

2010 Legal and Public Notices

2540 Support Services-Improvement of Grounds 390,660
2550 Support Services-Pupil Transportation 361,000
2560 Support Services-Food Service 5,000
2570 Support Services-Central Copy 30,000
5100 Capital Outlay Certificates 430,680

6000 Athletic Equipment/Improvements 37,000
Total 2,087,340

SPECIAL EDUCATION FUND

1200 Instruction-Special Programs 1,015,585
2100 Support Services-Pupils 342,050

2200 Support Services-Staff 0
2710 Director of Special Education 102,725
2730 Transportation 68,510
2750 Other Costs 3,600
Total 1,532,470

PENSION FUND

4500 Early Retirement Payments 160,000

BOND REDEMPTION FUND

5100 Payment on Bonds 269,690

FOOD SERVICE PROGRAM

2500 Support Services-Food Service 612,200

ENTERPRISE FUND

1140 Preschool Services 47,590
3500 After School Program 83,475
3900 Drivers Education 13,000
Total 144,065

Published once at the total approximate cost of \$44.85.
Published: June 28, 2013

NOTICE OF APPLICATION NO. 7835-3 to Appropriate Water

Notice is given that Don O'Connor, 46874 311th St, Burbank SD 57010 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NW 1/4 Section 33 for irrigation of 47 acres located in the NE 1/4 NW 1/4 Section 33 and SE 1/4 SW 1/4 Section 28; all in T92N-R51W. 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. 7835-3 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 be filed by July 8, 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. Pinner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$27.97.
Published: June 28, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

ESTATE OF DOLORES HAVER, DECEASED

FILE NO. PRO. 13-19

NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE IN INTESTACY

Notice is given that on June 13, 2013, John H. Haver, whose address is 30149 456th Avenue, Wakonda, South Dakota, 57073,

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was appointed as personal representative of the estate of Dolores Haver.

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: June 14, 2013.

/s/ _____
John H. Haver
30149 456th Avenue
Wakonda, SD 57073
(605)267-2827

Jessica Bosse
Clay County Clerk of Courts
P.O. Box 377
Vermillion, SD 57069
(605)677-6756

Thomas H. Frieberg
Frieberg, Nelson & Ask, LLP
115 N. 3rd St., P.O. Box 511
Beresford, SD 57004-0511
(605)763-2107

Published three times at the total approximate cost of \$55.51.
Published: June 21, 28, & July 5, 2013

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF VERONICA FREDRICKSON, DECEASED.

PRO 13-18

NOTICE TO CREDITORS

Notice is given that on the 12th day of June, 2013, James Dwyer, whose address is 946 E. Lewis Vermillion, SD 57069, was appointed as personal representative of the estate of Veronica Fredrickson, 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.

/s/ _____
James Dwyer
946 E. Lewis
Vermillion, SD 57069
605-624-3108

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: June 21, 28, & July 5, 2013

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vermillion Planning Commission will meet at 5:30 p.m. on Monday, the 8th day of July, 2013, in the large conference room at City Hall, located at 25 Center Street in the City of Vermillion, at which time the said Planning Commission will hear, consider and act upon a recommendation for the following:

A proposal to rezone the following real property from the Natural Resource Conservation District to the Bliss Pointe Planned Development District:

Tract 1, or portion thereof, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota (located north of Main Street and west of Stanford Street)

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said zone change. The hearing is open to all interested parties. Information regarding accessibility for the disabled may be obtained by calling the Office of the City Manager at 677-7050. Anyone unable to attend may submit written comments prior to the hearing.

Published once at the total approximate cost of \$14.73.
Published: June 28, 2013

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vermillion City Council will meet at 7:00 p.m. on Monday, the 15th day of July, 2013, in the City Council Chambers at City Hall, located at 25 Center Street in the City of Vermillion, at which time the City Council will hear, consider and act upon the following:

First reading of an ordinance to rezone the following real property from the Natural Resource Conservation District to the Bliss Pointe Planned Development District:

Tract 1, or portion thereof, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota (located north of Main Street and west of Stanford Street)

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said zone change. The hearing is open to all interested parties. Information regarding accessibility for the disabled may be obtained by calling the Office of the City Manager at 677-7050. Anyone unable to attend may submit written comments prior to the hearing.

Published once at the total approximate cost of \$14.73.
Published: June 28, 2013

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Vermillion, South Dakota, will meet at 5:30 p.m. on Monday the 8th day of July, 2013 in the second floor large conference room at City Hall in the City of Vermillion, at which time the said Planning Commission will hear, consider and make recommendation upon the following:

Creation of a Tax Increment Financing District on the following described real estate in the City of Vermillion, South Dakota:

Tract 1, or portion thereof, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota (located north of Main Street and west of Stanford Street)

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said Tax Incremental Financing District. The hearing is open to all interested parties. Information regarding accessibility for the disabled may be obtained by calling the Office of the City Manager at 677-7050. Anyone unable to attend may submit written comments prior to the hearing.

Published once at the total approximate cost of \$14.24.
Published: June 28, 2013

NOTICE OF HEARING For the Fiscal Year 2013-2014 Budget

Notice is hereby given that the School Board of the Vermillion School District #13-1 will conduct a public hearing at the Neuharth Center, 605 N. Dakota, in Vermillion, South Dakota on Monday the 8th day of July, 2013, at 7:30 p.m. for the purpose of considering the foregoing Proposed Budget for the fiscal year of July 1, 2013 through June 30, 2014, and its supporting data.

Sheila R. Beermann
Business Manager
Vermillion School District #13-1
Vermillion, South Dakota
Published once at the total approximate cost of \$7.99.
Published: June 28, 2013

Notice of Application for Executive Clemency.

Heather Foster who was sentenced from Clay County, the 27th day of October, to pay \$250, court costs and suspended jail fine. 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 \$11.18.
Published June 28, July 5, & July 12.

June 11, 2013 Commissioner Meeting

The Board of County Commissioners met in regular session Tuesday June 11, 2013 at 9:00 a.m. Members present: Packard, Wilson, Powell, and Passick; Absent: Kephart.

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

Minutes of June 4th meeting where approved with a motion by Powell seconded by Packard and carried.

The Sheriff's Monthly Report for May was accepted and placed on file.

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The Register of Deeds Monthly Report for May 2013 with \$19,953 in fees collected, and the following Treasures Report for May 2013 were accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County

items in the hands of the County Treasurer as of May 31, 2012

I hereby submit the following report of my examination of the cash:
Total amount of deposits in banks 6 , 0 1 5 , 0 5 7 . 0 5
Amount of actual cash 1,549.64

Total amount of checks and drafts in Treasurer's Possession not exceeding three days 153,202.23

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days: 1 , 8 0 3 . 3 8
Checks returned and not deposited Cash Items Investments 251,000.00
Cash Variation Total 6,422,612.30
Dated this 4th Day of June, 2013.

Ruth A. Bremer, County Auditor

Glen Mechtenberg & Tom Stange, Ph.D./Lewis & Clark Behavioral Health met with the Board to discuss 2014 Budget request and report on service statistics used by Clay County residence. They are requesting a 3% increase for 2014.

At 9:15 a.m. Powell moved seconded by Packard and carried to go into Ditch Board.

Powell moved, seconded by Packard and carried to pay Equalizer-\$33.00 from the Clay Creek Ditch fund for advertising the annual meeting.

At 9:25 a.m. Powell moved seconded by Mockler to come out of Ditch Board.

Motion by Mockler seconded by Packard and carried to approve the following claims for payment: May Payroll: Commissioners-\$4850.00, Auditor's Office-\$9413.67, Treasurer's Office-\$12074.94, States Attorney's Office - \$ 1 2 4 8 5 . 9 3 , Court House-\$2283.33, DOE's Office-\$8039.16, ROD's Office-\$6723.33, Veteran's Office-\$1533.33, Sheriff's Office-\$28501.88, County Jail-\$11221.11, 24/7 Sobriety Project-\$1766.26, Coroner-\$116.00, LEPC-\$273.92, Emerg. Mgmt. Office-\$2493.00, Highway Department-\$36455.12, CHN Office-\$1816.42, WIC Office-\$815.25, Extension Office-\$2656.67, Weed Department-\$4053.72, and Zoning Office-\$2064.72; (Payroll Withholding) AFLAC-\$1092.81, Clay County Treasurer-\$34695.89, Colonial Life-\$491.94, Conesco/Washington National Ins.-\$465.50, Nationwide Retirement Solutions-\$58.82, New York Life Ins.-\$440.23, SD Retirement System-\$17397.35, SD Supplement Retirement-\$1150.00, TASC (Flex)-\$2487.63, United Way Of Vermillion-\$126.00, Vermillion Federal Credit Union-\$1071.00, Wellmark Blue Cross/Blue Shield-\$34159.05; **May Bills:** (Prof. Serv./Fees) Abbott House-\$2000.00, David Bergendahl-\$259.60, Denise Cody-\$15.00, David Kauffman/Dakota Psychological Svc.-\$2660.00, David Hosmer Law Office-\$287.74, Lewis & Clark BHS-\$298.00, Lucille Lewno-\$148.71, Netsys Plus-\$195.87, Peterson, Stuart, & Rumpca-\$4096.14, Sanford Health-\$294.53, Shepherd Reporting-\$55.00, Karen Swanda-\$15.00, Yankton Co. Sheriff-\$25.00, Yankton Co. Treasurer - \$ 1 0 6 . 2 5 ; (Repairs/Maint.) Campbell Supply-\$63.99, Dakota PC Warehouse-\$199.99, Fast Auto Glass-\$30.00, Kaiser Refrigeration-\$28.50, Olson's Pest Technicians-\$42.00, Sears-\$79.95, Turner Plumbing-\$217.13; (Historic Preservation) Pressing Matters-\$3243.00; (Data Processing) Bureau of Administration-\$21.00, Bruce Mastel/Macman Designs-\$35.00, Netsys Plus-\$385.00, Software Services-\$180.00; (Materials/Supplies) American Stamp & Marking-\$78.68, Brock White Co.-\$17356.62, Brunick Service-\$95.00, Café Brulé-\$160.00, Campbell Supply-\$274.99, Clark's Rentals-\$200.00, Fast Auto Glass - \$ 3 6 9 . 8 8 , FrancoTyp-Postalia-\$129.00, Dennis Ganschow-\$39.52, Herren-Schempp-\$68.70, Intoximeters-\$600.00, Iowa Office Supply-\$217.80, JCL Solutions-\$101.82, Kaiser Refrigeration-\$28.97, LG Everest - \$ 2 7 6 5 1 . 4 4 , MARCO-\$161.42, Netsys Plus-\$556.74, North Central International-\$3720.61, Redwood

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Toxicology Lab-\$600.00, Sanitation Products-\$370.00, SDACC Office-\$30.00, Sign-Up-\$23.35, Sturdevant's Auto Parts-\$70.88, Verizon Wireless-\$11.78, W a l - M a r t Community/GEMB-\$46.40, Yankton Janitorial Supply-\$227.00; (Travel/Conference) Best Western Ramkota Inn-\$266.97, Ruth Bremer-\$83.00, Teddi Gertsma-\$108.00, Cathi Powell-\$83.00, Leo Powell-\$259.56, Philip Terwilliger-\$108.00; (Utilities) Brunick Service-\$26.00, City of Vermillion-\$1744.73, Clay Rural Water System-\$57.50, Midcontinent Comm.-\$205.00, Verizon Wireless-\$354.06; (Machinery/Auto) Brunick Service-\$64.00; (Jury/Witness) Ashly Schubauer-\$20.00; (Books) West Group-\$294.00; (Juvenile Detention) Minnehaha Co. JDC-\$150.00; (Chemicals) Crop Production Service-\$570.00; (POD Grant) Print Source-\$153.85.

At 10:29 a.m. Powell moved, seconded by Packard and carried to adjourn and reconvene Tuesday, June 25, 2013 at 9:00 a.m.

Raymond Passick, Chairman
Board of County Commissioners

ATTEST:

Ruth A. Bremer, Auditor
Published once at the total approximate cost of \$67.02.
Published: June 28, 2013

Unapproved Minutes Council Special Session June 17, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 17, 2013 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: Grayson, Ward

2. Informational Session -Vermillion Hike/Bike path repair options - Jim Goblirsch

Jim Goblirsch, Director of Parks & Recreation, wanted to thank the members that toured the hike/bike trail two weeks ago. Jim stated that hike/bike trails are a valuable asset to a community while at the same time it is hard to quantify the use of the trails. Jim stated that there are different options to repairing the hike/bike trails and stated that Jose Dominguez, City Engineer, would review the options.

Jose Dominguez, City Engineer, reviewed a map of the hike/bike path including pictures of the river bank along the path. The pictures were of the areas that have eroded that Jose stated is a continual process. Jose reported that he contacted Tim Cowman about his experience of erosion along the river. Jose provided his opinion on the possible cause of the erosion but noted that a geotechnical study would be required to know for sure. Jose stated that he has developed cost estimates for options to repair the existing trail, protect and repair the trail and an option of relocating a portion of the trail.

Jose noted that, to just repair the three damaged areas, his estimate for hauling fill and the rebuilding of the trail were \$21,000, \$34,000 and \$38,000, going from west to east. Jose stated that the two west areas would stay within the current easement but the east damaged area would be relocated on City property away from the river. Jose noted that he did not know how long the repairs on the west two areas would last as this depends upon the river.

Jose reported that, to protect and repair the trail, he developed an estimate for installing rip-rap along this portion of the river then relocate the trail a safe distance from the repaired riverbank at an estimated cost of \$2,150,000 not including the cost of trail easements or construction easements. The second protection option is to install sheet piling along this portion of riverbank to restrict erosion to keep the path in the current location. The estimated cost for this is \$3,325,000. Jose noted that both of these options will require a 404 permit and geotechnical study. As there is a protected minnow in this portion of the river, the permit might not be granted. Jose was also concerned that the protection of the north side of the river might cause more erosion on the south side.

Jose reported that another option would be to abandon the west most portion of the path and route the path up to Broadway along

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street and alley easements. This would abandon 1,600 feet of trail along the west. Jose noted that the trail from the parking lot could be developed as an overlook. The estimated cost of this is \$84,000 for the relocated bike path and \$20,000 for the overlook.

Jose and Jim answered questions of the City Council on the options, noting the need to look for possible grant funding. The consensus was to bring forward a resolution for the option of relocation of the path along the east most damaged area that would open up a portion of the trail and the west end overlook with the relocation of the west section to be considered during the budget hearings.

3. Briefing on the June 17, 2013 City Council Regular Meeting

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

4. Adjourn

167-13 Alderman Osborne moved to adjourn the Council special session at 1:04 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of June, 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 June 17, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 17, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Grayson, Ward

2. Pledge of Allegiance

3. Minutes

A. Minutes of June 3, 2013 Special Session; June 3, 2013 Regular Session

168-13

Alderman Osborne moved approval of the June 3, 2013 Special Session and June 3, 2013 Regular Session minutes. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

Mayor Powell stated that an executive session for personnel matters is being requested as an addition to the agenda.

169-13

Alderman Osborne moved approval of the agenda with the amendment to add an executive session for SDCL 1-25-2(1) for personnel matters prior to adjourn. Alderman Davies seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 9 and 10, 2013 at the Clay County Fairgrounds.

Mike Carlson, Finance Officer, reported that an application was received from the Clay County Agricultural Fair Association for a special daily malt beverage and wine license on or about August 9th and 10th for the demolition derby and illusionist during the Clay County Fair. Mike noted that this is different from prior years where another agency obtained the license and was responsible for the sale of beverages. The notice of hearing and Police Chief's report are included in the packet. Mike stated that Jessica Kennedy, representing the Fair Board, is present to answer questions. Jessica stated that the Fair Board is working with Blaine Schoellerman to have TAM certified individuals available to check ID's and sell.

170-13

Alderman Zimmerman moved approval of the special daily malt