PUBLIC NOTICES

INC, PART, 5.64

BOOKS, 618.05

## From PUBLIC NOTICES on Page 12

It shall be unlawful for any person in the city to carry concealed about his or her person any stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by man-ner in which it is used is likely to inflict death or serious bodily harm, or any other "dangerous or deadly weapon" as defined by SDCL 22-1-2(10) or any amendment thereto; provided, that this section shall not be construed to prohibit any peace officer from wearing or carrying any weapons as may be necessary and proper for the discharge of his or her official duties or to restrict the possession or transportation of firearms by any person since any such lawful restrictions are governed by state and federal law. (1975 Code, § 15-24) Penalty,

see § 10.99 Statutory reference:

Similar provisions, see SDCL § 22-14.9.1 Dated at Vermillion, South Dakota this 4th day of May, 2009. THE GOVERNING BODY OF THE CITY OF VERMILLION,

SOUTH DAKOTA Dan Christopherson, Mayor ATTEST:

## Michael D. Carlson,

Finance Officer Adoption of the Ordinance was seconded by Alderman Hofman. 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 quired by law.

8. New Business A. Declaration of surplus equipment - two skid steer

Mike Carlson, Finance Officer, reported that the 2009 budget authorized the replacement of two loaders. The old loaders will need to be declared surplus and appraised by the Appraisal Committee to be sold by sealed bids. The loaders are a 2002 Bobcat S520 and 1995 Bobcat 134-09

Alderman Ward moved approval of declaring the 2002 Bobcat S520 and 1995 Bobcat 753H loaders surplus to be appraised by the Appraisal Committee and to be sold by sealed bids. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted. **B.** Memorandum

Understanding with Clay County for Department of Justice Grant

Art Mabry, Police Chief, reported that the Police Department was notified of grant funds available to the City Police Department and Clay County Sheriff's Office. The purpose for the grant is to improve the less-lethal equipment to pursue new taser units. As we need to identify the entity that will submit a joint application for the total eligible allocation, the memorandum of understanding is between Clay County and the City for application to the Department of Justice for a grant. Discussion followed.

Alderman Willson moved approval of the memorandum of understanding with Clay County for the Department of Justice grant application. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the 9. Bid Openings

A. Fuel Quotes Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended approval of the low

Stern Oil: 4,350 gal unleaded \$1.9537; 3,000 gal No. 2 diesel fueldyed \$1.7059; 1,000 gal diesel fuelclear \$1.9424 Sapp Bros. Petroleum, Inc:

4,350 gal unleaded \$2.039; 3,000 gal No. 2 diesel fuel-dyed \$1.759; 1,000 gal No. 2 diesel fuel-clear \$1.989

Alderman Osborne moved approval of the low quote of Stern Oil on all three items. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared

10. City Manager's Report A. John reported that the yard waste containers are at the Recycling Center for free disposal of yard waste and small branches This material can also be taken to the landfill. There are vouchers at City Hall for \$15 toward the disof other materials at the landfill to assist in spring cleanup. B. John reported that the airport would be closed starting today

for the white topping project.
C. John reported a goal is to plant 150 trees in the community this year. Coyoteoply provided funding for 50 trees to be planted on public property in the communi ty. Hy-Vee provided funding for 100 trees that will be given away for planting in the community. The tree give away program begins on Wednesday, May 6th at the National Guard Armory at 603 Princeton Street, Citizens will be able to pick up a certificate for a tree along with information on calling for locates and right-of-way permit if locating the tree in the public right-of-way.

D. John wanted to thank all the City employees that assisted in the dedication ceremony and the SDML district meeting last week. PAYROLL ADDITIONS AND

CHANGES Police: Ben Nelsen \$19.28/hr; Pool: Kevin Callahan \$7.50/hr, Christine Epping \$7.50/hr, Miranda Townsend \$8.75/hr; Parks: Meg Mordhorst \$7.75/hr, Dirk Waite \$7.50/hr; Light Dept: Mark Koller \$32.85/hr 11. Invoices Payable

Alderman Powell approval of the following bills: ACE/REFRIGEATION ENG. ICE MACHINE GOLF COURSE, AGSOURCE HARRIS, TEST-3, AIR LIQUIDE AMERICA CORP, CHEMICALS, 820.00

4, AMERICAN INST. OF SMALL BUSINESS, BOOKS, 161.90 , AMSAN, SUPPLIÉS, 237.07 6, APPEARA, SUPPLIES, 128.81 7, ARAMARK UNIFORM SER-VICES, UNIFORM CLEANING,

141.20 ARAMARK-WEARGUARD, UNIFORM, 195.49 9, ARENS ENGINEERING, CON-SULTING, 650.00 10, ARGUS LEADER, SUBSCRIP-TION, 60.42 11, ASTRI MY ASTRI PUBLISH-ING, BOOKS, 227.60 12, ATCO INTERNATIONAL, SUPPLIES, 65.00 13, AUSTIN ANDERSON, MEAL REIMBURSEMENT, 36.00 14, BAKER & TAYLOR BOOKS,

15, BANNER ASSOCIATES, INC, PROFESSIONAL SERVICES, 39,115.13 BARRYS PLUMBING, REPAIRS, 234.69 17, BBC AUDIOBOOKS AMERI-CÁ, BOOKS, 172.38 18, BEACON ATHLETICS, SUP-PLIES, 663.00

19, BIERSCHBACH EQPT & SUPPLY, SUPPLIES, 252.40 20, BOB IVERSON, MEAL REIM-BURSEMENT, 42.00 21, BOOK WHOLESALERS, INC, 21, BOOK WHOLESALERS, INC, BOOKS, 873.48 22, BORDER STATES ELEC SUP-PLY, PARTS, 6,945.30 23, BOW CREEK METAL INC, SUPPLIES, 122.24 24, BOWMAN DISTRIBUTION,

SUPPLIES, 366.65 25, BRENNTAG PACIFIC, INC, SODA ASH, 7,487.05 BROÁDCASTER ADVERTISING, 490.70 27, BURMEISTER ELECTRIC CÓ, SUPPLIES, 2,689.68 28, BUTCH'S PROPANE INC, PROPANE, 2,673.00 29, BUTLER MACHINERY CO., PARTS, 1,293.19 30, C&H DISTRIBUTORS, INC, SUPPLIES, 125.93

C.O.P.S, MEMBERSHIP. 32, CADD/ENGINEERING SUP-PLY, INC, MAINTENANCE AGREEMENT, 147.37 CAMPBELL SUPPLY, SUP-PLIES, 1,043.48 34, CANNON TECHNOLOGIES,

SOFTWARE SUPPORT, 900.00 35, CANON FINANCIAL SER-VIĆES, COPIER LEASE, 56.16 36, CENTURY BUSINESS PROD-UCTS, COPIER MAINTENANCE,

37, CERTIFIED TESTING SER-VICES, PROFESSIONAL SER-/ICES, 561.20 38, CHAD CHRISTOPHERSON, MEAL REIMBURSEMENT, 36.00 CHESTERMAN CO, MER-CHANDISE, 1,079.40 40, CITY OF VERMILLION,

COPIES/POSTAGE, 1,308.37 41, CITY OF VERMILLION, UTILITY BILLS, 32,686.63 CLAY CO REGISTER OF DEED, FILING FEE, 10.00 43, CLAY RURAL WATER SYS-TÉM, WATER USAGE, 38.20 44, ĆLERK OF COÚRTS, FEE, 45, CLIMATE SYSTEMS, INC, MAINTENANCE, 1,381.00 46, COFFEE KING, INC, MER-

CHANDISE, 57.75 47, COLONIAL LIFE ACC INS., INSURANCE, 2,402.60 48, CONTINENTAL RESEARCH CORP, SUPPLIES, 1,464.97 49, CRESCENT ELECTRIC SUP-PLY, PARTS, 56.95 50, CRYSTAL BRADY, MEAL REIMBURSEMENT, 27.00 51, CULLIGAN WATER, WATER SOFTENER WASTEWATER,

52, CURT HAAKINSON, SAFETY GLASSES REIMBURSEMENT. 53, D & G CONCRETE CON-STRUCTION, CHERRY ST/SD HWY 50 IMP, 3,621.11 54, D-P TOOLS, SUPPLIES,

169.00 55, DAKOTA BEVERAGE, MER-CHANDISE, 5,989.70 56, DAKOTA COUNTRY, SUB-SCRIPTION, 19.95 57, DAKOTA PC WAREHOUSE. COMPUTERS, 1,576.91 58, DAKOTA SUPPLY GROUP, SÚPPLIES, 3,844.98 59, DANKO MES, INC., SUP-

60, DAVE CHRISTOPHERSON, REIMBURSEMENT, 10.20 61, DAWN MIKKELSON, WATER HÉATER REBATE, 670.00 62, DEAN TICKNOR, STORM SEWER REFUND, 129.08 DELTA DÉNTAL PLAN, INSURANCE, 4,652.50 64, DEMCO, SUPPLIES, 195.68

DENNIS MARTENS, APRIL MAINTENANCE, 833.34 66, DEPT OF ENVIRONMENT, LÓAN PAYMENT, 31,066.54 67. DEWILD GRANT RECKERT & ASSOC., PROFESSIONAL SER-VICES, 31,976.89 68, DUST TEX, SUPPLIES, 54.30 69, E.A SWEEN COMPANY, MER-

CHANDISE, 298.68 70, EARTHGRAINS, MERCHAN-1, ELLINGSON P & H, REFUND HÝDRANT DEPOSIT, 30.00 72, ELLIOTT EQUIPMENT CO, EMERGENCY MEDICAL PRODUCTS, SUPPLIES, 478.76 ENGÍNEERSUPPLY.COM, NÁNCE, 78.60

SUPPLIES, 166.75 ERIN J. SEEP, MAINTE-EZ-LINER INDUSTRIES, FARMER BROTHERS CO., SÚPPLIES, 25.33 78, FARREL CHRISTENSEN, SÁFETY BOOTS REIMBURSE-MENT 95.39 79, FERDIG'S BODY SHOP, TOW

80. FIRST NATIONAL BANK. DÉBT SERVICE PAYMENT CITÝ HALL, 89,870.07 81. FIRST RATE EXCAVATE, INC, 82, FLAGS UNLIMÍTED, FLAGS, FOLD-A-GOAL, SOCCER NÉTS, 82.00

84, FULLERTON LUMBER CO, SUPPLIES, 335.93 85, GALE, BOOKS, 264.25 GE CAPITAL, COPIER LEASE, 114.48 87, GE CAPITAL COLONIAL PACIFIC, DEFIBRILLATOR LEASE, 325.09 88, GRAHAM TIRE CO., TIRES,

89, GRAINGER, PARTS, 12.90 90, GRAYBAR ELECTRIC, SUP-PLIES, 190.02 GRAYMONT CAPITAL INC, CHEMICALS, 3,780.67 92, GREGG PETERS, MAY RENT, 93, GUARANTEE OIL CO INC, SUPPLIES, 875.00 94, HACH CO, CHEMICALS,

95, HAWKINS WATER TREATMENT, CHEMICALS, 788.27 96, HĎ SUPPLY WAŤERWORKS, HYDRANTS, 17,522.35 97, HDR ENGINEERING, INC, PROFESSIONAL

98, HEIMAN, INC., INSPEC-TIÓN, 105.00 99. HERREN-SCHEMPP BUILD-ING, SUPPLIES, 121.37 100, HIEBERT GREENHOUSES OF SD, PARKS SUPPLIES, 180.00 101, HILLYARD FLOOR CARE SUPPLY, EQUIPMENT/SUP-PLIES, 4,596.09 102, HY VEE FOOD STORE, SUP-PLIES, 169.59

103, INDEPENDENCE WASTE, PORTABLE TOILET RENTAL, 104, INGRAM, BOOKS, 3,152.42 105, INTOXIMETERS, EQUIP-MENT, 1,885.00 106, JAMES SCHIMELFENING, MEAL/MILEAGE REIMBURSE-MENT, 44.00 107, JASON TRAMP, WATER HEATER REBATE, 240.00

l08, JOHN A COŃKLING DIST., MERCHANDISE, 4,681.80 109, JOHNSON BROTHERS FAMOUS BRANDS, MERCHAN-DISE, 22,581.64 110, JOHNSON CONTROLS, REPAIRS, 1,035.03 111, JOHNSTONE SUPPLY, FURNACE FILTERS, 208.96 112, JONES ACE HARDWARE, SUPPLIES, 1,857.79 113, JONES FOOD CENTER, SUPPLIES, 692.66

114, KARSTEN MFG CORP, MER-CHANDISE, 1,109.68 115, LACAL EQUIPMENT, INC, SUPPLIES, 2,880.92 LANDSCAPE GARDEN CENTERS, SUPPLIES, 53.94
117, LAWSON PRODUCTS INC,
TOOLS, 271.67 118, LAYNES WORLD, ENGRAVED PLATE, 12.00 119, LEARNING OPPORTUNI-ΓΙΕŚ, IN, BOOKS, 257.58

120, LEGGETTE, BRASHEARS & GRAHAM, PROFESSIONAL SER-VICES, 76.50 121, LEISURE LAWN CARE, TREATMENT, 40.00 122, LESSMAN ELEC. SUPPLY CO, SUPPLIES, 1,524.45 123, LINCOLN MUTUAL LIFE, INSURANCE, 505.24 124, LINWELD, ACETYLENE/ OXYGEN/CYLINDERS, 452.27

125, LOCATORS AND ŚUPPLIES, INC, PARTS, 44.94 126, LONGS PROPANE INC, PROPANE, 63.00 127, LOUIES CARPET CLEAN, INC, CARPET CLEANING, 618.45 128, LYLE SIGNS, SUPPLIES, 634.92

129, MARINE RESCUE PROD-UCTS INC, SUPPLIES, 244.41 130, MARKS MACHINERY, BOB-CAT SKID LOADER, 23,456.97 MART AUTO BODY, TOW-ING, 595.00 132, MARTY & TERESA GILBERTSON, WATER HEATER

REBATE, 1,546.00 133, MATT PARROTT & SONS CO., SUPPLIES, 1,336.62 134, MCCULLOCH LAW OFFICE, PROFESSIONAL SERVICES, 135, MCLEODS PRINTING, SUP-PLÍES, 399.62

136, MEDICAL WASTE TRANS-PORT, INC, HAULING, 61.80 137, METPRO CORPORATION, CHÉMICALS, 2,019.02 MID-AMERICAN SEARCH CHEM, CHEMICALS, 139, MIDWEST AG & DIESEL REPAIRS, 777.54

140, MIDWEST ALARM CO, FIRE ALARM MONITORING, 140.40 141, MIDWEST BUILDING MAÍNTENANCE, MAT SERVICE, 142, MIDWEST GOLF CAR & EQPT, GOLF CAR LEASE, 3,741.60 143, MIDWEST TAPE, MOVIES,

144, MIDWEST TURF & IRRIGA-TION, PARTS, 1,001.97 145, MIKE WENSEL, MEAL/ MILEAGE REIMBURSEMENT, 146, MINN MUNICIPAL UTILITY ASSOC., SAFETY MGMT PRO-GRAM, 5,767.75 47, MISSOURI VALLEY MAIN-

TENANCE, REPAIRS, 905.50 148, MITCH HERRITY, BLUFFS 50% LOT REFUND, 16,867.66 149, MOORE WELDING & MFG, REPAIRS, 113.44 150, MUNICIPAL PIPE TOOL CO, PARTS, 319.88 NALCO CHEMICAL CO,

CHÉMICALS, 138.50 152, NATIONAL MUSIC MUSE-UM, CONTRIBUTION, 7,500.00 NETSYS+, PROFESSIONAL SERVICES/EQUIPMENT,

154, NEW YORK LIFE, INSUR-ANCE, 95.00 155, NORTHLAND, OIL, 607.15 156, OFFICE OF WEIGHTS & MEASURE, TESTING, 229.00 157, OFFICE SYSTEMS CO, COPIER CONTRACT, 461.00 158, OLLIS BOOK CORP, BOOKS,

159, OLSSON ASSOCIATES, PROFESSIONAL SERVICES, 160, ONE CALL SYSTEMS, INC, LOCATES, 75.49 161, OVERHEAD DOOR OF SIOUX CITY, REPAIRS, 1,718.50 162, PAULS PLUMBING, PARTS, 163, PESKA CONSTRUCTION, INC, CITY HALL CONSTRUC-

164, PHYLLIS PACKARD, MEAL REIMBURSEMENT, 42.00 165, PITNEY BOWES, INC, SUP-PLÍES, 109.98 166, POLLARD WATER.COM, SUPPLIES, 393.30 POLLMAN EXCAVATION, CRUSHED CONCRETE LAND-

FILL, 7,456.46 68, POMPS TIRE SERVICE, TIRES, 870.00 PRESSING MATTERS, SUP-PLIES, 639.00 170, PRESTIGE FLAG, GOLF FLÁGS, 155.89 PRESTO-X-COMPANY, TREATMENT, 43.00 172, PRINT SOURCE, SUPPLIES,

173, PROEFROCK ELECTRIC INC, INSTALL CONTROLLERS, 50.00 174. QUALITY TELELCOMMU-NICATION, REPAIRS, 618.44 175, QUEEN CITY WHOLESALE, MERCHANDISE, 609.28 176, QUILL, SUPPLIES, 1,916.57 QWÉST, TELÉPHONE,

704.52 178, RACOM CORPORATION, MAÍNTENANCE CONTRACT, 265.00 179, RANDOM HOUSE, INC,

BOOKS, 754.30 180, RANDY ISAACSON, TRAV-EL REIMBURSEMENT, 235.90 181, RANDY VOSS, CÓMPUTER REPAIRS, 20.00 182, RASMUSSEN MOTORS, 183, RECORDED BOOKS, INC,

184, REGENT BOOK CO., BOOKS, 26.16 185, REINHART FOODSERVICE, LLC, SUPPLIES, 887.77 186, REPUBLIC NATIONAL DIST., MERCHANDISE, 19,096.83 187, ROCKMOUNT RESEARCH & ALLOY, SUPPLIES, 362.69 ROSEWOOD GREEN-HOUSE. CITY PLANTS/SHRUBS, 2,228.30 189, ROTOLOK VALVES INC, PARTS, 1,257.01 190, SANFORD HOME MEDICAL EQÚIP, TANK REFILL, 60.00 191, SD DEPT OF REVENUE, TESTING, 172.00 192, SD LOTTERY, VIDEO LOT-TERY LICENSE, 100.00 193, SD PUBLIC ASSURANCE ALLIANCE, INSURANCE COV-ERAGE, 882.00 194, SD RETIREMENT SYSTEM, CONTRIBUTION, 42,660.75 195, SHEEHAN MACK SALES & EQPT, PARTS, 2,157.06 196, SHORTYS HVAC SUPPLIES LLĆ, PARTS, 154.00 197, SIOUX CITY COUNCIL,

MEMBERSHIP, 60.00 198, SIOUX FALLS TWO WAY RADIO, REPAIRS, 272.83 199, SIOUXLAND HUMANE SOCIETY, INCOMING FEES, 200, SIOUXLAND SCALE SER-VICE, REPAIRS, 765.72 201, SLATTERY CONSTRUC-TIÓN, DOWNTOWN STREET-SCAPE, 30.032.04 202, SOOLAND BOBCAT, PARTS, 203, SPRINT, CELL PHONE SER-VIĆE, 931.87 204, STAN HOUSTON EQPT CO,

SUPPLIES, 89.09 205, STERN OIL CO., OIL, 487.64 206, STEWART OIL-TIRE CO, TIRES, 213.75 207, STURDEVANTS AUTO PARTS, PARTS, 1,145.56 208, TAND R ELECTRIC, PARTS, 3,250.00 209, TAYLOR MADE, SUPPLIES, 1.671.45

210, TESSMAN SEED COMPANY, WEED BARRIER, 219.19 211, THE WALKING BILL-BOARD, UNIFORM SHIRTS, 212, TIGERT ART GALLERY, FRAMING/PHOTOS, 1,080.00 213, TIM TAGGART, MEAL REIMBURSEMENT, 42.00 214, TITLEIST DRAWER CS,

MERCHANDISE, 6,986.47 215, TOTAL FLOORING, SUPPLIES, 7.30 216, TRI TECH SALES, PARTS, 217, TRUE VALUE, SUPPLIES, 342.59 218, TRUSCO MFG COMPANY, 218, TRUSCO MFG COMPANY, PARTS, 20.31 219, ULVERSCROFT LARGE PRINT, BOOKS, 188.88 220, UNITED WAY, CONTRIBU-

TIONS, 275.94 221, VAN DIEST SUPPLY CO, SUPPLIES, 1,577.00 VERMEER HIGH PLAINS, SUPPLIES, 79.04 223, VERMILLION CHAMBER OF COMMERCE, DUES, 150.00 224, VERMILLIÓN FORD, PART, VERMILLION GARBAGE

SERVICE, HAULING, 1,181.64 226, VERMILLION LIONS CLUB, 227, VERMILLION ADVERTISING, 118.50 RADIO VERMILLION ROTARY CLUB, DUES/MEALS, 140.75 VGSA, SPONSOR FEE, 150.00 VISA/FIRST BANK & TRUST, TRAVEL, LODGING /SUPPLIES, 8,168.47 231. WAL-MART COMMUNITY. SUPPLIES, 1,426.43

WELFL CONSTRUCTION CO. WTP PHASE 3 IMPROVE-MENTS, 10,000.00 WESCO DISTRIBUTION, INC, SUPPLIES, 10,773.13 234, WILLSON FLORIST, FLO-RAL ARRANGEMENT, 38.00 235, YANKTON FIRE & SAFETY, REPAIRS, 77.00 YANKTON JANITORIAL SUPPLY, SUPPLIES, 291.37 237, ZEP SALES & SERVICE,

SUPPLIES, 137.53 238, ZIMCO SUPPLY CO, SUP-PLIES, 11,886.51 Alderman Hofman seconded the motion. Alderman Edelen and Willson requested to abstain as they have items included for approval. Motion carried 7 to 0. Mayor Christopherson declared

motion adopted. 12. Consensus Agenda A. Set a bid opening date of May 26, 2009 for Lions Park Playground Equipment
B. Set a bid opening date of
May 28, 2009 for sale of two surplus ski steer loaders

Alderman Osborne moved approval of the consensus agenda. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared he motion adopted 13. Executive Session

139-09 Alderman Osborne moved to go into executive session at 7:42 p.m. for legal matters regarding South Crawford Road right-of-way and easements. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted. Mayor Christopherson declared the Council out of executive ses-

sion at 8:17 p.m. 14. Adjourn Alderman Hofman moved to adjourn the Council Meeting at 8:18 p.m. Alderman Edelen second-

ed the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted. Dated at Vermillion, South Dakota this 4th day of May, 2009. THE GOVERNING BODY OF

THE CITY OF VERMILLION, SOUTH DAKOTA Dan Christopherson, Mayor ATTEST:

Michael D. Carlson, Finance Officer Publish: May 15, 2009 Published once at the total approximate cost of \$388.76. Estimated publishing cost per circulated copy: \$.21

COUNTY OF CLAY: SS IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT Civil No. 08-303 NATIONWIDE ADVANTAGE MORTGAGE COMPANY, Plaintiff,

STATE OF SOUTH DAKOTA

MARSHALL L VAN SCOYK JR; MARY VAN SCOYK; CITY OF VERMILLION; UNITED STATES OF AMERICA, ACTING THROUGH INTERNAL REVENUE SERVICE; AND ANY PERSON IN POSSESSION, Defendants.
NOTICE OF

Judgment in the amount of \$56,926.48 having been entered in favor of plaintiff and against defen dants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on April 8 2009, for the foreclosure of a real estate mortgage, Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage

REAL ESTATE SALE

dated December 17, 2004, which Mortgagors, Marshall L Van Scoyk Jr and Mary Van Scoyk, executed and delivered to Mortgage Electronic Registration Systems Inc, Mortgagee: TRACT 1 IN THE S 1/2 OF THE NW 1/4 OF SECTION 20, TOWN-SHIP 93, RANGE 53 WEST OF THE 5TH PM., CLAY COUNTY,

SOUTH DAKOTA. and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 27th Day of December, 2004, in Book 121 of Mtgs, Page 928; said mortgage recorded on October 14, 2008, in Book 128 of mortgages, on page 433, in order to realize the amount of \$52,500.00 as of December 17, 2004, plus interest accruing thereafter on said amount at the rate of 9.75% per year as the starting rate of an adjustable rate note, together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Clay County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse in Vermillion, South Dakota, on June 3, 2009 at 10:00 AM CT.

Dated April 20, 2009.

Sheriff of Clay County, South Dakota MACKOFF KELLOGG LAW FIRM

Glen R. Bruhschwein SD ID #3080 **Second Avenue East** PO Box 1097 Dickinson, ND 58602-1097 **(701) 227-1841** Attorneys for Plaintiff Publish: May 15 & 22, 2009 Published twice at the total approximate cost of \$49.45.

May 5, 2009

imated publishing cost per circulated copy: \$.01

**Commissioner Meeting** The Board of County Commissioners met in regular session May 5, 2009 at 9:00 a.m. Members present: Sommervold, Wilson, Powell, and Passick.

Absent: Kephart. Minutes of the April 27th meeting were approved with a motion by Sommervold, seconded by Wilson and carried. Minutes of the May 1st Special Meeting with the City of Vermillion on Joint Jurisdiction were amended and approved with a motion by Sommervold, seconded Wilson and

Wilson moved, seconded by Sommervold and carried approve the Agenda as presented. Ganschow/Weed Dennis Supervisor met with the Board Sommervold moved, seconded by Passick and carried to authorize the Chairman to sign SDDOT Contract for Spraying State Highway Right of Ways in Clay

County. It was reported that the Mosquito Grant for 2009 will be chemicals in place of money. Clay County does not own a fogger so the Vermillion Park Dept. will fog Clay County Park.

New Hires for the Weed Department: (Summer Help) Edward Hessman at \$10.50 per hour (rehire), Terrasa Sees at \$10.00 per hour (new), Kaci Nickerson at \$10.50 per hour (rehire), and Mike Kruse (rehire) at \$10.50 per hour. Rod Polley/Highway Super-

intendent met with the Board to discuss highway matters. It was reported that the graffiti on Dakota street is currently being painted over.

Application for Entrance from a County Hwy for field entrance on 455 Ave in Section 10 of Star Twp was presented for Wes Stockland Passick moved, seconded by Wilson and carried to authorize the Chairman to sign driveway application at the expense of the appli-

Mike GoBell/Fairview Town ship Supervisor met with the Board and submitted a Resolution requesting the speed limit be reduced to 35 miles per hour on East Main beginning on the West side of Fairview Ave to Hillside Ave and Hillside Ave North to SDHwy 50, due to amount of families and traffic the on road. Wilson moved, seconded by Sommervold and carried to pass and adopt the following Resolution setting the speed limit at 35 MPH as requested by the Township Board.

RESOLUTION # 09-13 CLAY COUNTY SPEED LIMIT RESOLUTION WHEREAS, members of the

Fairview Township Board has presented a Resolution requesting 35 MPH speed limit set on East Main from Fairview Avenue to Hillside Ave and Hillside Avenue to SDHwy50 and,

WHEREAS, South Dakota Codified Law 32-25-9.1 allows for the Board of County Commissioners to establish such speed zones upon request of local authority.

NOW THEREFORE BE IT

RESOLVED: That the speed limit on East Main from Fairview Avenue to Hillside Ave and Hillside Ave to SDHwy50 approximately one mile (=/-) in length be set at 35 MPH (miles per hours) and authorize Fairview Township to post signs as required by law.
That the Clay County Sheriff, is

hereby authorized and requested to enforce newly established speed limit on said road in Clay County. BE IT FURTHER RESOLVED, that upon voting the above resolution is passed and adopted. of Clay County

Commission: AYE 3 NAY 0 Dated this 5th day of May, 2009 at Vermillion, SD.

Leo F. Powell, Chairman **Board of County** Commissioners ATTEST:

Ruth A. Bremer, County Auditor

Sommervold excused himself from the meeting at 10:00 a.m. At 10:00 A.M. the time set for Public Hearing on the Reading of Zoning ORDINANCE #09-03, an ordinance to amend Zoning Ordinance #05-01 that was tabled from the April 27th meeting, as fol-

A zoning change from A-1 Agricultural District to R-2 General Residential District for Multi-Family Dwelling at 31711 469 Ave. Burbank, SD Commencing 30 rods South of the Northeast (NE) corner of the Northeast Quarter (NE1/4), then South 16 Rods, then West 10 Rods, then North 16 Rods, than East 10 Rods, Section 14, Township 92 North, R 51W, Clay County, SD. Owned by Arlen and Norma Veen. Those Attending: Arlen Veen

Attorney John Gors, Mike Lynch and Mike GoBell, The property in question was previously an old school house, which has had several additions added on, a house moved in with a garage built on to it. This is now a 4-plex which could house up to 13(+/-) renters on a one acre lot that is zoned agriculture.

States Attorney/Teddi Gertsma recommended the property be changed to R-1 and allow the applicant to go thru the hearing process of applying for a variance (this would control the amount of tenants). Those attending gave their views regarding the rezoning of

said property.
Wilson moved, seconded by Passick to pass and adopt said Ordinance as submitted. All voting nay, Motion failed. Kephart and Sommervold absent.

James G. Green/Prairie Center resident met with the Board to discuss his property in Section 29/93/51 (Prairie Center Twp) to discuss alleged unauthorized mining on his property. The complaint was determined to be a civil matter and should be handled by their

attorneys.
The Register of Deeds
Statement of Fees Collected for April 2009 for \$6,312.90 and the following Auditor's Account with the County Treasurer for April 2009 were accepted and placed on file with a motion by Passick, seconded by Wilson and carried.

AUDITOR'S ACCOUNT WITH

THE COUNTY TREASURER To the Honorable Board of County Commissioners of Clay

County I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of April

30, 2009 Total amount of deposits in hks 5,943,923.57 Amount of actual cash 4,527.93 Total amount of checks and

drafts in treasurer's Possession not exceeding three Itemized list of all items, checks and drafts which have been in the Treasurers possession over three

Checks returned and 1,132.99 deposited Cash Items 951,000.00 Investments Cash Variation 7,520,404.83

Dated this 1st day of May 2009.

Ruth A. Bremer,

County Auditor
The Board discussed request from VCDC for Vermillion Now Project from the May 5th meeting. Passick moved seconded by Wilson and carried to pledge a total of \$50,000 over the next 5 years beginning with \$10,000 in December 2009.

A notice of Disinterment Permit Affecting Clay County was accepted and placed on file. The WIC Contract for FY2010 was presented for review. Wilson moved, seconded by Passick and carried to authorize the Chairman to sign the 2010 Contract in the

amount of \$10,722. Andy Howe/Sheriff met with the Board to discuss an agreement to join with the city in sharing its grant allocation to purchase equipment for a joint less- lethal force alternatives project. It was the consensus of the Board they will agree to accept the funds associate ed with the JAG Grant and authorize the chairman to sign said

agreement. At 11:15 a.m. Passick moved seconded by Wilson and carried to adjourn and reconvene Tuesday, May 12, 2009 at 9:00 a.m.

## Leo F. Powell, Chairman ATTEST:

Ruth A. Bremer, Auditor Publish: May 15, 2009 Published twice at the total approximate cost of \$74.74. mated publishing cost per circulated copy: \$.04

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

CIV. NO. \_\_\_\_ The Bank of New York Mellon f/k/a The Bank of New York as successor to JPMorgan Chase Bank, as trustee for the benefit of the Certificateholders of Equity One ABS, Inc. Mortgage Pass-Through Certificates Series 2004-2, Plaintiff,

Roger G. Jeck a/ka Roger Jeck; Pam Ward; State of South Dakota: and any person in possession,

Defendants.

SUMMONS To the Above-Named Defendant(s): You are hereby summoned and required to serve upon Plaintiff's attorney, whose address is Mackoff Kellogg Law Firm, c/o Quality Attorney Services, LLC, 6108 W Cheyenne Court, Sioux Falls, SD 57106, an answer to the complaint which is herewith served upon you within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken

This action involves a real property situated in the County of Clay

in the complaint.

against you for the relief demanded

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