

08 Vermillion Plain Talk

2010 Legal and Public Notices

May 13, 2014

The Board of County Commissioners met in regular session Tuesday, May 13, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

Kephart moved, seconded by Mockler and carried to approve the agenda.

Minutes of the May 6, 2014 meeting were approved with a motion by Packard, seconded by Powell and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Polley presented fuel quotes. Powell moved, seconded by Mockler and carried to accept the bid of \$3.18/gal. from Brunick's Service for 1800 +/- gallons of 10% ethanol blend.

Polley presented information for the new Highway Shop at the Wakonda site. The Board reviewed the drawings. The overhead door height and openers, heating for the bathroom, and wiring for a possible generator were discussed. Powell moved, seconded by Mockler and carried to authorize advertising for bids and to set the bid opening for 9:30 a.m. on June 5, 2014.

Polley gave a short report regarding the action taken on the Tour of Roads sites. He advised a landowner of a company that handles dust control. The walnut trees that were taken from County property were discussed, and Packard reported that a local sawmill operator would be watching for any such wood to come through. Polley consulted with Philip Terwilliger, Deputy State's Attorney regarding South Dakota Codified Laws relating to erosion due to wind and water into roadside ditches.

The Board moved the meeting to the Courthouse Basement Meeting Room due to the large number of people in attendance regarding discussion of Zoning Ordinance Section 3.07. Passick explained that the Board had identified a flaw in the ordinance, and Terwilliger explained that the definition of Concentrated Animal Feeding Operation (CAFO) was circular to the definition of Animal Feeding Operation (AFO). Everything is treated as a CAFO regardless of whether it is small, medium, or large in size. Small operations are subject to very similar regulations as large operations. Powell stated that the County should follow the State, and Passick said the Board is hoping to address the definition through review. Mockler stated that the County requires the producer to go to the State first for permits.

Heath Nelson, formerly on the Planning & Zoning Commission, said that the intent during the 2001 revision was never for small and medium operations to be a CAFO. They had to follow setback rules, but they were not intended to be treated as a CAFO. Jim Petrik said he considers the county regulations to be considerably more restrictive than other areas, and he feels like the only thing the County is doing is hindering his kids in future operations.

Terwilliger said the problem is not with the table or numbers, but with the definition and whether to defer everything back to a CAFO, or to create more opportunities for small or medium operations. Packard said the intention of the previous 2013 revision was to eliminate redundancy and to clean it up. Somehow the revision cut too much and ended up saying the wrong thing. It seems to Packard that most people desire the 2001 revision. Mockler stated it should be referred to the Planning & Zoning Commission, and let them decide what needs to be done.

Mockler moved, seconded by Powell and carried to send Zoning Ordinance Section 3.07 to the Planning & Zoning Commission for them to review at their discretion.

James Bohnsack asked what is wrong with the State regulations and why is the County not just emulating the State. Powell stated that we somehow wandered away from the State regulations, and there is some confusion as to how that happened. Mockler clarified that the CAFO table will still exist because that is a State regulation, but the County requires other things like setbacks. Heath Nelson said that in 2001, people wanted some sort of setbacks.

Powell moved, seconded by Mockler and carried to start the process to change the definition while the Planning & Zoning Commission is working on revising the ordinance.

Shannon Draper, Vermillion

2010 Legal and Public Notices

Fire Chief, met with the Board to discuss a proposed change in the burn ban ordinance. Passick asked if Draper had discussed the amendment with the Sheriff and other officials. Draper said he did discuss it with Sheriff Howe and Mike Pollman, Wakonda Fire Chief, and they are in favor. Powell moved, seconded by Packard and carried to pass the amendment to the State's Attorney's Office for review and to obtain guidance.

Alan Hanson, the new Vermillion/Clay EMS Director, met with the Board to introduce himself. He explained that he is from Montana and recently lived in North Dakota. Hanson asked questions of the Board regarding the budget process in order to familiarize himself with the County's procedures.

Matt Winsand and Tyrone Bialas, Dakota Plains Ag Center, LLC, met with the Board to discuss the possibility of building a Grain Terminal at the former Glacier Energy ethanol plant site. Winsand said it would be a 6 package grain elevator with dryers and offices. The project would have three phases. Phase 1 would be a \$27,934,573 investment with concrete storage and ground pile. Phase 2 would be a \$3,194,050 steel bin, and Phase 3 would consist of an \$11,282,510 flat storage building, fourth truck pit, and dedicated wet leg. He stated that Cargill may also decide to put a fertilizer terminal on site at some point. He explained that the State has shown support for the project as well. The company is considering sites in Yankton and Bon Homme Counties as well. Passick said the roads were an issue in Yankton County, and he asked what other issues there were. Winsand said the expense of concreting the necessary miles of road, the higher cost of land, and the TIF financing were issues. Passick asked if the Yankton County site was out of consideration and expressed that Clay County does not want to be a bargaining pawn with Yankton County. Winsand said the Clay County site is off Highway 50, with access to natural gas, and it is the best location. Powell asked what the maximum demand for electricity would be. Winsand said it would be over 2 megawatts with two dryers. Winsand said they ultimately want to invest approximately \$30 million into a County that is willing to work with them, and the six LLC board members will make the final decision on June 26th.

The Board discussed the possibility of a Joint Powers Recycling Trailer purchase. Packard reported that a new trailer is approximately \$8,000, and a used one is in the range of \$4,000-\$5,000. Riva Sharples was present and said the Community Club has been trying to get people to recycle, and in her personal opinion it would be wonderful to have a recycling trailer. The Board discussed the possibility of combining Joint Powers funds with County funds, as well as local fundraising efforts to purchase the trailer. The Highway Department could haul the trailer back and forth to the Recycling Center to be emptied.

The Board considered a change order request on the HVAC project. An additional \$2,286 for wiring and an additional 2 days were requested. Powell moved, seconded by Packard and carried to approve the change order as presented.

The Register of Deeds Monthly Activity Report was accepted and placed on file.

Powell moved, seconded by Kephart and carried to approve the following claims for payment. May Bills: (Disbursements) Domestic Violence \$190.00; (Modernization/Preservation) SD Assn of Co Official \$308.00; (Prof Services and Fees) Associated Consulting \$1189.00, City of Vermillion \$48.00, Dept. of Revenue \$1,118.38, Heritage Funeral Home \$1,900.00, Koster, Nicholas \$663.00, Lewis & Clark Behavior \$320.00, Lincoln County Treasurer \$170.32, Minnehaha Co. Auditor \$90.00, Pharmchem Inc. \$168.00, Professional Security \$251.00, SD Achieve \$120.00, SD Dept. of Health Lab \$315.00, SESD Activity Cntr \$360.00, The Equalizer \$34.00, University Cleaners \$20.00; (Publishing) Broadcaster Press \$290.37, The Equalizer \$125.00; (Repairs and Maintenance) A & B Business \$162.96, Century Business Products \$115.24, First Bank & Trust Visa \$9.00, John Deere Financial \$1,002.75, Johnson Feed Inc. \$87.50, Kone Inc. \$615.48, Midwest Bldg. Maint. \$24.00, Office Elements \$131.14, Paul's Plumbing Inc. \$11,619.53, TMA \$54.95, Vermillion Federal Credit \$21.20, Broadcaster Press \$18.35; (Data Processing) Mastel, Bruce \$35.00, Microfilm Imaging Syst \$677.00, Netsys Plus Inc. \$66.00, Software Services, Inc. \$66.00; (Ditch Expense Lateral

2010 Legal and Public Notices

1A &1B Broadcaster Press \$18.36; (Ditch Expense Lateral 2A & 2B) Broadcaster Press \$18.36; (Ditch Expense Lateral 3A & 3B) Broadcaster Press \$18.36; (Supplies & Materials) A-OX Welding Supply Co \$153.76, Blue Tarp Financial, Inc. \$138.97, Brunick Services, Inc. \$3,455.63, Bunyan's Bar & Grill \$92.00, Butler Machinery Co. \$68.08, C & R Supply, Inc. \$61.80, Campbell Supply Co. \$5.24, Chemo Inc. \$118.74, Davis Pharmacy \$70.94, DS Solutions, Inc. \$262.50, Election Systems and \$2,622.20, Fist Bank & Trust Visa \$173.91, Graham Tire Yankton \$628.52, Herren-Schempp \$149.98, Hillyard \$60.18, Jamar Tech, Inc. \$815.07, John Deere Financial \$184.23, Johnson Electric, Inc. \$1,091.73, Johnson Feed, Inc. \$10.76, Microfilm Imaging Syst \$120.00, Midwest Bldg. Maint. \$42.00, Neve's Uniforms & Equipment \$53.90, Orr Farm Supply \$2.56, Paul's Plumbing, Inc. \$337.16, Plain Talk \$27.56, Pressing Matters \$50.00, Print Source \$171.00, Quill Corporation \$152.70, SD Dept. of Transit \$1,473.32, Software Services, Inc. \$125.00, Sturdevant's Auto Part \$847.23, Syds Eastside Auto \$100.00, 3-D Specialties, Inc. \$78.75, TMA \$1.65, True Value \$224.95, Western Office Tech. \$45.81, Yankton Janitorial Supply \$454.00; (Copier Supplies) Century Business Products \$41.15; (Travel and Conference) Aden, Cynthia \$43.66, Best Western Ramkota Pierre \$545.94, Crum Carri \$241.06, First Bank & Trust Visa \$92.99, Hofman, Ray \$241.06, Howe, Andy \$53.00, Stewart, Layne \$104.72; (Inmate Transport) Brunick Service, Inc. \$255.00, Pennington County Sheriff \$218.40; (Utilities) Bureau of Administration \$105.31, CenturyLink \$523.60, Clay Union Electric Co. \$613.84, Fischer's Disposal \$50.00, Hartelco, \$89.95, MidAmerican Energy \$937.61, Midcontinent Comm. \$335.00, Paul's Plumbing, Inc. \$594.00, Reliance Telephone \$400.00, Stewart, Layne \$120.00, Vermillion Garbage Svc \$60.00; (Inmate Transport) Brunick Service, Inc. \$1,737.37; (Chemicals) Crop Production Service \$6,543.00; (Machinery and Auto) American Tire Distribution \$493.72, Mobile Electronic SVC \$7950, Quality Motors \$60.43, Vermillion Federal Credit \$223.44, Vermillion Ford \$30.00; (Jury Duty) Bak, Carol \$74.42, Bohn-Brown, Dawn \$57.40, Iacino, Barbara \$50.00, Jacobson, Sheila \$50.00, Mollman, Benjamin \$50.00, Rasmussen, Micky \$50.00, Settles, William \$50.00, Sommervold, Donna \$52.96; (Building Improvements) Bonte, Ken \$475.00, Precision Mechanical \$41,113.89; (Furniture and Minor Equipment) Dakota PC Warehouse \$249.99, Netsys Plus Inc. \$706.00.

At 10:52 a.m. Mockler moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, May 27, 2014 at 9:00 a.m.

Raymond Passick, Chairman
Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor

**Published once at the total approximate cost of \$ 123.33 .
Publish: June 6, 2014.**

NOTICE OF PUBLIC HEARING

A Public Hearing on the City of Vermillion Integrated Resource Plan (IRP) for the Municipal Electric Utility is scheduled for Monday, June 16, 2014 at 7:00 p.m. at the City Council Chambers at City Hall, 25 Center Street, Vermillion, South Dakota.

The City of Vermillion has prepared an IRP as required by Western Area Power Administration (Western) under its Energy Planning and Management rules. An IRP must be completed by the City of Vermillion to renew its long-term power supply agreement with Western.

An IRP involves planning for future energy resources by evaluating a full range of alternatives, including traditional energy sources, power purchases, energy conservation and efficiency, and renewable resources, in order to provide adequate and reliable service to consumers at the lowest system cost. An IRP should support municipal utility goals and schedules.

The IRP Summary Report can be viewed at City Hall, 25 Center Street, during business hours. In addition to commenting on the IRP at the Public Hearing, written comments can be submitted to the City of Vermillion during business hours before the Public Hearing.

Dated at Vermillion, South

2010 Legal and Public Notices

Dakota this 2nd day of June, 2014.

Jason Anderson, Asst. City Engineer

**Published twice at the approximate cost of \$35.15.
Publish: May 30 & June 6, 2014**

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 16th day of June, 2014 at the hour of 7:00 P.M. at 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 between Friday, July 4, 2014 between the hours of 3:00 p.m. and 9:00 p.m. which has been filed in the Finance Officer's Office:

Vermillion Fire Department request for a special permit to exceed allowable sound levels in the northwest part of Barstow Park on Friday, July 4, 2014, from 3:00 p.m. to 9:00 p.m. for the Fire Department Community Day in the Park event to include a band.

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 30th day of May, 2014.

Michael D. Carlson, Finance Officer

**Published once at the approximate cost of \$17.04.
Publish: June 6, 2014.**

State convention to be held in Verm. June 6-7

By Sharon Donahoe
DKG Eta chapter president

Sixty DKG women educators will come to Vermillion June 6-7 for the Alpha Pi State Convention of Delta Kappa Gamma Society International.

DKG is an organization that promotes professional and personal growth of women educators and excellence in education.

The meetings will be held at Trinity Lutheran Church, with tours to the National Music Museum, Edith B. Siegrist Library, W. H. Over Museum,

Spirit Mound and Valient Vineyards.

The SD Humanities Council Program presenter Phyllis Schrag from Sioux Falls will perform "Letters in the Attic" to the group on Friday evening.

International DKG officer Mary Lee Makinen from Maryland will be giving greetings and a presentation from the International DKG office on Saturday.

Thirteen local chapters from across the state and some visitors from Iowa chapters will be attending.

The Vermillion Eta chapter is hosting the event.

VERMILLION FIRE/EMS CALLS FOR SERVICE

5/26/14 9:30:04 – EMS/medical call
5/26/14 22:45:23 – EMS/medical transfer
5/27/14 5:34:37 – EMS/medical call
5/27/14 14:22:18 – EMS/medical call
5/27/14 15:12:57 – Fire
317 W. Clark St., fire alarm activated due to construction work at the residence
5/27/14 23:02:58 – Fire/EMS, reported natural gas leak – 416 Franklin St., homeowner reported the smell of gas in the kitchen.
5/28/14 11:31:56 – EMS/medical transfer
5/29/14 9:14:42 – Fire
118 N. Plum St., fire alarm activated due to construction work at the residence
5/29/14 9:20:18 – EMS/medical call
5/29/14 17:44:04 – Fire/EMS 30975

University Rd., large propane tank leaking due to heat.
5/30/14 12:43:25 – EMS/medical call
5/30/14 16:43:14 – Fire/Haz-Mat 203 E Main St, 5+ Gallons of gasoline spilled. Crews cleaned up the spilled gas
5/31/14 2:25:27 – EMS/medical call
5/31/14 14:18:31 – Fire/EMS, motorcycle accident Intersection of Burbank Rd and 467th
5/31/14 16:15:40 – EMS/medical call
5/31/14 19:29:56 – EMS/medical call
6/1/14 13:36:35 – EMS/medical call
6/1/14 14:20:45 – EMS/medical transfer
6/1/14 15:18:30 – Fire, dispatched to assist waist water department with local flooding

VERMILLION POLICE DEPARTMENT PRESS BRIEFING

05/25/14 12:26 – Officers stopped a vehicle for speeding 47 in a 35 mph zone. The driver was intoxicated and was arrested for DWI. A portable breath test showed a breath alcohol content of .108.
05/25/14 21:10 – Complainant reported her iPad stolen and being used. Under investigation.
05/26/14 01:44 – Officers stopped a vehicle for an out taillight. The driver was intoxicated and was arrested for DWI. A portable breath test showed a result of .130.
05/26/14 02:10 – Officers were called to a bar for an intoxicated man who was refusing to leave. Officers contacted the man who agreed to leave.
05/26/14 08:22 – Caller reported a man was drinking in violation of a court order. Officers investigated found the man was in fact on probation and was drinking. At the request of a court services officer, the man was arrested.
05/26/14 09:02 – Officers were responding to a report of a man drinking in violation of a court order and stopped a car driven by a driver who was revoked. The passenger turned out to be the man from the original report and he was in fact intoxicated in violation of a court order. Both driver and passenger were charged.
05/26/14 15:34 – Officers responded to a report of a loud domestic disturbance at a downtown apartment. Officers investigated and found that the couple had been arguing and several items had been broken and the man had been hit several times by the woman. The woman was arrested for

05/28/14 09:10 – A business reported a back window had been vandalized. No suspect information has been developed.
05/29/14 09:22 – Officers provided a funeral escort.
05/30/14 15:10 – Caller reported a sub-leasee had failed to pay her rent and then physically confronted him when asked for the rent. Further investigation showed the woman had also bought a bus ticket and left the community. She was on probation and the court services officer issued a detainer for her. Information was forwarded to the sheriff's department as the woman was no longer in the community.
05/31/14 02:30 – Officers were dispatched to a report of an intoxicated man who was having trouble walking. The man was very intoxicated and officers called a friend who came and got the man to insure he was able to get home safely.
05/31/14 05:59 – Caller reported loud arguing nearby. Investigation showed that a man and woman had been arguing about the nature of their relationship, but no assault had occurred.
Total Records: 17

Advertise in

the Vermillion

Plain Talk!

Call 624-4429.