping requirements for some of the lots, to reflect the change in ownership of the property from the City to the VCDC and the replat of Lots 1, 2 & 3 Block 7 to Lot 8 Block 7. John explained the proposed changes and recommended the adoption of the amended covenants noting that Steve Howe with the VCDC was present to answer questions. Discussion followed on the proposed amendment to the

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**Legal and Public Notices** 

Alderman Grayson moved proval of Amendment #1 to the Erickson Addition covenants and deed restrictions as presented and authorized the Mayor to sign. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Request to close

Street from Noon on July 24,

2013 for a Make-a-Wish event at

the Old Lumber Company 15

Court Street. John Prescott, City

Manager, reported that a request

was received to close Kidder

Street from Court Street to Market

Street from noon on July 24th to

2:00 a.m. on July 25, 2013 for a

to 2:00 a.m. On July 25,

Kidder

Make-a-Wish event at the Old Lumber Company. The event includes that for a contribution motorcycle riders will be able to ride through the Old Lumber Company and exit onto Kidder Street. The street closing request is to allow the parking of the motorcycles. John stated that Chad has contacted First Dakota National Bank and Total Flooring about the event. John noted that Fire and EMS have been contacted and have no issues. Chad Grunewaldt, owner of the Old Lumber Company, stated that he is working with the Make-A-Wish group to raise funds for the organization. stated that the street closing will allow for the parking of motorcycles and for participants to look at the motorcycles. He noted that he will provide garbage receptacles at each entrance and will clean up after the event. As to bathrooms, Chad stated that there is plenty of capacity inside the business. He

reported that contacts had been

made to businesses along that por-

tion of Kidder and signs will be

put up informing the bank cus-

tomers of access from the west

and accommodations will be

made for deliveries. Chad stated

that other communities operate

similar events that bring a large

number of guests to the commu-

nity. Chad answered questions of

the City Council on the street

closing noting that set up is from

noon to 5:00 p.m.

Alderman Grayson moved approval of closing Kidder Street from Court to Market Street at noon on July 24th to 2:00 a.m. on July 25th for the Make-A-Wish event. Alderman Ward seconded the motion. Discussion followed on the time and traffic flow with Chad noting that he can have the motorcycles exit to the west away from the residential areas. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Permit for consumption of alcohol on Kidder Street between Market Street and Court Street on July 24 & 25, 2013 for Old Lumber Company, Inc

Mike Carlson, Finance Officer, reported that Chad Grunewaldt th the OldLumh Valu Ctr at 830 E Cherry Street; Grille at 1122 East Cherry for a has requested a permit for consumption of alcohol on the public property being Kidder Street as part of the Make-A-Wish event on July 24th & 25th. State statute 35-1-5.5 provides that the City will be effective July 1, 2013 until Council can grant a permit for the consumption but not sale of alcoholic beverages on public property for a time period that cannot exceed 24 hours but may not extend beyond the time restricted for the license. As this event will be using the public street for consumption, the City Council may want to include the following con-

> o Require a Release and Indemnification to hold the City harmless from claims during the event.

> o Certificate of insurance naming the City as an additional insured for the event.

> o Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Depart-

> ment in advance of the event. o Require a plan for the cleanup and disposal of materials after the event. Mike noted that Chad has indicated he will clean up after the

> o The hours consumption will be allowed will need to be stated. The statute provided the permit period period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is from noon on July 24th to 2:00 a.m. on July 25th. Will need to establish the time to allow consumption as the area will need to be monitored during all hours consumption is allowed.

> Chad Grunewaldt, owner of the Old Lumber Company, stated that he has worked with a similar event in Sioux Falls for four years and knows how to run such an event. Discussion followed with Chad answering questions of the City Council on the event.

158-13

Alderman Zimmerman approval of suspension of the restriction of the requirement for consumption only on the interior of the structure for this event and authorizes the permit for con-