2000 Notices

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## **NOTICES**

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#### 2010 Legal and Public Notices

100 - 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 27th day of May 2015, 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 1st day of June 2015, at 7:00 p.m. The materials and services required are as follows:

2015 Chip Seal The major quantity is 44,897 SY of Chip Seal; and a bid alternate of 8,831 SY of Chip Seal

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

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 1st day of May, 2015.

CITY OF VERMILLION

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

Published twice at the total approximate cost of \$32.17.

Publish: May 8 &15, 2015. STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF

WILLIAM PETER HANSEN, DECEASED

PRO. 15-7

# NOTICE TO CREDITORS

NOTICE IS GIVEN that on March 20, 2015, BONNIE SIMONSEN, 319 Scott Place, Tea, SD 57064, was appointed as Personal Representative of the Estate of WILLIAM PETER HANSEN.

The creditors of the Decedent must file their claims within four (4) months after the date of the first publication of this Notice or their claims will 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.

### Legal and Public 2010 2010 **Notices**

BONNIE SIMONSEN 319 Scott Place Tea, SD 57064 (605) 595-3430

JESSICA BOSSE CLAY COUNTY CLERK PO BOX 377 211 WEST MAIN ST VERMILLION, SD 57069

DON M. McCARTY HELSPER, McCARTY, MAHLKE & KLEINJAN, P.C. 415 8th STREET SOUTH **BROOKINGS, SD 57006** 

Published three times at total approximate cost of \$49.05. Publish: May 8, 15 & 22, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

Wells Fargo Bank, N.A.,

Plaintiff,

Kathleen P. Varilek, nka Kathleen P. Haines; and any person in

Defendants.

Civil No. 13-168

NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$67,801.72 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on September 18, 2014, for the foreclosure of a real estate mortgage,

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated August 12, 2005, which Frank J. Varilek and Kathleen P. Varilek, Mortgagors, executed and delivered Mortgage Electronic Registration Systems, Inc., Mortgagee:

Wiken Tract 1 in the Southeast Quarter (SE1/4) of Section Twenty (20) and Wiken Tract 2 in the Southwest Quarter (SW1/4) of Section Twenty-one (21), All in Township Ninety Four (94) North, Range Fifty-three (53) West of the 5th P.M., Clay County, South Dakota.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 17th day of August, 2005, in Book 123, Page 102; assigned to Wells Fargo Bank, N.A. by Assignment of Mortgage recorded September 9, 2013, in Book 135 Mortgages, Page 610, in order to realize the amount of \$67,500.00, as of August 12, 2005, plus interest accruing thereafter on said amount at the rate of 5.75% per year 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 front door of the Clay County Courthouse , in Vermillion, South Dakota, on May 27, 2015, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Dated April 9, 2015.

Sheriff of Clay County, South

MACKOFF KELLOGG LAW

David C. Piper, Attorney #4128 38 Second Avenue East Dickinson, ND 58601 (701) 227-1841 Attorneys for Plaintiff

Published twice at the total approximate cost of \$63.75.

Publish: May 8 & 15, 2015. STATE OF SOUTH DAKOTA

COUNTY OF CLAY IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT Deutsche Bank National Trust

Company, as Trustee for Holders of the First Franklin Mortgage Loan Trust 2006-FF9, Mortgage Pass-Through Certificates, Series 2006-FF9.

Plaintiff,

vs,

Mark D Logue; Margo J Logue; Larry's Heating and Cooling, Inc.; Solutions LLC; and any person in

Defendants.

Civil No. 14-141

### NOTICE OF REAL ESTATE SALE

Judgment in the amount of \$79,752.73 having been entered in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on April 1, 2015, for the foreclosure of a real estate mortgage,

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated October 26, 2005, which Mark D Logue and Margo J Logue, Mortgagors, executed and delivered to Nationpoint, A Division of Nat. City Bank of IN,

# Legal and Public 2010 Notices

Mortgagee: LOT S-2 OF OUTLOT E, EXCEPT THE NORTHWEST-ERLY 90 FEET THEREOF TOWN OF WAKONDA, CLAY COUNTY, SOUTH DAKOTA.

and recorded in the office of the Register of Deeds of Clay County, South Dakota. on the January 26, 2006, in Book 123 of Mortgages, Page 849; Said Mortgage was assigned to First Franklin Financial Corporation by Assignment of Mortgage Recorded July 27, 2006, in Book 124 of Mortgages, Page 715; Said Mortgage was assigned to Deutsche Bank National Trust Company, as Trustee for Holders of the First Franklin Mortgage Loan Trust 2006-FF9, Mortgage Pass-Through Certificates, Series 2006-FF9 by Assignment of Mortgage dated August 4, 2014, recorded September 5, 2014 in Book MT136 on Page 743., in order to realize the amount of \$66,500.00, as of October 26, 2005, plus interest accruing thereafter on said amount at the rate of 7.999% 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 May 27, 2015, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attor-

Dated April 15, 2015.

Sheriff of Clay County, South

MACKOFF KELLOGG LAW

Casey J. Kostelecky, Attorney #4335 38 Second Avenue East Dickinson, ND 58601 (701) 227-1841 Attorneys for Plaintiff

Published twice at the total approximate cost of \$73.28. Publish: May 8 & 15, 2015.

STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE

NICOLE THIELVOLDT,

DECEASED.

PRO. 15-11

AND NOTICE OF INFORMAL PROBATE AND APPOINTMENT OF PERSONAL. REPRESENTATIVE

Notice is given that on the 11th day of May, 2015, Renee S. Vrana, whose address is 3300 E. 11<sup>th</sup> St., Apt. 10, Sioux Falls, South Dakota, 57103, was appointed as personal representative of the estate of Nicole Thielvoldt.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Dated this 11th day of May, 2015.

Renee S. Vrana 3300 E. 11<sup>th</sup> St., Apt. 10 Sioux Falls, SD 57103

(605) 205-0065

(605) 624-2097

Craig K. Thompson Craig K. Thompson Law Office P.O. Box 295 Vermillion, SD 57069

Published three times at the approximate cost of \$51.64. Publish: May 15, 22 & 29, 2015.

Unapproved Minutes Council Special Session May 4, 2015 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 4, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson (arrived 12:02 p.m.), Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

2. Educational Session- Report on Main/Center/Court traffic signal Regular Session study options - Jose Dominguez

Jose Dominguez, City Engineer, stated that, as background, the 2012 Transportation Study questioned the efficiency of this intersection. Jose noted that with the need to update the traffic signals it was time to review and make changes before moving

# Legal and Public Notices

forward with updating the signals Alderman Erickson arrived at

Jose stated that the consultant developed four options that were reviewed with a public input meeting followed with the City Council authorization to cover the signals, install stop signs, then review and report in the future. Jose reviewed the results from traffic and pedestrian counts conducted on the intersection. Jose reviewed the comments that were received on the intersection Jose stated that at the May 18th meeting he will be requesting direction from the City Council on how to proceed on this intersection as a decision is needed before plans can be developed. Jose noted that this is a State funded project with a longer timeline, noting that plans need to be submitted this summer to the State for construction to begin in the 2016 season. Jose noted that if the signal is removed it most likely would not meet the state and federal requirements for a signaled intersection. Jose noted that there would need to be a considerable increase in both pedestrian and vehicle traffic to meet the state/federal warrants for a signal.

Jose noted that with the signal removal the plan is to extend the intersection curb bump outs to slow traffic. Jose noted that this should most likely be done at the other two intersections in the downtown area and, as such, maybe it is time to consider additional downtown improvements. Jose noted that there are grant funds available to assist which would require application by late June with the notice of award being made in December. Jose stated that 49 of the 63 downtown properties have sidewalk that needs to be replaced and if the City Council wanted to consider some type of improvement program maybe an extension to the time for the sidewalk improvements may need to be considered. Jose stated that some public meetings may be needed to obtain property owner input before any final decision on downtown improvements. Discussion followed with Jose answering questions of the City Council on the project. The consensus of the City Council was to bring the traffic signal option to the next meeting and to work on options for the intersection.

John Prescott, City Manager, noted that, if the action is to remove the traffic signal, this most likely will not happen until the state awards a contract in

3. Educational Session - Update on Sidewalk Inspection and Repair Policy - Jose Dominguez

Jose Dominguez, City Engineer, reviewed the sidewalk inspection and repair policy noting that he has made the change listed in red in the handout. Jose stated that instead of referring to defective sidewalks by repair codes it has been changed to problems that are numbered 1 to 6 and the repair required for each problem will be provided to affected property owners, after a contract is awarded, noting the start and completion deadline. Discussion followed with the consensus to proceed with the updated side-

walk inspection and repair policy. 4. Briefing on the May 4, 2015 City Council Regular Meeting

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

5. Adjourn

137-15 Alderman Ward moved to adjourn the Council special session at 12:36 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of May, 2015.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance

Unapproved Minutes City Council Regular Session May 4, 2015 Monday 7:00 p.m.

regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 4, 2015 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor

Absent: Collier-Wise

2. Pledge of Allegiance 3. Minutes

A. Minutes of April 20, 2015 Special Session; April 20, 2015

138-15 Alderman Willson approval of the April 20, 2015 Special Session and April 20, 2015 Regular Session minutes. Alderman Price seconded the motion. Motion carried 8 to 0. Powell declared the

motion adopted.

2010 Legal and Public 2010 **Notices** 

4. Adoption of Agenda

139-15 Holland Alderman moved approval of the agenda. Alderman Price seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion

5. Visitors to be Heard - None

6. Public Hearings - None

Old Business

adopted.

A. Second 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 this ordinance is an amendment to the Community Oriented Healthcare Development District (PDD) that would increase the minimum building height for hospitals/ clinics from 35 feet to 60 feet. Jose reported that the ordinance for this PDD was adopted in September 2014. Jose reviewed the heights of other structures in the city. Jose stated that the Planning Commission reviewed the proposed ordinance change at their April 13th meeting and recommended approval. Jose stated that the City Council approved first reading on April 20th and that no comments have been received. Jose recommended second reading of the ordinance.

Second reading of title to 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.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the 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 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 20th 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 4th day of May, 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 NO. 1328

AN ORDINANCE AMENDING SECTION § 155.059, COMMU-NITY ORIENTED HEALTH-CARE PLANNED DEVELOP-MENT DISTRICT, SUBSEC-TION (D) LOT AND YARD REGULATIONS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, ADDING A SECTION REGARDING THE ALLOWABLE HEIGHT FOR

HOSPITALS/CLINICS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA that section § 155.059 Community Oriented Healthcare Planned Development District, subsection (D) Lot and Yard Regulations be amended to

read as follows: (D) Lot and vard regulations. All measurements shall be taken from the lot line to the building

line (see definitions). <u>Lot Area</u>, <u>Frontage</u>, <u>Building</u> <u>Line</u>, <u>Front Yard</u>, <u>Side Yard</u>, <u>Rear</u>

Yard, Maximum Height Hospital/clinic: 6000 square feet, 50 feet, 50 feet, 25 feet, 8 feet, 25

feet, 60feet All other uses: 6000 square feet, 50 feet, 50 feet, 25 feet, 8 feet, 25

Off-premise parking lots: § 155.072, NA, NA, 10 feet, 2 feet, 10 feet, NA

feet, 35 feet

Exceptions: #1 Where a side yard or rear yard is required half of the required yard must be maintained

as a landscaped area. #2 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of lots.

#3 Parking lot setbacks will only be required when abutting or across from a residential zone. #4 See adjustments to yard regulations (§ 155.082) for other

specific exceptions.

SOUTH DAKOTA

Dated at Vermillion, South Dakota this 4th day of May, 2015 THE GOVERNING BODY OF THE CITY OF VERMILLION,

John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance 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: Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor

Legal and Public

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

Powell-Y

A. First Reading of Ordinance 1329 amending Chapter 90 Health and Safety, Section 90.16 Specific Nuisances adding Subsection 90.16(5) declaring snow and ice and all its subsections a specific nuisance.

Farrel Christensen, Building Official, reported that there has been a problem with a small number of properties that have numerous violations. Farrel stated that neighbors to these properties raised the concern about the need to encourage the property owner to keep their properties cleaned up. Farrel stated that in April, 2006 the City Council passed an ordinance that set new guidelines for grass and weed violations including a new resolution for fees. Farrel stated that the resolution included a new approach that utilized a progressive rate with the first offense fee of \$10.00 that increased an additional twenty dollars for each subsequent offense during the year. Farrel noted that since implementing the new progressive fees tagging for grass and weeds tagging is greatly diminished. Farrel reported that the City Council at noon on April 20th discussed adding snow and ice violations and junk and debris to the progressive fee during a calendar year and recommended that the changes needed be brought to the following Council meeting for consideration. Farrel stated that this process will take two steps with the first being the change to the ordinance to add sidewalk snow and ice violations to the specific nuisance ordinance section and then with second reading of the ordinance will be the progressive fee resolution. Farrel stated that violations of the nuisance section will then have the progressive fee for all these violations in a calendar year then reset to the \$10 starting fee. Farrel answered question of the City Council on the proposed ordinance.

141-15 Mayor Powell read the title to the above mentioned Ordinance and Alderman Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1329 entitled An Ordinance Amending Chapter 90, Health And Safety; Nuisances, Section 90.16 Specific Nuisances, Adding Subsection 90.16(B)(5) to the 2008 Revised Ordinances Declaring Section 96.12(A) Snow And Ice and all its Subsections A Specific Nuisance of the City of been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 4th day of May, 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 Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell

declared the motion adopted. Resolution to designate disabled parking stalls along a portion of South Plum Street between East Main Street and

Jose Dominguez, City Engineer, reported that the City was contacted by Banner Associates, on behalf of Sanford Hospital, to see if the City would be willing to designate some of the public parking along South Plum Street as disabled parking. Jose noted that this request is due to the fact that the existing disabled parking provided by the hospital will be removed to allow for a more usable drop off area. Jose reviewed a map of the area noting that a total of six parking spaces will be removed on Plum Street to accommodate 4 disabled parking stalls and the aisles. Jose recommended approval of the

resolution. 142-15

Jane Street

After reading the same once, Alderman Holland moved adoption of the following:

RESOLUTION TO DESIGNATE DISABLED PARKING SPACES ALONG A PORTION OF SOUTH PLUM STREET BETWEEN EAST MAIN STREET AND JANE STREET

WHEREAS, pursuant to City of Vermillion Code of Ordinances, section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

ble for the safety, security, and general welfare of drivers along city streets; and WHEREAS, there is a need for

WHEREAS, the City is responsi-

some of the parking along South