

2010 Legal and Public Notices

NOTICE OF APPLICATION NOS. 7686-3 thru 7689-3 to Appropriate Water

Notice is given that Nicholas W Olson, 2112 Augusta Dr., Vermillion SD 57069 has filed the following applications for a water permit.

Application No. 7686-3 proposes to appropriate 1.0 cubic feet of water per second (cfs) from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the SW 1/4 NE 1/4 Section 29 for irrigation of 70 acres located in the S 1/2 NE 1/4 Section 29; all in T93N-R53W.

Application No. 7687-3 proposes to appropriate 1.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the NW 1/4 SE 1/4 Section 6 for irrigation of 70 acres located in the W 1/2 SE 1/4 Section 6; all in T93N-R53W.

Application No. 7688-3 proposes to appropriate 0.5 cfs from one well to be completed into the Lower Vermillion:Missouri Aquifer (165 feet deep) located in the NE 1/4 SE 1/4 Section 25 for irrigation of 40 acres located in the NE 1/4 SE 1/4 Section 25; all in T93N-R52W.

Application No. 7689-3 proposes to appropriate 1.0 cfs from one well to be completed into the Missouri:Elk Point Aquifer (115 feet deep) located in the W 1/2 NE 1/4 Section 24 for irrigation of 70 acres located in the W 1/2 NE 1/4 Section 24-T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7686-3, 7687-3, 7688-3 and 7689-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 April 8, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$38.23. **Published: March 29, 2013**

NOTICE TO BIDDERS

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota will meet at the City Hall meeting room of said City on the **10th day of April, 2013, at 2:00 p.m.** at which time bids and proposals will be received, publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall on the 15th day of April, 2013 at 7:00 p.m. The equipment required is as follows:

- One new 3/4 ton 4x4 pickup truck.

Copies of the specifications may be obtained from the City of Vermillion Engineering Department, 25 Center Street, Vermillion, South Dakota, 57069.

Bid security is required according to state law and the bid specifications.

Payment for the services herein provided for will be in cash.

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities therein.

Dated at Vermillion, South Dakota this 19th day of March, 2013.

CITY OF VERMILLION
by Jason Anderson, Asst. City Engineer
Publish twice at the approximate

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cost of \$36.65

Published: March 22 & 29, 2013

NOTICE OF APPLICATION NO. 7703-3 to Appropriate Water

Notice is given that J Robert Wardin, One Eagle Ridge Rd, North Oaks MN 55127 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second (cfs) from an additional well to irrigate the land authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3. Water Permit Nos. 5658B-3, 7050-3 and 7051-3, combined authorize a total of 3.90 cfs from one well located in the center of the S 1/2 Section 10 for irrigation of 534 acres located in the Section 10-T93N-R53W. This application proposes to appropriate 1.44 cfs from a well to be completed into the Missouri:Elk Point Aquifer (125 feet deep) located in the center of the SE 1/4 Section 10-T93N-R53W. The well will supply water to the existing pivots in Section 10 authorized by Water Permit Nos. 5658B-3, 7050-3 and 7051-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7703-3 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 April 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. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$31.62. **Published: March 29, 2013**

NOTICE OF DRAINAGE PERMIT HEARING

Notice is hereby given that in accordance with the Clay County Drainage Permit Ordinance, Sections 106 and 107, the Clay County Commissioners sitting as the Clay County Board of Resolutions will conduct a hearing on drainage permit application for drainage into County ROW, in the Commissioners room at the Clay County Courthouse for the following applicant at 9:30 a.m. Tuesday April 9, 2013.

#2013-04 Tom Logue, 30565 455 Ave, Volin SD 57072

For Proposed drainage tile in the SW 1/4, Sec. 12, Township 94 North, (Bethel Twp) Range 53 West, of the 5th P.M. to drain Northeast into existing waterway to Spirit Mound Creek, then Southeast to the Vermillion River.

All interested persons are encouraged to attend the public hearing. Those interested persons not able to attend are invited and encouraged to send written comments prior to the hearing, to:

Clay County Commissioners
211 W. Main Street, Suite 200
Vermillion, SD 57069

Ruth A. Bremer
Clay County Auditor
Published once at the total approximate cost of \$15.04. **Published: March 29, 2013**

March 12, 2013 Commissioner Meeting

The Board of County Commissioners met in regular session Tuesday March 12, 2013 at 9:00 a.m. Members present: Passick, Powell and Packard. Absent: Wilson and Kephart.

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

Minutes of the March 5, 2013 meeting were amended and approved with a motion by Packard

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seconded by Kephart and carried.

Layne Stewart/Emerg. Mgmt Dir. and Jill Munger/CHN met with the Board to discuss 2013-POD Contract. Powell moved, seconded by Mockler and carried to authorize the Chairman to sign the State Grant Agreement between State Dept. of Health and Clay County Emergency Management for \$4,000 to further develop, drill, maintain and update local POD Plan.

Larry McPherson/Hwy Foreman met with the Board to discuss hwy matters. It was reported the weight limits on county roads would go into effect March 18th.

At 9:30 a.m. the Board conducted the Bid Opening on Supplies and Materials for the County Hwy Department.

Powell moved, seconded by Kephart and carried to table the awarding the supply bids for two weeks, allowing the Hwy Superintendent time to review and offer his recommendations.

Auditor Ruth Bremer met with the Board and presented her official notice of resignation effective as of June 30 2013. Her retirement plans include more family time and travel. Mockler moved, seconded by Packard and carried to authorize the position advertised with the closing date of April 5th.

Good Friday holiday was discussed with allowing extra 4 hours. Packard moved, seconded by Mockler and carried to leave Good Friday at 4-hours of holiday pay as currently listed in the county personnel manual.

The Board discussed reviewing the county wage scale and forming a committee to research information needed to verify any needs for change. It was the consensus of the Board that 3- department heads and 2- employees be assigned to the committee and report back to the board with their recommendations before May 1st.

It was the consensus of the Board to set May 9th for the county's annual tour of roads and bridges.

At 10:30 a.m. the first reading on the following County Ordinance 2013-01 was held:

ORDINANCE #2013-01

AN ORDINANCE AMENDING ORDINANCE #05-01 BY REZONING CERTAIN PROPERTY

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That Ordinance #05-01 be amended as follows:

A zoning change from A-1 Agricultural District to C-1 Commercial District for the placement of a Commercial Business by owner Heine Electric & Irrigation, for property located in the NE1/4SE 1/4, Section 5, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota (Norway Twp).

Those attending: Scott Heine

Second reading and adoption of County Ordinance #2013-01 is scheduled for Tuesday March 26 2013 at 10:30 a.m.

At 10:40 a.m. the Board held the second reading and adoption of the following County Ordinance:

ORDINANCE #2013-02

AN ORDINANCE AMENDING ORDINANCE #2011-03 BY REDUCING LOT SIZE IN THE A-1 AGRICULTURAL DISTRICT WITHIN THE JOINT JURISDICTION ZONING REGULATIONS

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That Ordinance #2011-03 be amended as follows:

Section 3.03
Lot and Yard Regulations in the A-1 Agricultural District:

Lot size changed from two (2) acre lots to one (1) acre lots in the document titled 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, with this Ordinance. The 2012 Joint Zoning Regulations and associated Official Zoning Map are on file with the Clay County Auditor and the Vermillion Finance Officer.

Ruth A. Bremer, County Auditor
Clay County, South Dakota

It. Plan-Public Hearing: February 11, 2013

First Reading It.: March 05, 2013

Second Reading: March 12, 2013

Adoption: March 12, 2013

Publication: March 15, 2013

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Effective Date: April 04, 2013

CLAY COUNTY BOARD OF COMMISSIONERS

Raymond Passick, Chairman

Leo F. Powell

Phyllis Packard

Travis Mockler

Leslie K. Kephart

ATTEST:

Ruth A. Bremer, Clay County Auditor

No public was present for the hearing and no written comments had been received. Powell moved, seconded by Mockler to pass and adopt County Ordinance #2013-02. Roll call vote was taken- All voting aye, motion carried.

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

At 10:45 a.m. the time set to review insurance quotes for May 1st coverage 2013/2014. Insurance companies scheduled: Those present: CorInsurance, Vermillion-Mutual Medical-Sioux Falls, Roger Risty- Sioux Falls, Wellmark- Gary Welter, Yankton (teleconference) It was the consensus of the Board to table any decision until March 26th meeting allowing CorInsurance time to receive county information needed to bid and Wellmark can be present to submit their proposal in person and respond to questions.

It was the consensus of the Board that June 11th be set for the Annual Ditch Board meeting, if Yankton County agrees to the date.

Motion by Powell, seconded by Packard and carried to approve the following claims for payment: March Bills:

- (Tax Disbursement) Beresford School-\$12516.52,
- Bethel Twp.-\$475.85,
- Centerville School-\$6855.20,
- City of Vermillion-\$57313.60,
- Domestic Violence-\$240.00,
- Fairview Twp.-\$956.96,
- Garfield Twp.-\$298.15,
- Gayville/Volin School-\$1556.88,
- Glenwood Twp.-\$1464.67,
- Irene/Wakonda School-\$22590.07,
- Meckling Twp.-\$258.39,
- Norway Twp.-\$1313.27,
- Pleasant Valley Twp.-\$577.22,
- Prairie Center Twp.-\$972.73,
- Riverside Twp.-\$799.54,
- Seilers Second Road Dist.-\$123.03,
- Spirit Mound Twp.-\$1414.61,
- Star Twp.-\$1768.76,
- TLC Water Proj. Dist.-\$53.06,
- Vermillion Basin Water Dev. Dist.-\$630.15,
- Vermillion School-\$132,062.03,
- Vermillion Twp.-\$702.49,
- Viborg School-\$1407.62,
- Wakonda T o w n - \$ 1 9 6 1 . 9 4 ;
- (Modernization/Preservation Fund) SDACO-\$280.00; (Prof. Serv./Fees) John Billings-\$2741.25,
- Dept. of Revenue-\$3525.90,
- Marv Ekeren-\$15.00,
- LaCroix Law Office-\$212.50,
- Lucille Lewno-\$150.46,
- Lincoln Co. Treasurer-\$556.39,
- Mail Finance-\$78.72,
- Netsys P l u s - \$ 1 2 5 . 0 0 ,
- PharmChem-\$63.00,
- Sanford Health-\$840.55,
- SD Achieve-\$120.00,
- SD Dept. of Health Lab-\$315.00,
- Security S h r e d d i n g - \$ 3 5 . 0 0 ,
- SESDAC-\$360.00,
- Shepherd Reporting-\$27.50,
- Karen Swanda-\$15.00,
- The Equalizer-\$56.00,
- Vermillion Federal Credit Union-\$31.66,
- Yankton Co. Sheriff-\$25.00,
- Yankton Co. Treasurer-\$759.75; (Publishing) Plain Talk-\$747.97,
- Star Publishing-\$421.53; (Beacon/Pictometry) Pictometry International-\$133.70; (Repairs/Maint.) Century Business Products-\$29.14,
- HAR-TELCO-\$10.00,
- Mail Finance-\$551.25,
- Midwest Bldg. Maint.-\$24.00,
- Mark Nelsen/Nelsen Electric-\$455.00,
- Racom-\$1020.44,
- Turner Plumbing-\$99.00,
- Vermillion Ford-\$272.00; (Data Processing) Bureau of Admin.-\$18.00,
- Microfilm Imaging Systems-\$432.00,
- Netsys Plus-\$105.00,
- Software S e r v i c e s - \$ 1 5 2 0 . 0 0 ;
- (Materials/Supplies) A-OX Welding Supply-\$350.76,
- American Institutional-\$130.95,
- Appaara-\$47.95,
- Boyer Trucks SF-\$1147.07,
- Café Brule/Cakes by Monica-\$41.00,
- Campbell Supply-\$112.65,
- Chemco-\$61.89,
- CMoore Pit Service-\$80.00,
- First Bank & Trust Visa-\$146.71,
- Jack's Uniforms-\$21.00,
- JCL Solutions-\$230.72,
- Lawson Products-\$368.96,
- Ludens-\$575.00,
- Mart Auto Body & Marine-\$8.29,
- Midwest Bldg. Maint.-\$42.00,
- Mark Nelsen/Nelsen Electric-\$199.18,
- Northern Truck Equip.-\$640.37,
- Orr Farm Supply-\$99.74,
- Print Source-\$189.00,
- Quill Corp.-\$112.60,
- Rasmussen Motors-\$56.60,
- Redwood Toxicology Lab-\$638.49,
- Riverside Hydraulics-\$25.76,
- Sanitation Products-\$103.33,
- SD Dept. of Transportation-\$287.13,
- State 4-H Office-\$61.00,
- Sturdevant's Auto Parts-\$36.80,
- True Value-\$73.05,
- US Postal Service-\$46.00,
- Vander Haag's-\$64.24,
- Vermillion ACE Hardware-\$8.99,
- Vermillion Ford-\$328.60,
- Western Office Tech.-\$107.96,
- Wheelco Brake & Supply-\$176.84;
- (Copier Con-

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tract) Century Business Products-\$28.00; (Travel/Conference) First Bank & Trust Visa-\$474.95, Dennis Ganschow-\$167.36, Frank (Rick) Martz-\$25.00, Vermillion Federal Credit Union-\$50.00; (Utilities) Centurylink-\$493.96, Clay Union Electric-\$679.96, Fischer's Disposal-\$50.00, HART E L C O - \$ 7 9 . 9 5 , iSecuretrac-\$391.05, MidAmerican Energy-\$1391.54, Reliance Telephone-\$400.00, Vermillion Garbage Svc.-\$216.00; (Machinery/Auto) First Bank & Trust Visa-\$7.27, Sanitation Products-\$5250.00, Vermillion Federal Credit Union-\$79.25; (Weed Chemicals) SD/NE PLS Mgmt. Project-\$500.00; (Jail Meals) Cherry Street Grille-\$5252.28; (Juvenile Detention) Volunteers of America-\$220.00; (Training/Special Equip.) CDW Government-\$306.22, Jack's Uniforms-\$268.00, MOAC Mall Holdings-\$150.00; (Jury/Witness) Spencer Hastings-\$67.36, Joel Ossteen-\$20.00, Trenton Powell-\$67.36, Joseph Pruitt-\$54.78, Annetta Scott-\$20.00, Cynthia Skelton-Brown-\$52.56; (Catastrophic Poor Relief) SDACC Office-\$2104.64; (Catastrophic Legal Fund) SDACC Office-\$2623.00.

At 12:10 p.m. Packard moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, March 26, 2013 at 9:00 a.m.

Raymond (Dusty) Passick, Chairman
Board of County Commissioners

ATTEST:

Ruth A. Bremer, County Auditor
Published once at the total approximate cost of \$119.61. **Published: March 29, 2013**

NOTICE OF APPLICATION NO. 7634-3 to Appropriate Water

Notice is given that Logue Partnership, c/o Thomas Logue, 30565 455th Ave, Volin SD 57072 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SW 1/4 SE 1/4 Section 19 for irrigation of 296 acres located in the NE 1/4, N 1/2 SE 1/4 Section 30 and SE 1/4 Section 19; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7634-3 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 April 7, 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. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$27.31. **Published: March 29, 2013**

NOTICE OF APPLICATION NO. 7647-3 to Appropriate Water

Notice is given that Heikes Family Farm LLC, c/o R Sam Heikes, 1408 317th St, Vermillion SD 57069 has filed an application for a water permit to appropriate 0.18 cubic feet of water per second from one well to be completed into the Lower Vermillion:Missouri Aquifer (180 feet deep) located in the SE 1/4 SE 1/4 Section 7 for irrigation of 30 acres located in the S 1/2 SE 1/4 Section 7; all in T92N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No.

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7647-3 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 April 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. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$27.31. **Published: March 29, 2013**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the governing body of the City of Vermillion will meet at 7:00 p.m. on Monday, the 15th day of April, 2013, in the City Council Chambers, located in City Hall 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 petition to exclude from GI General Industrial District and include the GB General Business District the real property described as follows:

Lot 3 of Block 7, Erickson Addition to the City of Vermillion, Clay County, South Dakota.

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 approximate cost of \$16.53. **Published: March 29, 2013**

Unapproved Minutes Council Special Session March 18, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 18, 2013 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

2. Educational Session - Draft of the Five Year Capital Improvement Plan - John Prescott

John Prescott, City Manager, stated that the goal of the Capital Improvement Plan is to obtain City Council input on upcoming projects well in advance of the budget preparation. He reviewed the process used to develop the Capital Improvement Plan for 2014-2017 stating that the current year column was included. John noted that some items indicate grant funding, insurance proceeds and items still under consideration. He stated that the plan did not include funding sources and the amounts for future years may need adjustment as the project advances and costs are refined. John reviewed the draft Capital Improvement Plan, department by department, with the Department Heads explaining items in the plan and answered questions of the City Council. John stated that this plan will be updated for adoption at a future meeting and be used as a starting point for the 2014 budget.

3. Briefing on the March 18, 2013 City Council Regular Meeting Agenda