

2010 Legal and Public Notices

The City of Vermillion reserves the right to waive irregularities and to reject bids.

CITY OF:

DATE:

City Manager

Published twice at the total approximate cost of \$82.22.

Published: May 17 & 24, 2013

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE
NAME CHANGE OF:

DONNA LEE KNUDSEN
REEDY
TO
DONNA LEE KNUDSEN

CIV. 13-63

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a Petition has been filed by DONNA LEE KNUDSEN REEDY to change her name to DONNA LEE KNUDSEN; that on the 12th day of June, 2013, said Petition will be heard by this Court before the Honorable Steven R. Jensen, presiding, at the Courtroom in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, at the hour of 9:00 a.m., at which time in open court the Court will determine whether all allegations of the Petitioner are true and whether there exists proper and reasonable cause for changing the name of DONNA LEE KNUDSEN REEDY to DONNA LEE KNUDSEN.

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 10 day of May, 2013 at Vermillion, South Dakota.

CRAIG K. THOMPSON LAW OFFICE

Craig K. Thompson
Attorney for the Petitioner
109 Kidder Street, P.O. Box 295
Vermillion, SD 57069-2097
605-624-2097
craig@cktlaw.net

Published four times at the total approximate cost of \$77.09.

Published: May 17, 24, 31, & June 7, 2013

**NOTICE OF APPLICATION
NO. 7785-3 to
Appropriate Water**

Notice is given that Jerome Poeschl, 213 Katherine Way, Yankton SD 57078 has filed an application for a water permit to appropriate 0.92 cubic feet of water per second (cfs) and irrigate 35 new acres to what is currently authorized by Water Right No. 6954-3. Water Right No. 6954-3 appropriates 3.98 cfs from two wells to irrigate 304 acres located in the SW 1/4 SW 1/4 Section 5, SE 1/4 SE 1/4 Section 6, E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7 and the NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4 Section 8; all in T93N-R52W. This application proposes to appropriate an additional 0.92 cfs from the existing authorized well completed into the Missouri:Elk Point Aquifer (80 feet deep) located in the SE 1/4 NW 1/4 Section 8 for irrigation of 35 additional acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 8; all in T93N-R52W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7785-3 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 May 28, 2013.

The petition may be informal,

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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 \$32.61.

Published: May 17, 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 30th day of May 2013, at 2:00p.m. at which time bids and proposals will be received, publicly opened and read. The bids will be acted upon by the City Council at City Hall located at 25 Center Street on the 3rd day of June 2013, at 7:00 p.m. The materials and services required are as follows:

TRAFFIC SIGNAL POLE REPLACEMENT (N. UNIVERSITY AND E. CHERRY STREETS)

The major quantities are 1 LS of Remove Signal Pole; 1 LS Remove and Salvage Equipment; 1 EA of Pedestrian Push Button Pole; 3 EA of Install City Furnished Heads; 1 LS of Reinstall Mast Arm with Heads; 1 LS of Rewire Heads and Luminaire; 1 LS of Install City Furnished Signal Pole; 1 EA of Reinstall Luminaire; 1 LS of Traffic Control; 1 LS of Mobilization.

Copies of the specifications are available for review at the office of the City Engineer, 25 Center Street, Vermillion, South Dakota, 57069.

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

Payment for the materials and 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 13th day of May, 2013.

CITY OF VERMILLION

Jose L. Dominguez, P.E., City Engineer

Publish twice at the approximate cost of \$41.11.

Published: May 17 & 24, 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 29th day of May 2013, at 2:00p.m. at which time bids and proposals will be received, publicly opened and read. The bids will be acted upon by the City Council at City Hall located at 25 Center Street on the 3rd day of June 2013, at 7:00 p.m. The materials and services required are as follows:

2013 MISCELLANEOUS CONCRETE

The major quantities are 140.5 SY of Remove Sidewalk; 85 SY of Remove PCC Pvmnt; 284 LF of Remove Curb and Gutter; 1 EA of Remove Inlet, Less than 8-feet; 138.5 CY of Unclassified Excavation; 146 TONS of Subbase; 100 SY PCC Pvmnt, 8-Inches; 26.5 SY PCC Approach, 6-Inches; 284 LF of Concrete Curb and Gutter, 6-Inches; 678.5 SY of Sidewalk, 5-Inches; 1 EA of Inlet, Type V, Less than 8-feet; 1 LS of Landscaping; 1 LS of Traffic Control

Copies of the specifications are available for review at the office of the City Engineer, 25 Center Street, Vermillion, South Dakota, 57069.

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

Payment for the materials and 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 8th day of May, 2013.

CITY OF VERMILLION

Jose L. Dominguez, P.E., City Engineer

Publish twice at the approximate cost of \$40.82.

Published: May 17 & 24, 2013

**May 7, 2013
Commissioner Meeting**

The Board of County Commissioners met in regular session May 7, 2013 at 9:00 a.m. Members present: Mockler, Powell,

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Passick, Packard and Kephart.

Kephart moved, seconded by Powell and carried to approve the Agenda as presented.

Minutes of the April 30th meeting were approved with a motion by Packard, seconded by Powell and carried.

Rod Polley/Hwy Supt. met with the Board to review Hwy matters. Driveway Application for Doug Knutson located on Frog Creek Rd in Sec.19 of Riverside Twp was presented. Powell moved seconded by Packard and carried to authorize the chairman to sign said application (at the landowners expense) as recommended by the Hwy Supt.

The Tour of roads and the Hwy 5-year construction plan were discussed.

Layne Stewart/Emer. Mgmt Director met with the Board. Powell moved, seconded by Mockler and carried to authorize the Chairman to sign LEOP No Change Document for the Local Emergency Operation Plan. It was reported by the Emergency Manager that he was appointed to represent Clay County at the National Governor's Association in Denver on May 21st. (All expenses paid by the state). He was commended for his appointment and willingness to attend on the counties behalf.

The Board discussed the 211 Hot Line and will continue to review the need in Clay County.

Gene Lunn/DOE met with the Board to discuss the need for the entire office to attend training the new software program dealing with assessments and property values. A part time receptionist is needed to handle the phones and daily office visitors while they train. Powell moved, seconded by Kephart and carried to authorize the pt receptionist as requested for up to 40 hrs.

At 10:00 a.m. the Second reading of County Ordinance 2013-03 was held. There was no one in attendance in opposition. Mockler moved, seconded by Kephart to pass and adopt Ordinance 2013-03, AN ORDINANCE, REPEALING ORDINANCE NO. 94-5, DRAINAGE PERMIT ORDINANCE OF CLAY COUNTY, SD. Roll Call Vote: Powell-aye, Mockler-aye, Packard-aye (but has reservation on how it is implemented), Kephart-aye, and Passick-aye. Motion carried.

Cynthia Aden/ Zoning and Welfare Director met with the Board. The Monthly Zoning, Veterans and Welfare Reports for April were accepted and placed on file.

At 10:15 a.m. a Public Hearing for a Variance #2013-01, submitted by Chad Ouellette, 30937 University Rd, Vermillion for the variance of 18' on the front yard setback and 5' on the side yard setback for building a Shop on the NE1/4 exc. NW1/4/NE1/4 and exc. Madsen Tract Land Madsen Tact 2, (6-93-15) Prairie Center Township. Powell moved, seconded by Mockler and carried to approve the application and grant the permit. No one appeared in objection of the variance and no written comments were received.

Annar Petterson and Randy Bertram of Rolling Hills Estates met with the Board to discuss 316th Street. Questions concerning the county specifications and having Johnson Engineering as the contractor for overseeing their road project were reviewed. Mr. Bertram requested the county to give the development group the money to get started.

The Board recommended they collect the full amount of money needed to do the project (from the development) and pay the needed expenses as they come in. In order to ensure the road complies with county specifications pay the engineer. The County cannot legally give tax dollars away to developments such as this. It is a township road and their responsibility.

The Register of Deeds Statement of Fees Collected for April 2013 for \$21,704.00 and the following Auditor's Account with the County Treasurer for April 2013 were accepted and placed on file.

**AUDITOR'S ACCOUNT
WITH THE COUNTY
TREASURER**

To the Honorable Board of County Commissioners of Clay County items in the hands of the County Treasurer as of April 30, 2013. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	6,519,230.60
Amount of actual cash	1,034.94
Total amount of checks and drafts in Treasurer's	
Possession not exceeding three days	14,210.29
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	1,788.68
Checks returned and not deposited	
Cash Items	
Investments	251,000.00
Cash Variation	0.00

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Total 6,787,264.51

Dated this 1st Day of May, 2013.

Ruth A. Bremer, County Auditor

The 2013/2014 WIC Contract for provider service was presented for county authorization and signature by State of SD Dept. of Health. The Contract is for \$15,014. Powell moved, seconded by Packard and carried to authorize the chairman to sign the WIC contract for 2013/2014.

At 11:00 a.m. Kephart moved, seconded by Mockler and carried to go into executive session to discuss personnel matters.

At 11:50 a.m. Kephart moved, seconded by Packard and carried to come out of executive session.

Packard moved, seconded by Powell and carried to offer the Auditor's Position to Carri Crum beginning July 1st. Packard moved, seconded by Powell and carried to authorize the Auditor's Office to advertise for a deputy auditor position and to allow the new deputy to begin when available.

At 11:57 a.m. Kephart moved, seconded by Mockler and carried to adjourn and reconvene at 9:00 a.m. Tuesday May 14th 2013.

Raymond Passick, Chairman
Board of County Commissioners

ATTEST:

Ruth A. Bremer, County Auditor
Published once at the total approximate cost of \$70.90.
Published: May 17, 2013

The University of South Dakota is accepting sealed bids for **Parking Lot Striping: This project will consist of parking lot striping and various parking lots throughout campus** until 2:00 P.M., May 30, 2013. 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 through the office of Stockwell Engineers, 600 North Main Avenue, Suite 100, Sioux Falls, South Dakota, 57104, telephone number: (605) 338-6668. The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$13.41.

Published: May 17 & 24, 2013

The University of South Dakota is accepting sealed bids for **Parking Lot Repairs BP#2: This project will consist of Portland cement concrete repairs to various parking lots throughout campus** until 2:00 P.M., May 30, 2013. 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 through the office of Stockwell Engineers, 600 North Main Avenue, Suite 100, Sioux Falls, South Dakota, 57104, telephone number: (605) 338-6668. The University reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$14.60.

Published: May 17 & 24, 2013

**Unapproved Minutes
Council Special Session
May 6, 2013
Monday 12:00 noon**

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 6, 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. Informational Session - Discussion of recycling option recommended by the Joint Powers Board

John Prescott, City Manager, reported that last fall the Joint Powers Board requested that HDR review options of single stream recycling for the two cities. John stated that HDR provided four options to the Joint Powers Board who requested that staff provide pro's and con's on options 2 and 3. This information was presented to the Joint Powers Board in March at which time the Joint Powers Board requested that the respective cities provide some direction as the recycling collection is outside of the Joint Powers operations.

Bob Iverson, Solid Waste Director, stated that before he began with the recycling options he wanted to remind the Council of the projects planned for the landfill for the leachate system and construction of cell 5. These projects have an estimated cost of \$2.3 million to be funded by a \$1.6 million SRF loan, a \$522,000 solid waste grant and \$200,000 of Joint Powers Reserves. The debt

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service on this loan is estimated to require an increase in landfill rates of \$2.50 per ton over the next two years. Also, the replacement of the building and baler destroyed in the fire at the landfill are scheduled for this summer. Insurance is expected to cover most of these costs but there will be some items outside the insurance.

Bob reported that the information prepared was a joint effort between Yankton and Vermillion staff. The report reviewed the Option 2 and 3 single stream proposals from HDR explaining the assumptions used in each option, the pros and cons of each and estimated annual cost of each. The options were projected to increase annual recycling costs by \$105,655 for option 2 and \$317,945 for option 3, which would equate to a monthly curbside customer increase in each city of \$1.41 for option 2 and \$4.24 for option 3. Bob reported that staff's recommendation is that if the communities want single stream to pursue option 2. He noted that the option had the lowest cost increase but also cautioned that if the increased collection volumes are not achieved the lost revenue would increase the cost of option 2. He reported that the timing might not be the best for a curbside collection increase along with landfill rate increase. As to pursuing grants for the capital portion of the project, it was noted that the Solid Waste Program has limited grant amounts remaining the rest of this year but is expected to have a larger pool at the beginning of next year. Bob answered questions of the City Council on the two options. Discussion followed on the options and the projected costs of each option. The consensus of the City Council was that it supported option 2 but would continue with the current recycling programs until the landfill capital improvements have been completed and to coordinate any recycling program changes with the City of Yankton through the Joint Powers Board.

3. Informational Session - Discussion of School Resource Officer Grant Opportunity - Matt Betzen

Matt Betzen, Police Chief, stated that in planning for the 2014 budget he was proposing the addition of a police officer that would also serve as a school resource officer. Matt stated that following the events in Newtown, CT last fall the Department has done a self-evaluation process to determine how prepared they would be for such an event. One of the factors identified was the addition of a dedicated school resource officer. This was planned to be something for discussion during the budget sessions but the Department of Justice has opened up a grant funding cycle to support the hiring of school resource officer positions that runs from April 22 to May 22, 2013. The grant would be for three years and cover 75% of the school resource officer wages and benefits. Matt noted that the Sheriff's office has a school resource officer that is at the high school and he would propose an officer to work with the existing school resource officer but be assigned to the middle and elementary schools. Matt reported that the school superintendent is in support of the position. Matt reviewed the projected three year costs and what the grant would fund and asked the City Council if they would authorize the grant application. Discussion followed with Matt answering questions of the City Council on the program. The consensus of the City Council was to authorize the Chief of Police to proceed with the grant application to fund 75% of the school resource officer position for the first three years.

Alderman Collier-Wise requested to leave at 1:00 p.m.

4. Briefing on the May 6, 2013 City Council Regular Meeting Agenda

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

5. Adjourn

116-13

Alderman Osborne moved to adjourn the Council special session at 1:09 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this May 6th day of, 2013.

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
May 6, 2013
Monday 7:00 p.m.**

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 6, 2013 at 7:00 p.m. by Mayor Powell.

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1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. April 15, 2013 Special Session; April 15, 2013 Regular Session

117-13

Alderman Zimmerman moved approval of the April 15, 2013 special session minutes and the April 15, 2013 regular session minutes. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

118-13

Alderman Willson moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Emergency Medical Service Week proclamation

Alderman Meins read the proclamation recognizing the week of May 19-25 as "Emergency Medical Services Week" in Vermillion. Nicole Gulley, representing Vermillion/Clay County Emergency Medical Services, accepted the proclamation from Mayor Powell.

Mayor Powell reported that a change was made to the standing Council committee assignments with Alderman Willson moving from Policy and Procedure to Labor and Finance and Alderman Zimmerman moving from Labor and Finance to Policy and Procedure.

Alex Vanovershelde, with the 730th Area Support Medical Company of the South Dakota Army National Guard, reported that the unit is planning the Coyote 5K for June 13th as part of the wrap up of their annual training. Alex provided a flyer for the event along with a map of the route. He noted that he has been working with the Police Department on the route.

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% for Thursdays on the Platz in Ratingen Platz (corner of W. Main and Market Street) on July 11, July 25, August 8, August 22 and September 5, 2013

Mike Carlson, Finance Officer, reported that an application was received for a special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events scheduled for July 11, July 25, August 8, August 22 and September 5, 2013 from 6:00 p.m. to 8:00 p.m. on the Ratingen Platz at the corner of Market and Main Streets. The notice of hearing and application are included in the packet. Discussion followed.

119-13

Alderman Grayson moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events on July 11, July 25, August 8, August 22 and September 5, 2013 from 6:00 p.m. to 8:00 p.m. at Ratingen Platz (corner of Market and Main Streets). Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce on or about July 11, July 25, August 8, August 22 and September 5, 2013 at Ratingen Platz on the corner of Market and Main Street and the abutting portion of Market Street

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Chamber and Development Company for the Thursdays on the Platz events on or about July 11, July 25, August 8, August 22 and September 5, 2013. The VCDC has provided the City with a certificate of insurance and the release and indemnification for the events. Mike noted the events will be similar to previous years. The location is on the Ratingen Platz and the abutting portion of Market Street and, if approved, should include the use of the Ratingen Platz. The street closing is later on the agenda.

120-13

Alderman Ward moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 11, July 25, August 8, August 22 and September 5, 2013 on Ratingen Platz and adjoining portion of Market Street between 6:00 p.m. and 8:00 p.m. including the use of