

**2010 Legal and Public Notices**

NOTICE IS HEREBY GIVEN a Verified Petition for Adult Name Change has been filed by Colleen Kaye Lande-Speakman the object and prayer of which is to change Petitioner's name from Colleen Kaye Lande-Speakman to Colleen Kaye Fickbohm. On the 27th day of May, 2015, at the hour of 9:00 am said verified petition will be heard by this Court before the Honorable Steven R. Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 8th day of April, 2015 at Vermillion, South Dakota.

Nadyne Zimmerman  
Clerk of Court Deputy

ATTEST:

Clerk of Court  
By: \_\_\_\_\_  
Deputy

**Published four times at the approximate cost of \$64.15. Publish: April 17 & 24 and May 1 & 8, 2015.**

STATE OF SOUTH DAKOTA  
COUNTY OF CLAY

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

Estate of  
VIVIAN C. KOPPING,  
Deceased

PRO. 15-08

**NOTICE TO CREDITORS AND NOTICE OF INFORMAL PROBATE AND APPOINTMENT OF PERSONAL REPRESENTATIVE**

Notice is given that on April 16, 2015, Carolyn S. Nelson, whose address is 45622 299th Street, Wakonda, South Dakota 57073, was appointed as personal representative of the estate of Vivian C. Kopping.

Creditors of decedent must file their claims within four (4) months after April 16, 2015, the date of the appointment of the personal representative, or within sixty days after the date this notice was mailed to them, whichever is later, 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 21st day of April, 2015.

/s/ Carolyn S. Nelson  
Carolyn S. Nelson  
45622 299th Street  
Wakonda, SD 57073  
605-267-2718

Jessica Bosse  
Clay County Clerk of Court  
PO Box 377  
Vermillion, SD 57069  
605.677.6756

Ross K. Den Herder  
Den Herder Law Office, PC  
329 Broadway Avenue  
Yankton, SD 57078-0667  
605.665.0494

**Published three times at total approximate cost of \$57.66. Publish: April 24, May 1 & 8, 2015.**

Unapproved Minutes  
Council Special Session  
April 20, 2015  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 20, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Holly Meins, Ward

2. Educational Session - Discuss progressive fee system for sidewalk snow and junk and debris code violations - Farrel Christensen

Farrel Christensen, Building Official, reported that we have a few property owners that wait for the City to tag their sidewalk snow before removal or send a notice on junk and debris before they shovel or clean up their property. Farrel stated that the grass and weed removal ordinance was updated a number of years ago whereby the tagging fee starts at \$10 for the first offense and increases by \$20 for each subsequent tagging during a calendar year. Farrel noted that this reduced the repeat offenders and suggested including the sidewalk snow removal and junk and debris violations in this graduated fee schedule. Farrel stated that the tagging or notice violation fee is \$10 and there is an administrative fee of \$25 plus the cost of the contracted cleanup if the City needs to abate the nuisance. The graduated fee would be \$10 for the first violation in a calendar year then would increase by \$20 for each additional violation for grass/weeds, sidewalk snow and junk/debris. Farrel stated that the fee would reset to start at \$10 for the next year. Farrel stated that ordinance and fee resolution changes would be needed to implement the changes. Discussion followed with Farrel

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answering questions of the City Council. The consensus of the Council was to move forward with the ordinance and resolution changes to implement the graduated fee for all nuisance violations future Council consideration.

3. Educational Session - Review of Council policies and procedures - Mayor Jack Powell

Mayor Powell reported that last July the City Council held an orientation with Matt Fairholm that included a review of the Council - Manager form of government. Mayor Powell reported that the City Council has adopted Rules and Procedures and reviewed the duties of the Mayor, Alderman and City Manager. Discussion followed on the procedure for a council member to bring an individual topic before the whole Council with the consensus that the item be brought to the City Manager to be included on an agenda and if time allows start with the noon meeting.

4. Educational Session - Community Welcome sign proposal - Rich Holland

Alderman Holland stated that he contacted the High School Booster Club representative about the cost of the new sign at the high school stating that he would like to have a welcome sign at the entrance to the city. Alderman Holland stated that the Booster Club official also offered the site at the corner of Crawford Road and Cherry Street currently being used by the Booster Club sign. Alderman Holland stated that he contacted the company that provided the high school sign but upon receiving no response contacted another company. Alderman Holland stated that the company came and met with him and John Prescott to provide a demonstration of an electronic sign with a price of \$36,000. Alderman Holland stated that, in talking to John, it was noted that there were some funds at one time for a sign project remaining from the Lotuswood land sale. Alderman Holland stated that he has inquired about grants and other fund raising but wanted to know how to proceed with the entrance sign project. Discussion followed on the entrance sign(s), location (s), costs and types of signs. Mayor Powell noted that the ICAP group at its last meeting was developing a list of community needs and he noted that entrance signs were at the top of their list. Discussion followed with the consensus to allow the ICAP group to work on this item and wait for their report.

4. Briefing on the April 20, 2015 City Council Regular Meeting

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

5. Adjourn

119-15  
Alderman Holland moved to adjourn the Council special session at 12:51 p.m. Alderman Price seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of April, 2015.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor  
ATTEST:

Michael D. Carlson, Finance Officer

Unapproved Minutes  
City Council Regular Session  
April 20, 2015  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 20, 2015 at 7:00 p.m. by Mayor Powell.

1. Roll Call  
Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

2. Pledge of Allegiance

3. Minutes  
A. Minutes of April 6, 2015 Special Session; April 6, 2015 Regular Session

120-15  
Alderman Collier-Wise moved approval of the April 6, 2015 Special Session and April 6, 2015 Regular Session minutes. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

121-15  
Alderman Willson moved approval of the agenda with the addition of 5.B Arbor Day Proclamation. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard  
A. Earth Day proclamation

Alderman Clarene Meins read the proclamation recognizing April 22, 2015 as Earth Day in Vermillion and encouraged residents to celebrate Earth Day.

B. Arbor Day Proclamation

Alderman Collier-Wise read the proclamation recognizing April 25, 2015 as Arbor Day in Vermillion. Mayor Powell

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presented the proclamation to Aaron Baedke, representing the Vermillion Parks and Recreation Department. Aaron reported that the tree planting for Arbor Day will be in Prentis Park on April 25th at 12:30 p.m. and invited the community to attend.

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% for Coyoteopoly and South Dakota Shakespeare Festival in the band shell area of Prentis Park from June 8th through June 14, 2015 from 6:00 p.m. to 10:00 p.m. for Shakespeare festival performances

Mike Carlson, Finance Officer, reported that a special permit to exceed permissible sound levels was received from Coyoteopoly and South Dakota Shakespeare Festival for the Prentis Park band shell area from Monday, June 8 through Sunday, June 14, 2015 from 6:00 p.m. to 10:00 p.m. for the Shakespeare festival performances. Mike stated that the notice of hearing along with the application and the diagram showing the sound levels not exceeding the ordinance are included in the packet. Mike noted that there were no problems related to the issuance of the noise permit in prior years and recommended approval unless the public hearing indicates that there will be problems related to the noise. Mike noted that June 8-10 is for rehearsal and testing of sound equipment and the event is June 11-14.

122-15  
Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels for Coyoteopoly and South Dakota Shakespeare Festival in the band shell area of Prentis Park from Wednesday, June 8 through Sunday, June 14, 2015 from 6:00 p.m. to 10:00 p.m. for Shakespeare festival performances. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted

B. Special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about May 1, 2015 at the Clay County Fairgrounds west arena

Mike Carlson, Finance Officer, reported that an application was received from the Clay County Agricultural Fair Association for a special daily malt beverage and wine license on or about May 1, 2015 for the demolition derby on the fairgrounds. The notice of hearing and Police Chief's report are included in the packet. The time period for the request would be from 5:30 p.m. to 10:30 p.m. Mike stated that Jessica Kennedy, representing the Fair Board, is present to answer questions. Mike recommended approval of the special license unless additional information is provided at the hearing. Jessica Kennedy invited the community to the May Day Demo Derby.

123-15  
Alderman Ward moved approval of the special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about May 1, 2015 at the Clay County Fairgrounds from 5:30 p.m. to 10:30 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special permit to exceed permissible sound levels by no more than 50% for Vermillion Area Chamber of Commerce and Development Company on Ratingen Platz and half block of Market Street south of Main Street on July 9, July 23, August 6, August 20, September 3, September 10 and September 17 from 5:30 p.m. to 8:00 p.m. for Thursdays on the Platz and on April 23 from 4:00 p.m. to 7:00 p.m. for Earth Day Activities

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 April 23, 2015 from 4:00 p.m. to 7:00 p.m. and July 9, July 23, August 6, August 20, September 3, September 10 and September 17, 2014 from 5:30 p.m. to 8:00 p.m. on the Ratingen Platz at the corner of Market and Main Streets. Mike noted that the September 10 and 17 dates would be rain dates if needed. Mike noted that the notice of hearing and application are included in the packet. Discussion followed.

124-15  
Alderman Willson moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Thursdays on the Platz events on April 23, 2015 from 4:00 p.m. to 7:00 p.m. and July 9, July 23, August 6, August 20, September 3, September 10 and September 17, 2014 from 5:30 p.m. to 8:00 p.m. on the Ratingen Platz (corner of Market and Main Streets). Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on Ratingen Platz and half block of Market Street south of Main Street on July 9, July 23, August 6, August 20, September 3, September 10 and September 17 from 5:30 p.m. to 8:00 p.m. for Thursdays on the Platz and on April 23 from 4:00 p.m. to 7:00 p.m. for Earth Day Activities

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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 April 23, 2015 from 4:00 p.m. to 7:00 p.m., July 9, July 23, August 6, August 20, September 3, September 10 and September 17 from 5:30 p.m. to 8:00 p.m. at Ratingen Platz and adjoining portion of Market Street. Mike stated that the notice of hearing and the report of the Police Chief are included in the packet. The VCDC has provided the City with a certificate of insurance and the release and indemnification for the events. Mike noted that the events will be similar to previous years and the September 10 and 17 would be rain dates if needed. 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 special permit to exceed permissible sound levels and street closing are later on the agenda.

125-15  
Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about April 23, 2015 from 4:00 p.m. to 7:00 p.m., July 9, July 23, August 6, August 20, September 3, September 10 and September 17 from 5:30 p.m. to 8:00 p.m. on Ratingen Platz and adjoining portion of Market Street including the use of the Ratingen Platz for the events. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Retail on-off sale malt beverage license with video lottery for Bunyan's LLC for Bunyan's at 1201 West Main Suite 106 for July 1, 2015 to June 30, 2016

Mike Carlson, Finance Officer, reported that an application was received for a retail on-off sale malt beverage license with video lottery for Bunyan's LLC for 1201 W Main Street Suite 106 for the licensing period of July 1, 2015 to June 30, 2016. Mike noted that Bunyan's LLC currently has an on-sale liquor license and an on-off sale malt beverage license with the new application allowing for up to 10 video lottery machines. Mike noted that since the last renewal Bunyan's has failed two and passed one compliance check. Mike stated that a management plan has been included in the packet along with the Police Chief's report and notice of hearing. Mike recommended approval of the license unless additional information is provided at the hearing. Discussion followed.

126-14  
Alderman Erickson moved approval of the retail on-off sale malt beverage license with video lottery for Bunyan's LLC at 1201 West Main Street suite 106 for the licensing period of July 1, 2015 to June 30, 2016. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. First Reading of Ordinance 1328 amending Section 155.059 Community Oriented Healthcare Planned Development District, subsection (D) Lot and Yard regulations, adding a section for hospitals/clinics

Jose Dominguez, City Engineer, reported that several weeks ago the City received a request from Banner Associates, on behalf of one of the property owners, to amend the recently adopted Community Oriented Healthcare Planned Development District (PDD). Jose reported that this PDD is bordered on the north by E. Main Street, on the east by Walker Street and Plum Street (south of Jane Street), on the south by Maple and Jane Street, and on the west by the alley that runs between E. Main Street and Maple Street. Jose stated that the request is due to the fact that the current PDD has a maximum height requirement of 35-feet, and one of the owners would like to build a structure close to 58-feet tall. Jose stated that height restrictions are included in the zoning ordinance for a couple of reasons: safety and neighborhood characteristics. Jose noted that hospital and clinics, as a general rule, tend to grow vertically and thus might require that the height maximum be more than the typical structure. Jose stated that the existing Dakota Hospital building is roughly 55-feet tall within a neighborhood made up of single story buildings. Jose reported on the height of other structures within the city. Jose reported that the Planning Commission considered the amendment on April 13th and forwarded a recommendation to approve the amendment to the Planned Development District. Discussion followed.

127-15  
Mayor Powell read the title to the above mentioned Ordinance and Alderman Holland moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1328 entitled An Ordinance Amending Section § 155.059, Community Oriented Healthcare Planned Development District, Subsection (D) Lot And Yard Regulations, Adding a Section Regarding the Allowable Height For Hospitals/Clinics of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting

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being a regularly called meeting of the Governing Body of the City on this 20th day of April, 2015 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended. The motion was seconded by Alderman Erickson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

G. Request from Hillside Community Church for a 3 foot side yard variance from the zoning ordinance to construct a building addition at 1800 Constance Drive

Andy Colvin, Assistant to the City Manager, reported that Stephen Walters, Pastor at Hillside Community Church, approached staff about the possibility of constructing an addition to the south side of the church. Andy stated that it became apparent that the existing side yard would not be adequate to allow for the construction of the proposed addition. Andy reported that Section 155.100 gives the City Council, acting as the Board of Adjustment, the power to hear and decide variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. Andy stated that for purposes of these regulations, public interest shall include the interests of the public-at-large within the city, not just neighboring property owners. Andy noted that at all times, the burden shall be on the applicant to prove the need for a variance. Andy stated that, in looking at the variance request, staff feels that the applicant meets the requirements set forth in ordinance. Andy noted that when the existing building was originally built it is possible that the intent was to complete the octagonal shape of the building should future growth of the congregation take place. Andy stated that the reason for the addition is to accommodate a growing congregation; therefore, loss of profit and self-imposed hardships do not apply in this case. In addition, staff does not feel that the variance would adversely affect the neighborhood or adjacent property owners since the building is a considerable distance from neighboring structures, and the direction of the addition is towards a sizable public right-of-way and not a neighboring property owner. Andy stated that the Planning Commission studied this request on April 13th and recommended approval of the variance. Discussion followed.

128-15  
Alderman Willson moved approval of the request from Hillside Community Church for a 3 foot side yard variance from the zoning ordinance to construct a building addition at 1800 Constance Drive. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1327 amending Chapter 118.16 (F) to expand hours of operation for the sale and consumption of alcoholic beverages in the furniture zone

John Prescott, City Manager, reported that Café Brule has submitted a request to begin alcohol sale and consumption hours at 7 a.m. vs. the current code start time of noon. John noted that the request is included in the packet that stated they are interested in the ability to serve a mimosa to breakfast customers. John noted that the change would also be beneficial for early lunch customers. John reported that a change in City code would apply to all current and future furniture zones and not just the Cafe Brule furniture zone. John stated that Cafe Brule was issued the only furniture zone permit in 2014. John noted that the City Council still maintains the authority to approve or disapprove the sale and consumption of alcohol in a furniture zone. John stated that the Police Chief has reported no incidents with alcohol sales in the furniture zone area at Cafe Brule. John stated that first reading was approved at the April 6th meeting that will amend section 118.16(F) to change the daily start time from noon to 7:00 a.m.

129-15  
Second reading of Ordinance No 1327, entitled An Ordinance Amending Title XI, Chapter 118, Section 1018.16(F) to expand hours of operation from the sale and consumption of alcoholic beverages in the furniture zone of the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1327 entitled An Ordinance Amending Title XI, Chapter 118, Section 1018.16(F) to expand hours of operation from the sale and consumption of alcoholic beverages in the furniture zone of 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 6th day of April, 2015 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day

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of April, 2015 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 NUMBER 1327

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 118, TO AMEND SECTION 118.16 (F) TO EXPAND HOURS OF OPERATION FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE FURNITURE ZONE.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA that Title XI, Chapter 118, Section 118.16 (F) be amended as follows:

SECTION 1. That section 118.16, Additional Rules Governing Alcoholic Beverage in Furniture Zone, is hereby amended as follows:

(F) The hours of operation for the sale and consumption of alcoholic beverages in the furniture zone lease areas shall be 7:00 a.m. to 10:00 p.m. the City has the right to limit use of the furniture zone area for alcoholic beverage sales and consumption on specific days.

Dated at Vermillion, South Dakota this 20th day of April 2015.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: \_\_\_\_\_  
John E. (Jack) Powell, Mayor  
ATTEST:  
BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Erickson. 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: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y

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

8. New Business

A. Request to close Market Street for ½ block from W. Main Street south to the alley from 5:30 p.m. to 8:00 p.m. on July 9, July 23, August 6, August 20, September 3, September 10 and September 17 from 5:30 p.m. to 8:00 p.m. for Thursdays on the Platz and on April 23 from 4:00 p.m. to 7:00 p.m. for Earth Day Activities.

John Prescott, City Manager, indicated that, with the earlier items on the agenda, the Thursdays on the Platz group are again planning to hold several events in downtown Vermillion on the Platz. This summer's events are scheduled for April 23, July 9, July 23, August 6, August 20, September 3, September 10 and September 17, 2015. The events will host local and regional musical entertainment. The group will utilize Ratingen Platz at the corner of W. Main and Market Streets for the events. Due to the number of anticipated attendees, a street closure request has again been submitted for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street. The street closure request is the same as past years. The closing on April 23th is from 4:00 p.m. to 7:00 p.m. and for the rest of the dates from 5:30 p.m. to 8:00 p.m. John noted that the last two dates in September are for rain dates if earlier events have to be canceled. Nate Welch, VCDC Executive Director, stated that they would like the time changed on April 23rd to start at 3:00 p.m. to allow more time to set up.

130-15  
Alderman Erickson moved approval of the street closing request for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street on April 23th from 3:00 p.m. to 7:00 p.m. and from 5:30 p.m. to 8:00 p.m. on July 9, July 23, August 6, August 20, September 3, September 10 and September 17, 2015, for the "Thursdays on the Platz" events. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close High Street as it abuts the Fairgrounds immediately south of W. Cherry Street on May 1, 2015 from 5:00 pm to 10:30 pm for the Spring Fling Demolition Derby

Mike Carlson, Finance Officer, reported that a request was received from the Clay County Fair Association to close High Street through the Fairgrounds from 5:00 p.m. to 10:30 p.m. on Friday May 1, 2015 for a spring demo derby. Jessica Kennedy, representing the Fair Board, was present to answer questions.

131-15  
Alderman Erickson moved approval of the closing of High Street through the Fairgrounds from 5:00 p.m. to 10:30 p.m. on Friday May 1, 2015 for a demo derby. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. USD Development Reinvest-