Unapproved Minutes
Council Special Session
March 15, 2010
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 15, 2010 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Edelen, Hofman (arrived at 12:10 pm), Meins, Osborne, Powell, Willson, Mayor Christopherson

Absent: French, Ward

2. Educational Session – Downtown Sidewalk Furniture Ordinance – City Staff

John Prescott, City Manager, reported that City staff has been working with the Downtown Action Committee for a Furniture Zone as a permitted use of a portion of the sidewalk in the Downtown area. John stated that the Sioux Falls ordinance was used to develop the proposed ordinance creating a Furniture Zone. He noted that a six foot area needs to be designated for pedestrian walkway. Discussion followed on the proposed ordinance.

3. Visioning Session – Goals Survey for March 16, 2010 Special Meeting

John Prescott, City Manager, handed out the listing of goals that were included on the annual City Manager and Finance Officer evaluations. He requested that Council members rank the goals to assist with the goals session scheduled for Tuesday night.

4. Briefing on the March 15, 2010 City Council Regular Meeting Agenda

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

5. Adjourn

079-10

Alderman Hofman moved to adjourn the Council special session at 1:10 p.m. Alderman Edelen seconded the motion. Motion carried 7 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 15th day of March, 2010.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY_____
Dan Christopherson, Mayor
ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
March 15, 2010
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 15, 2010 at 7:00 p.m. by Mayor Christopherson.

1. Roll Call

Present: Edelen, French, Hofman, Meins, Osborne, Powell, Ward, Willson, Mayor Christopherson

2. Pledge of Allegiance

3. Minutes

A. March 1, 2010 Special Session; March 1, 2010 Regular Session

080-10

Alderman Edelen moved approval of the March 1, 2010 special session minutes and the March 1, 2010 regular session. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

4. Adoption of Agenda

081-10

Alderman Osborne moved approval of the agenda with the addition of Consensus Agenda Item C – Set a public hearing date of April 15, 2010 for a special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Prentis Park on Wednesday, April 21, 2010 from 5:00 p.m. to 7:00 p.m. for a fund raising concert by the Phi Kappa Alpha Fraternity. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1228 – An Ordinance amending Section 53.055 and 53.091 to update water meter standards and add Section 53.065 regarding water meter pits

Harold Holoch, Utility Engineer, reported that this is the second reading of the ordinance to update water standards and add requirements for meter pits. Discussion followed.

082-10

Second reading of title to Ordinance No. 1228 – An Ordinance amending Section 53.055 and 53.091 to update water meter standards and add Section 53.065 regarding water meter pits for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1228 entitled An Ordinance amending Section 53.055 and 53.091 to update water meter standards and add Section 53.065 regarding water meter pits for 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 March, 2010 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 15th day of March, 2010 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. 1228

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE V, CHAPTER 53, TO AMEND SECTIONS 53.055; 53.091 TO UPDATE WATER STANDARDS AND TO ADD SECTION 53.065 REGARDING METER PITS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same as follows:

§ 53.055 INSTALLATION.

(A) Installation by City. The City shall install all service pipes from the water mains to inside the curblines in streets, alleys, and avenues in the city, which the pipes shall be the best quality drawn copper tubing, full size inside with standard brass or copper fittings. Copper pipe shall be subjected to a test pressure of not less than 500 pounds per square inch and shall weigh, per lineal foot, as follows: 1 inch, 83/100 (0.83) pound; 1 and 1/4 (1.25) inches, 1 and 4/100 (1.04) pounds; 1 and _ (1.5) inches, 1 and 36/100 (1.36) pounds; 2 inches, 2 and 6/100 (2.06) pounds.

(B) City to lay pipe under paving. Whenever a resolution shall have been adopted by the Council, declaring the necessity of paving any street, alley, or avenue, it shall be the duty of the City Engineer to report to the Council all iron pipe connections in the street, alley, or avenue, at the next meeting thereafter, and, thereupon, the City shall immediately cause to be constructed, built and laid, copper pipe as above described in the place of the iron pipe from the water mains to the lot line and shall charge connection fees.

(C) Record book. Whenever the City pays for connecting pipes, and the laying thereof, from the water mains to the lot line, before connection is requested, on account of paving or otherwise improving the street, alley, or avenue in the city, the date of payment by the City for each of the connecting pipes, and the laying thereof, shall be recorded by the City Engineer in the office of the City Finance Officer and the official shall keep a special book in which the dates, together with the location of the connecting pipes, shall be stated.

(D) How made. Copper connections shall be either flared or compression fittings.

(E) Fees. The Council may change, fix, and adjust, from time to time, by resolution, the charges herein fixed, respectively, so that the charges will conform to the then existing cost to the City for water meters and the installation of all the service pipes from a water main or the water system to the lot lines.

§ 53.065 METER PITS.

Use of all meter pits shall have prior approval from the Water Superintendent. If approved, the following requirements must be met:

(A) There shall be no more than one meter installed per meter pit.

(B) Meter pits shall be located on private property, no more than five feet from property line.

(C) Meter pits shall be constructed per "Meter Pit Detail", provided by the City Utilities Engineer or Water Superintendent.

§ 53.091 WATER METER INSTALL.

Unless otherwise agreed upon, all water meters shall be furnished by the City; and the size of meters to be installed in any residence, place of business, or other premises shall be determined by the owner. The owner will be responsible for the installation of the water meter.

Dated at Vermillion, South Dakota this 15th day of March, 2010

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY_____
Dan Christopherson, Mayor
ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Edelen. 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: Edelen-Y, French-Y, Hofman-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Mayor Christopherson-Y.

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

8. New Business

A. Final Plat of Lots 1A, 1B, and Outlot C, Block 1, Mehlhaf Addition to the City of Vermillion

Jose Dominguez, City Engineer, reported on the location of the lots to be platted. Jose stated that the Planning Commission recommended approval of the final plat. Discussion followed.

083-10

After reading the same once, Alderman Osborne moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lots 1A, 1B, and Outlot C, Block 1, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law and the same is hereby accordingly approved.

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

B. Development Agreement Regarding Lot 1A and Lot 1B of Block 1 of Mehlhaf Addition

Jose Dominquez, City Engineer, reported that the subdivision regulations require paving of streets prior to the development in order to avoid future issues with the paving after development takes place and buildings are occupied. Mr. Mehlhaf has requested that the City delay the required paving until 2013 due to the cost. As such, a developers agreement has been drafted that would require the paving in the earliest of 2013, if development occurs to the east on Clark Street or when Sanford Street is paved.

Cory Moore, 1219 E Clark, stated that he just received notice with the estimated amount of the special assessment for his property which was over $17,000. He stated that the assessment would double his annual tax payment over the next ten years.

Discussion followed on the special assessment process noting that the development agreement, as proposed, would delay the assessments for the street until the street was paved. Mr. Mehlhaf stated that, as this is only paving 300 feet, it would be best to bid this small project with a larger project such as Sanford Street to obtain better prices. He stated that there are already homes and apartments that access this street and, as such, there never will be a good time to pave the street, but by delaying the paving a few years will make financing the project better.

084-10

Alderman Osborne moved approval of the Development Agreement with Mr. Mehlhaf regarding Lots 1A and 1B of Block 1 of Mehlhaf Addition to allow for the delaying of the pavement. Alderman Powell seconded the motion. Discussion followed on the development agreement and special assessment process for the improvements as well as the ongoing maintenance. Motion carried 8 to 1. Mayor Christopherson declared the motion adopted.

C. Water Treatment Lime Sludge Lagoon Floor Replacement

Harold Holoch, Utility Engineer, reported that the City constructed three lime sludge lagoons in 1999 located north of the airport. The floor in the first lagoon has failed and needs to be replaced this year. The estimated cost of the project is $200,000 which has not been included in the 2010 budget. The breakdown of the estimated cost is $160,000 construction, $9,800 engineering design and bidding, $9,900 construction phase engineering and $20,300 contingency. There was approximately $60,000 of the Community Development Block grant from the Cherry Street project that was not used that SECOG has contacted the State who has agreed to allow for this project. There is not enough time before we need to start construction to get on the State water plan for consideration of other grants and loans, thus it is recommended that the balance be funded from the water fund reserves. Harold stated that the request is to hire the engineering firm to do the design and bid. The bids will be opened in May-June for Council consideration. Discussion followed.

085-10

Alderman Powell moved to authorize administrative staff to proceed with the agreement for engineering services with Banner Associates for the design and bidding of the lime sludge lagoon floor replacement with the funding from the water reserve. Alderman Osborne seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

D. Sale of surplus crack sealing machine to the City of Murdo

Mike Carlson, Finance Officer, reported that the City Council declared the 1992 Bearcat crack sealing machine surplus at the March 1st meeting. This machine is owned equally between Clay County and the City. Both entities have declared it surplus and appraised the machine at a total value of $8,000. Since then, the County Highway Superintendent and City Street Superintendent have contacted other counties and cities to see if another entity was interested in purchasing the machine. The City of Murdo has offered the appraised price of $8,000 to purchase the machine. Staff recommends the sale of the City's half interest in the machine for the $4,000.

086-10

Alderman Willson moved approval of the sale of the City's half interest in the 1992 Bearcat crack sealing machine to the City of Murdo for $4,000. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

9. Bid Openings

A. Landfill track-type tractor bulldozer

Harold Holoch, Utility Engineer, read the only bid received for the replacement of the 2004 landfill track dozer. He reported that the dozer is used to do the compaction of construction materials, applying the cover material, digging of new trenches and final cover of the completed trenches. The new dozer was bid with a grade leveling control system that will assist in saving cover material and construction of new trenches along with reduced engineering services in these activities. Harold noted that specifications were sent to three bidders with one bid received from Butler Machinery with a base bid of $462,363, guaranteed total cost of repairs for 5,000 hours or 5 years of $1,500 and a guaranteed bid price at the end of five years of $135,000 that excludes the grade leveling equipment that can be moved to a new machine. The bid also includes a deduction of $3,162, if the performance bond is not required. Harold recommended awarding the bid with the deduction of the performance bond. Discussion followed.

Butler Machinery, Co: Base bid $462,363, guaranteed total cost of repairs 5,000 hours or 5 year $1,500, guaranteed bid price at end of 5,000 or 5 years $135,000, guaranteed bid at net present value $116,451, total guaranteed maximum cost of ownership at net present value $347,412; deduction for removal of performance bond $3,162.

087-10

Alderman Powell moved approval of the total cost bid from Butler Machinery for the landfill track dozer of $462,363 with the deduction of $3,162 to remove the performance bond for an initial purchase price of $458,201, based upon total guaranteed maximum cost of ownership at net present value of $347,412. Alderman Hofman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

10. City Manager's Report

A. John asked Council members planning on attending the SDML District 3 meeting in North Sioux City on Thursday, April 8th to let him know for registration.

B. John stated there is a special meeting set for Tuesday, March 16th at 6:00 for the City Council to work on goals from the City Manager and Finance Officer evaluations in preparation for the 2011 budget.

C. John reported that there will be an informational meeting regarding the downtown mill and asphalt overlay project scheduled for this summer on Thursday, March 18th at 7:00 pm on the second floor of City Hall.

D. John reported that Census forms are arriving and asked residents to take 10 minutes to answer the 10 questions so that we can get an accurate count of Vermillion and Clay County.

E. John asked residents to take a minute to pick up litter that the melting winter snow has uncovered. This helps with the appearance of the community and prevents these items from going into the storm sewer system.

F. John reminded residents that sump pumps must discharge into the storm water system or yard. It is an ordinance violation to discharge into the sanitary sewer system as it leads to increased system costs to treat the additional water.

G. John reported that the street sweeping of the winter sand has started. The sweeping of the monthly schedule will start in April.

PAYROLL ADDITIONS AND CHANGES

Administration: Kate Amundson $13.04/hr; Police: Bryan Beringer $17.86/hr, David Kyte $18.30/hr; Library: Germaine (Candi) Martin $7.25/hr; Water: Josh Balleweg $15.89/hr; Landfill: Bob Iverson $20.42/hr

11. Invoices Payable

088-10

Alderman French moved approval of the following bill:

CAROL WARD, BRIGHT ENERGY REBATE, 25.00

Alderman Hofman seconded the motion. Alderman Ward requested to abstain. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

089-10

Alderman Powell moved approval of the following bills:

ALLTEL, POLICE COMMUNICATION, 211.15

ARGUS LEADER, ADVERTISING-EMPLOYMENT PKG, 699.00

AVERA QUEEN OF PEACE HEALTH, TESTING, 108.50

BASIN ELECTRIC POWER COOP, AID TO CONSTRUCTION PMT 2, 900,000.00

BROADCASTER PRESS, ADVERTISING, 1,092.13

BUREAU OF ADMINISTRATION, TELEPHONE, 349.07

CABELA'S MKTG & BRAND MGT, SUPPLIES, 269.98

CAMPBELL SUPPLY, SUPPLIES, 95.02

CANON FINANCIAL SERVICES, INC, COPIER LEASE, 56.16

CLAY-UNION ELECTRIC CORP, ELECTRICITY, 1,021.73

DEPT. ENVIRONMENT NATL RESOURCES, LANDFILL OPERATIONS FEE, 2,176.07

EAST RIVER ELECTRIC POWER, WHEELING OF POWER, 4,875.00

FARREL CHRISTENSEN, TRAVEL REIMBURSEMENTS, 320.95

GREGG PETERS, MANAGERS FEE, 5,375.00

HSBC BUSINESS SOLUTIONS, SHELVING, 395.69

JIM BALLEWEG, MEAL REIMBURSEMENT, 191.00

KNOLOGY, 911 CIRCUIT/DIAL-UP SERVICES, 1,415.45

LINWELD, CYLINDER RENTAL/MEDICAL OXYGEN, 102.44

LOREN FISCHER DISPOSAL, HAUL CARDBOARD, 80.00

MIDAMERICAN, GAS USAGE, 10,257.40

MIDCONTINENT COMMUNICATONS, CABLE/INTERNET SERVICE, 89.65

QWEST, TELEPHONE, 1,474.77

RESERVE ACCOUNT, POSTAGE FOR METER, 950.00

SD ENGINEERING SOCIETY, REGISTRATION, 300.00

SD MUNICIPAL STREET MAINTENANCE, REGISTRATION, 140.00

SD POLICE CHIEFS ASSOCIATION, REGISTRATION, 65.00

SLATTERY CONSTRUCTION, WATER HEATER REBATE, 365.00

SPRINT, CELL PHONES, 956.14

STERN OIL CO., AVIATION/FUEL USAGE, 24,377.59

STUART C. IRBY CO., SUPPLIES, 24,800.00

UNITED PARCEL SERVICE, SHIPPING, 64.18

US POSTMASTER, POSTAGE FOR UTILITY BILLS, 1,025.00

VERMILLION CHAMBER OF COMMERCE, TICKETS, 120.00

VISA/FIRST BANK & TRUST, TRAVEL/FUEL/SUPPLIES, 423.88

WALKER CONSTRUCTION, SNOW REMOVAL, 710.00

VERN FICKEN, BRIGHT ENERGY REBATE, 50.00

DERON DAVOUX, BRIGHT ENERGY REBATE, 25.00

MASABA INC, BRIGHT ENERGY REBATE, 5,950.00

ROSS DICKENSON, BRIGHT ENERGY REBATE, 150.00

Alderman Edelen seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of April 5, 2010 for retail on-off sale malt beverage and wine license for Red Steakhouse, Inc for Red Steakhouse at 1 East Main Street.

B. Set a bid opening date of March 31, 2010 for sale of surplus police car.

C. Set a public hearing date of April 15, 2010 for a special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Prentis Park on Wednesday, April 21, 2010 from 5:00 p.m. to 7:00 p.m. for a fund raising concert by the Phi Kappa Alpha Fraternity.

090-10

Alderman Osborne moved approval of the consensus agenda. Alderman Edelen seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

13. Adjourn

091-10

Alderman Hofman moved to adjourn the Council Meeting at 8:09 p.m. Alderman Edelen seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 15th day of March, 2010.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY_____
Dan Christopherson, Mayor
ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of $229.68

Estimated publishing cost per circulated copy: $.01

Publish: March 26, 2010

NOTICE TO BIDDERS

Notice is hereby given that the Board of County Commissioners of Clay County, South Dakota, will conduct bid opening at 9:30 a.m. April 6th and will receive bids at the office of the Clay County Auditor, Clay County, South Dakota until 9:30 a.m. on the 6th day of April, 2010, for the furnishing the following materials:

ASPHALT CONCRETE
LIQUID ASPHALT
CONCRETE & METAL CULVERTS
CONCRETE BRIDGE DECKING
BLADES
TRAFFIC SIGNS & STEEL SIGN POSTS
CRANE WORK, CRANE MEN, AND DRIVEN PILING
CRUSHED GRAVEL
CRUSHED QUARTZITE

Specifications for the above materials are on file at the Clay County Auditor's Office, Vermillion, South Dakota.

Ruth A. Bremer
Clay County Auditor

Published twice at the approximate cost of $17.87

Estimated publishing cost per circulated copy: $.005

Publish: March 26 & April 2, 2010

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS
IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
CIV. 10-50
IN THE MATTER OF THE NAME CHANGE OF IMELDA NINNETTE LOWE TO IMELDA NINNETTE BRATTON
NOTICE OF HEARING

Notice is hereby given that Imelda Ninnette has filed with this Court a Petition seeking to change her name from Imelda Ninnette Lowe to Imelda Ninnette Bratton and that this Court has made its order fixing the 31st day of March, 2010 at 9:30 a.m. at the courtroom in the Clay County Courthouse, City of Vermillion, South Dakota as the time and place for hearing such Petition for Change of Name.

At the above-listed time and place, anyone may come and appear and show cause, if any they have, why said name should not be changed as requested.

Dated this 25 day of February, 2010.

Robin Iverson,
Clerk of Courts

Published four times at the approximate cost of $36.00.

Estimated publishing cost per circulated copy: $.005

Publish: March 5, 12, 19 & 26, 2010

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS
IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
PRO. 10-
ESTATE OF MARJORIE GUSTAFSON-HAIGH,
Deceased.
NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

Notice is given that on the 1st day of March, 2010, EMELIE HAIGH, 3516 West Hughes Place, Sioux Falls, South Dakota 57108 and Elizabeth Haigh Petrick, PO Box 74, LaSalle, MN 56056 were appointed as Personal Representatives of the estate of MARJORIE GUSTAFSON-HAIGH.

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 1st day of March, 2010.

EMELIE HAIGH
3516 WEST HUGHES PLACE
SIOUX FALLS, SD 57108

ELIZABETH HAIGH PETRICK
PO BOX 74
LA SALLE, MN 56056
Clay County Clerk of Courts
211 West Main Street
P.O. Box 377
Vermillion, SD 57069-0377
605-677-6756
Linda L. Kogel
Kogel Law Office
P.O. Box 493
Vermillion, SD 57069
605-624-2667

Published four weeks at the total approximate cost of $58.52

Estimated publishing cost per circulated copy: $.01

Publish: March 5, 12, 19 & 26, 2010

PUBLIC NOTICE
Appeal Decision of the Clay County Board of Adjustments To the Clay County Commission

Notice is hereby given that a Public Hearing will be held before the Clay County Commission at 10:00 a.m. on Tuesday, March 30th, 2010 at the Clay County Courthouse for the following Appeal:

Conditional Use Permit for the placement of a mobile home on Agriculture Land owned by Cheryl Seney for the property located at Hillside Addition Lot 1 of SE 1/4 of 24-92-51 Fairview Township, Clay County, South Dakota.

All interested persons are encouraged to attend this public hearing. Those interested persons not able to attend are invited and encouraged to send written comments before the 29th day of March, 2010 to the Clay County Auditor, 211 W. Main Street, Suite 200, Vermillion, SD 57069

Ruth Bremer
Clay County Auditor

Published twice at the approximate cost of $17.87

Estimated publishing cost per circulated copy: $.005

Publish: March 19 & 26, 2010

NOTICE TO BIDDERS

Notice is hereby given that the Board of County Commissioners of Clay County South Dakota, acting as the Ditch board for Yankton/Clay Ditch, will receive bids at the office of the Clay County Auditor, Clay County South Dakota until 10:30 a.m. on the 6th day of April, 2010 for the following:

Furnish all necessary equipment and labor for the restoration of Yankton/Clay Ditch beginning at the West end of Section 4 in Norway Township thru the West 1/2 mile in Section 3 Norway Township ending at Bergen Ave., Clay County, South Dakota Approximately 1-1/2 miles (+/-) in length. The Project consists of cleaning, leveling spoil-banks and removal of trees, brush and stumps in ROW needed to operate equipment within said ditch. All work to be done under the supervision of the County Highway Superintendent.

Minimum Equipment Required: Track-type hoe with six (6) foot ditch cleaning bucket, Programmable laser comparable to a laser beacon LB-4, Proof of Insurance, and bid the project by Sections, using the Bid Sheet the county will furnish, with a final total bid.

Specifications/Plans for the above project are on file at the Clay County Auditor's Office, Vermillion, South Dakota.

Ruth A. Bremer
Clay County Auditor

Published twice at the approximate cost of $25.62

Estimated publishing cost per circulated copy: $.007

Publish: March 26 & April 2, 2010

NOTICE OF HEARING

Notice is hereby given that the Clay County Commissioners acting as the Board of Adjustments will meet at 11:00 A.M. on Tuesday, March 30, 2010 in the Commissioners' Meeting Room of the Clay County Courthouse, Vermillion, SD at which time said Board will hear, consider and act upon the following:

1. Variance Hearing to consider the building of a grain bin with a 67' variance in the 75' setback, for Kurt Amundson, 46008 310 Street, Vermillion, SD, W1/2SW1/4 Exc.W330' of N396' of the SW1/4 4-93-52 Spirit Mound Twp, Clay County, South Dakota.

All interested persons are invited to attend this public meeting. Those interested persons not able to attend are invited and encouraged to send written comments prior to the hearing to: Clay County Commission, 211 W. Main Street, Suite 200, Vermillion, SD 57069.

Ruth A. Bremer
Auditor
Clay County

Published twice at the approximate cost of $18.47

Estimated publishing cost per circulated copy: $.005

Publish: March 19 & 26, 2010

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS
IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
CIV. NO. 09-353
METABANK,
Plaintiff,
vs.
CARL E. WEATHERTON; MARILYN J. WEATHERTON, also known as Marilyn Weatherton; CARLEEN WEATHERTON; CLAY COUNTY, SOUTH DAKOTA; and STATE OF SOUTH DAKOTA, acting by and through the DEPARTMENT OF REVENUE,
Defendants.
NOTICE OF FORECLOSURE SALE

NOTICE IS HEREBY GIVEN that under and by virtue of a Judgment dated February 17, 2010, entered in that action wherein MetaBank, Plaintiff and holder of a certain note executed by Carl E. Weatherton and Marilyn J. Weatherton, and a mortgage executed by Marilyn J. Weatherton and Carleen Weatherton in favor of MetaBank, which mortgage was dated November 16, 2007, and recorded in the Office of the Clay County Register of Deeds in Book 126 of Mortgages on page 912 on November 21, 2007, obtained a Judgment against Defendants Carl E. Weatherton and Marilyn J. Weatherton, which Judgment was in the amount of $338,929.19, adjudging the mortgage lien of MetaBank to be a prior lien, I am commanded to sell the real estate described as follows:

Lot 1 and the North 10 Feet of Lot 2, Block 3, Eastgate Manor #2 Addition to the City of Vermillion, Clay County, South Dakota.

This sale is made subject to redemption in the manner provided by law and in accordance with the total indebtedness due at the time of such redemption as authorized by law in satisfaction of all of said obligations.

Public notice is hereby given that on Wednesday, April 14, 2010, at 10:00 o'clock a.m., on the front steps of the Clay County Courthouse, 211 West Main Street, Vermillion, South Dakota, I will, in obedience to such Judgment, sell the above-described property in the fashion indicated herein, or so much thereof as may be necessary to raise sufficient money to satisfy such Judgment with interest and costs, to the highest and best bidder for cash, lawful money of the United States.

Dated this 3rd day of March, 2010.

Andrew M. Howe
Sheriff Andrew Howe,
Clay County

Published twice at the approximate cost of $43.49

Estimated publishing cost per circulated copy: $.02

Publish: March 26 & April 2, 2010

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS
IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
Civil No. 09-329
Wells Fargo Bank, NA,
Plaintiff,
vs.
Tate W. Mallory; and any person in possession,
Defendants.
NOTICE OF REAL ESTATE SALE

Judgment in the amount of $217,240.00 having been entered

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