

10 Vermillion Plain Talk

2000 Notices

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2010 Legal and Public Notices

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
1ST JUDICIAL CIRCUIT

In the Matter of the Petition of
Pavel Vladimirovich Pravdenko

For a Change of Name to
Paul Vladimirovich Pravdenko

CIV: 15-49

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Pavel Vladimirovich Pravdenko the object and prayer of which is to change Petitioner's name from Pavel Vladimirovich Pravdenko to Paul Vladimirovich Pravdenko. On the 24th day of June, 2015, at the hour of 9:00 am said verified petition will be heard by this Court before the Honorable Judge Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 22nd day of May, 2015 at Vermillion, South Dakota.

Nadyne Zimmerman
Clerk of Court Magistrate

ATTEST:

Clerk of Court
By: _____
Deputy

Published four times at the approximate cost of \$64.15. Publish: May 29, June 5, 12 & 19, 2015.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
1ST JUDICIAL CIRCUIT

In the Matter of the Petition of
Angela Kae Pridie

For a Change of Name to
Angela Kae Jackson

CIV: 15-51

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Angela Kae Pridie the object and prayer of which is to change Petitioner's name from Angela Kae Pridie to Angela Kae Jackson. On the 24th day of June, 2015, at the hour of 9:00 am said verified petition will be heard by this Court before the Honorable Steven R. Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 26th day of May, 2015 at Vermillion, South Dakota.

Nadyne Zimmerman
Clerk of Court

ATTEST:

Clerk of Court
By: _____
Deputy

Published four times at the approximate cost of \$63.02. Publish: May 29, June 5, 12 & 19, 2015.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE
ESTATE OF

JULIE POE BROWNELL,

DECEASED.

PRO. 15-10

NOTICE TO CREDITORS

Notice is given that on the 27th day of May, 2015, Tara B. Potet, whose address is 1300 Three Oaks Drive, Harlem, Georgia 30814, was appointed as personal representative of the estate of Julie Poe Brownell, 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.

Tara B. Potet
1300 Three Oaks Drive
Harlem, GA 30814
706-993-8546

JESSICA BOSSE
CLAY COUNTY
CLERK OF COURTS
PO BOX 377
211 W. MAIN STREET
VERMILLION, SD 57069
(605) 677-6756

2010 Legal and Public Notices

CRAIG K. THOMPSON
CRAIG K. THOMPSON LAW
OFFICE
P.O. BOX 295
VERMILLION, SD 57069
(605) 624-2097
craig@cktlaw.net

Published three times at the approximate cost of \$53.36. Publish: June 5, 12 & 19 2015.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

ESTATE OF
RICHARD L. ANDERSON,
Deceased.

PRO. 15-13

NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

Notice is given that on the 27th day of May, 2015, Kimberlee E. Bleau, whose address is 16424 NE 180th Street, Fletcher, OK 73541 was appointed as Personal Representative of the estate of RICHARD L. ANDERSON.

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 26th day of May, 2015.

KIMBERLEE E. BLEAU
16424 NE 180TH STREET
FLETCHER, OK 73541
580-595-1653

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 approximate cost of \$53.36. Publish: June 5, 12 & 19, 2015.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
1ST JUDICIAL CIRCUIT

In the Matter of the Petition of
Austin Lee Rallis Reno

For a Change of Name to
Austin Lee Rallis

CIV: 15-56

NOTICE OF HEARING FOR ADULT NAME CHANGE

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Austin Lee Rallis Reno the object and prayer of which is to change Petitioner's name from Austin Lee Rallis Reno to Austin Lee Rallis. On the 22nd day of July, 2015, at the hour of 9:00 am said verified petition will be heard by this Court before the Honorable Steven R. Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 2nd day of June, 2015 at Vermillion, South Dakota.

Nadyne Zimmerman
Clerk of Court

ATTEST:

Clerk of Court
By: _____
Deputy

Published four times at the approximate cost of \$63.02. Publish: June 5, 12, 19 & 26 2015.

The University of South Dakota is accepting sealed bids for the "USD Dakota Dome North Catwalk Guardrail System" until 2:00 P.M., June 16th, 2015. 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 for review from at the offices of A&D Technical Supply, 1822 N Street, Lincoln, Nebraska 402-474-5454. The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$12.51. Publish: June 5 & 12, 2015.

The University of South Dakota is accepting sealed bids for the "USD Parking Lot Striping" until 2:00 P.M., June 23rd, 2015. 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 for review from at the offices of Stockwell Engineers, Inc., 600 North Main Avenue, Suite 100, Sioux Falls, SD 57104, phone: 605-338-6668. The University reserves the right to

2010 Legal and Public Notices

reject any and all bids.

Published twice at the total approximate cost of \$12.51. Publish: June 12 & 19, 2015.

Unapproved Minutes
Council Special Session
June 1, 2015
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 1, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Holland, Clarene Meins, Ward, Willson, Mayor Powell

Absent: Erickson, Holly Meins, Price

2. Presentation of Police Department Life Saving awards - Police Chief Matt Betzen

Matt Betzen, Police Chief, reported on the life saving events of April 23, 2015 and presented the Police Department Life Safety awards to Officers Joe Ostrem and Jon Cole. Mayor Powell and City Council members expressed their appreciation to the Officers.

3. Informational Session - Update on Downtown Art Sculpture project - Dr. Larry Schou

Dr. Larry Schou, representing the Vermillion City Sculpture Walk 2015, thanked the City Council for their support of the project and reviewed the sculptures that will be placed in the downtown area. Dr. Schou stated that the sculptures will be installed in August 2015 and remain until August 2017. Dr. Schou answered questions of the City Council on the project.

4. Informational Session - Update on Prentis Park ball field improvements - Jim Goblirsch

Jim Goblirsch, Director of Parks and Recreation, updated the City Council on Prentis Park ball field improvements. Jim stated that funding was included in the 2015 budget for restroom and storage facilities. Jim reported that the house has been sold and moved and that City staff has removed excess vegetation around the ball field. Jim stated that, with excess funds from the Eagle Scout project, Builders Choice and Midwest Ready-Mix completed the seating berm along the left field fence. Jim reported that Builders Choice constructed the 18' X 30' storage facility. Jim stated that the next items planned would be a six foot perimeter fence that is to be completed by July 1st, new restroom facilities that will be starting August 15th and the Prentis Street entrance arch will be moved to the south between the restroom and storage buildings. Jim stated that the parking lot and sidewalks will be installed as part of the pool project. Jim stated that with the improvements completed the City will be able to bid on hosting future state tournaments. Jim answered questions of the City Council on the Prentis Park project.

5. Briefing on June 1, 2015 City Council Regular Meeting Agenda

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

6. Adjourn

171-15
Alderman Ward moved to adjourn the Council special session at 12:45 p.m. Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of June, 2015.

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 1, 2015
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 1, 2015 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Ward, Willson, Mayor Powell

Absent: Price

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 18, 2015 Special Session; May 18, 2015 Regular Session

172-15
Alderman Clarene Meins moved approval of the May 18, 2015 Special Session and May 18, 2015 Regular Session minutes. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

173-15
Alderman Willson moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0.

2010 Legal and Public Notices

Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% for the Vermillion Fire Department on July 4th in Barstow Park from 3:00 p.m. to 9:00 p.m.

Mike Carlson, Finance Officer, reported that an application was received for a special permit to exceed the permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4th for a band as part of the Vermillion Fire Department Community Day in the Park event. Mike stated that the request is from 3:00 p.m. to 9:00 p.m. The Fire Department is inviting the community to the events they have planned from 4:00 p.m. until the fireworks in the evening. Mike reported that the diagram and notice of hearing are included in the packet. Mike recommended approval of the special permit.

174-15
Alderman Ward moved approval of the special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m. for the Vermillion Fire Department Community Day in the Park event that will include a band. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Annual malt beverage license renewals

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. Mike noted that the management plans from Casey's Retail Company, Inc for Casey's, Main Street Pub, Inc for Main Street Pub, Mexico Viejo, Inc for Mexico Viego Mexican Restaurant, Prairie River, Inc for R-Pizza and OMA Shree, LLC for Speedee Mart were included in the packet. Mike read the list of licenses that had applied for renewal noting that the Old Lumber Company license was restricted to the interior of the building when it was last renewed. Discussion followed.

175-15
Alderman Erickson moved approval of the renewal of the following malt beverage licenses: 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; BeBee 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; NPC International, Inc. for Pizza Hut #2788 at 928 East 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; Bonnie K. Rowland for Raziel's at 13 West Main Street; Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street; Prairie River, Inc. for R Pizza at 2 West Main Street; Silk Road Café, Inc. for Silk Road Café at 12 West Main Street; OMA SHREE, LLC for Speedee Mart at 802 East Cherry Street; City of Vermillion for The Bluff's Golf Course at 2021 East Main Street; City of Vermillion for Municipal Liquor Store 820 Cottage Avenue; David W. Raabe for Westside Inn at 1313 West Cherry Street; Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main; Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street; Varsity Pub, LLC for The Varsity at 113 East Main Street; Re-issuance of Package (Off Sale) Malt Beverage: Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street; Freedom Valu Centers, Inc for Erickson Freedom Valu Ctr at 830 E Cherry Street; HyVee Food Stores, Inc. for HyVee 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 and the renewal of the retail on-off sale malt beverage with the restriction to the interior of the structure located at 15 Court Street for the Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Amend request from USD to close Rose Street from Dakota Dome to 400 feet south of the Dakota Dome until July 24, 2015

John Prescott, City Manager, reported that at the May 18th City Council meeting the USD request was made to close Rose Street from Dakota Dome to 400 feet south of the Dakota Dome from May 19 to May 27. John noted that after the Council meeting it was discovered that a staff error was made as the USD contractor had requested the closing from May 18 to July 24. John recommended approval of the closing until July 24th as the USD contractor had requested.

178-15
Alderman Ward moved approval of amending the request from USD to close Rose Street from Dakota Dome to 400 feet south of the Dakota Dome until July 24, 2015. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Resolution Authorizing Purchase of Electric Switches from City of Sioux Falls Bid

Jason Anderson, Assistant City Engineer, reported that the Electric Department is in need of two padmount switches for this year's construction projects. Jason reported that the City of Sioux Falls had awarded bids on switches meeting our standards to Stuart C. Irby Company. Jason reported that Stuart C. Irby Company has agreed to sell two switches to the City at the Sioux Falls bid price of \$10,790 each. Jason recommended adoption of the resolution to authorize the purchase of two switches.

179-15
After reading the same once, Alderman Willson moved adoption of the following:

RESOLUTION AUTHORIZING PURCHASE OF PADMOUNT SWITCHES

WHEREAS, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental

2010 Legal and Public Notices

Band shell area

Mike Carlson, Finance Officer, reported that an application was received from the Vermillion Area Chamber of Commerce and Development Company for a special daily malt beverage and wine license for 11-14 in the Prentis Park band shell area for the Coyoteopoly Shakespeare Festival. Mike stated that the notice of hearing and Police Chief's reports are included in the packet. Mike stated that the Police Chief's report includes safety measures that will mitigate any problems and that Mr. Huckabee has indicated that the safety measures are acceptable. Mike stated that a map of the area was handed out. Mike reported that a certificate of insurance naming the City as additional insured has been received. Mike recommended approval with the Police Chief's safety measures.

176-15
Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company for the Coyoteopoly Shakespeare Festival in Prentis Park on June 11-14, 2015 in the vending area and seating area as long as the safety measures outlined by the Police Chief are followed. Alderman Ward seconded the motion. Discussion followed with Greg Huckabee answering questions on the event. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Policies and Procedures Committee report on backyard chickens

Andy Colvin, Assistant to the City Manager, reported that the Policies and Procedures Committee has been exploring the issue of permitting chickens in city limits. Andy noted that a request to allow chickens within the city limits was received at the February 2, 2015 City Council meeting. Andy noted that the committee has met a number of times and requested that the unofficial survey be placed on the City web site. Andy reported the results of the survey noting that it was unofficial. Andy noted that the committee requested what other South Dakota cities were doing in regard to allowing chickens and requested possible ordinances. Andy reported that at the May 18th committee meeting the committee voted 3 to 1 to move the issue of permitting chickens forward to the City Council for consideration. Andy noted that research has been done for the committee on possible ordinances and that the City Council will need to determine what to include in an ordinance. Andy noted that the City Council would need to receive the committee report and then at a future meeting discuss an ordinance. Discussion followed.

177-15
Alderman Holland moved approval of accepting the report of the Policies and Procedures Committee on allowing chickens within the city limits. Alderman Erickson seconded the motion. Discussion followed on the process to proceed with the consideration of any ordinance change. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Amend request from USD to close Rose Street from Dakota Dome to 400 feet south of the Dakota Dome until July 24, 2015

John Prescott, City Manager, reported that at the May 18th City Council meeting the USD request was made to close Rose Street from Dakota Dome to 400 feet south of the Dakota Dome from May 19 to May 27. John noted that after the Council meeting it was discovered that a staff error was made as the USD contractor had requested the closing from May 18 to July 24. John recommended approval of the closing until July 24th as the USD contractor had requested.

178-15
Alderman Ward moved approval of amending the request from USD to close Rose Street from Dakota Dome to 400 feet south of the Dakota Dome until July 24, 2015. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Resolution Authorizing Purchase of Electric Switches from City of Sioux Falls Bid

Jason Anderson, Assistant City Engineer, reported that the Electric Department is in need of two padmount switches for this year's construction projects. Jason reported that the City of Sioux Falls had awarded bids on switches meeting our standards to Stuart C. Irby Company. Jason reported that Stuart C. Irby Company has agreed to sell two switches to the City at the Sioux Falls bid price of \$10,790 each. Jason recommended adoption of the resolution to authorize the purchase of two switches.

179-15
After reading the same once, Alderman Willson moved adoption of the following:

RESOLUTION AUTHORIZING PURCHASE OF PADMOUNT SWITCHES

WHEREAS, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental

2010 Legal and Public Notices

entity at the accepted bid price and the concurrence of said bidder; and,

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the City of Sioux Falls, South Dakota to Stuart C. Irby Co. in the amount of \$10,790 per S&C PMH-9 padmount switchgear offers an advantageous price to the City for the said item; and,

WHEREAS, the City has contacted Stuart C. Irby Co. and they have agreed to allow the City to purchase two (2) S&C PME-9 padmount switches for the awarded price and terms as they have contracted with the City of Sioux Falls, South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the City Finance Officer is hereby authorized to purchase two (2) S&C PMH-9 padmount switches at the awarded price and under the same terms as the City of Sioux Falls, South Dakota for a total amount of \$21,580.

Dated at Vermillion, South Dakota this 1st day of June 2015.

THE GOVERNING BODY OF
THE CITY OF VERMILLION,
SOUTH DAKOTA

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

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Transfer of Airport entitlement funds to the SD Department of Transportation for pavement maintenance

Sophie Johnson, City Manager Intern, reported that the SDDOT administers the pavement maintenance program at the airport on behalf of the City. Sophie stated that a requirement of the federal grants received for the airport is maintenance of the airport. Sophie stated that the SDDOT is requesting reimbursement for 90% of the pavement maintenance totaling \$38,000.08 from the City's federal allotment of approximately \$150,000 per year with the agreement that is included in the packet. Sophie stated that the SDDOT will be billing the City for the 5% local share of the pavement maintenance costs.

180-15
Alderman Willson moved approval of the Agreement for Transfer of Entitlements with the SDDOT for the transfer of \$38,000.08 of the federal allotment to the SDDOT for pavement maintenance. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all items.

Item 1 - 4,350 gal unleaded 10% ethanol; Stern Oil \$2,4264, Brunick's Service \$2.49; Item 2 - 1,000 gal unleaded; Stern Oil \$2,7841, Brunick's Service \$2,798; Item 3 - 3,000 gal No. 2 Diesel fuel dyed; Stern Oil \$2,1045, Brunick's Service \$2.18; Item 4 - 1,000 gal No. 2 diesel fuel-clear; Stern Oil \$2,4110, Brunick's Service \$2.49

181-15
Alderman Willson moved approval of the low quote of Stern Oil on all four items. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 8 to 0. President Willson declared the motion adopted.

B. Chip Seal