

Unapproved Minutes Council Special Session November 16, 2009

Monday 12:00 noon
The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 16, 2009 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Edelen, Hofman, Osborne, Powell, Ward, Willson, Mayor Christopherson
Absent: French, Meins
Mayor Christopherson reported that the City Manager had a request from the City Attorney regarding a legal matter that will need to be addressed in executive session.

371-09
Alderman Willson moved to go into executive session for legal matters at 12:02 p.m. Alderman Hofman seconded the motion. Motion carried 7 to 0. Mayor Christopherson declared the City Council in executive session.

Mayor Christopherson declared the Council out of executive session at 12:14 p.m.
372-09
Alderman Edelen moved to authorize the City Attorney to authorize a writ of certiorari on the CLG, LLC (Pressbox) court case and request the first filing be on or about December 7, 2009. Alderman Willson seconded the motion. Discussion followed. Motion carried 6 to 1. Mayor Christopherson declared the motion adopted.

2. Educational Session - "Good Neighbor" Property Maintenance Ordinance - Jeff Mehlfaff, Intern

John Prescott, City Manager, reported that the list of fees will be coming forward that will include a 3% increase in golf course fees with the exception of college season passes and junior driving range fees. A reduction will be proposed to the college season passes and the junior driving range fees due to decrease in usage following the last increase. Another proposed rate adjustment will be swimming pool passes that are proposed to increase \$5 per year and daily pool passes to increase standards.

John Prescott, City Manager, reported that there had been a request from a Council member to look into a property maintenance or "Good Neighbor" ordinance. Jeff Mehlfaff, City Manager Intern, has done research and will review a proposed ordinance.

Jeff Mehlfaff, City Manager Intern, reported that he had researched property maintenance ordinances and the proposed ordinance takes into account an extensive list of property maintenance standards. He noted that the ordinance does not address any indoor maintenance. Jeff Mehlfaff, City Manager Intern, also includes more student scholarships. He reviewed the marketing plan for attracting new students noting that Ratingen Strasse will be used as the entrance to the campus. He encouraged the City Council to consider the vision for the City and concur with the Planning Commission by not changing the zoning.

3. Briefing on the November 16, 2009 City Council Regular Meeting Agenda
Council reviewed items on the agenda with City staff. No action was taken.

Alderman Ward left at 12:55 p.m.
Alderman Hofman left at 1:05 p.m.

4. Adjourn

373-09
Alderman Powell moved to adjourn the Council special session at 1:17 p.m. Alderman Osborne seconded the motion. Motion carried 5 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of November, 2009.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: **Dan Christopherson, Mayor**
ATTEST:

BY: **Michael D. Carlson, Finance Officer**

Unapproved Minutes City Council Regular Session November 16, 2009

Monday 7:00 p.m.
The regular session of the City Council, City of Vermillion, South Dakota was called to order on November 16, 2009 at 7:00 p.m. by Mayor Christopherson.

1. Roll Call

Present: Edelen, French, Hofman, Osborne, Powell, Ward, Willson, Mayor Christopherson, Student Representative Blake
Absent: Meins

2. Pledge of Allegiance

3. Minutes
November 2, 2009 Special Session; November 2, 2009 Regular Session; November 12, 2009 Special Session
374-09

Alderman Edelen moved approval of the November 2, 2009 special session minutes, November 2, 2009 regular session minutes, and the November 12, 2009 special session minutes. Alderman Powell seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

4. Adoption of Agenda

Alderman Osborne moved approval of the agenda with the addition of an Executive Session for legal matters. Alderman Hofman seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

5. Visitors to be Heard

Will Kennedy, 4-H Youth Development Educator with the South Dakota Cooperative Extension Service, wanted to introduce himself and invite the Council to an open house on November 30th.

Mark Froke, Vermillion School Superintendent, wanted to thank the Mayor and Council for the installation of the School Zone safety lights.

6. Public Hearings

A. First Reading of Ordinance 1220 - An amendment to the Zoning Ordinance of the City of Vermillion to exclude from the R-1 Residential District and include in the GB General Business District the S 111.75' of E 143' of Lot M-2 NE 1/4 13-92-52

Misc Entries also know as 916 Ratingen Strasse

Farrel Christensen, Building Official, reported that Duane and Lorraine Brunick applied for a zone change to General Business (GB) for their property at 916 Ratingen Strasse that is currently zoned Residential (R-1). Farrel noted that the property is surrounded by residential and institutional with the closest GB property located at the corner of Cherry and Ratingen Strasse. Farrel noted that the lot is not very large to be zoned GB noting the setbacks and buffer required. He noted that the applicant had indicated the possibility of a fast food business as City staff reviewed existing fast food establishments in the district noting that this lot is smaller than all the others. Farrel reported that the change in zoning to GB would make available all the uses allowed in that district not just the fast food business the owners are talking about. Farrel reported that the Planning Commission did not recommend the change in zoning.

Jim McCulloch, City Attorney, reported that zoning changes shall be in accordance with the comprehensive plan. He noted that the maps included in the comprehensive plan did not list this area as a current or future general business zone. Jim noted that to change the zoning would first require a change to the comprehensive plan. He reviewed the four criteria used to define spot zoning which are: the use is different than the surrounding area, the area is small, the benefit is not for the community but for an individual and the use does not fit the comprehensive plan.

Rick Brunick, 2904 E. Fireside Circle, Sioux Falls, presented a picture of the site stating that they would want to move the house and garage for the construction of a Taco Bell on the lot. He noted that, if additional land is needed, he has an option on the adjoining lot. Rick stated that the property is now spot zoning of residential surrounded by multi family. As there is currently no fast food business located close to the property, the business will serve the residents in the area. Discussion followed.

Darby Ganschow, representing the University of South Dakota, noted that the property is currently residential surrounded by residential and multi-residential housing. There would be no place for a business to grow. He noted that the current zoning is within the City and USD vision for the future in this area. He was appreciative of individuals wanting to bring business into the town noting that there is other property in the community that is zoned for commercial use. He noted that the University is pursuing increasing the enrollment and reviewed the investments made in facilities and planned on the campus. He noted that the investment plan also includes more student scholarships. He reviewed the marketing plan for attracting new students noting that Ratingen Strasse will be used as the entrance to the campus. He encouraged the City Council to consider the vision for the City and concur with the Planning Commission by not changing the zoning.

Ron Ingles, partner in the proposed development, stated that the business franchise would be for twenty years thus they are committed to the business for the long term.

Holly Brunick, 2904 E. Fireside Circle, Sioux Falls, stated that the fear is spot zoning and wanted to know how the mobile home court that existed on the adjoining property was changed to the large multi family facility right next to the residential.

John Prescott, City Manager, reported that the property is owned by the State and, as such, is exempt from the City zoning requirements.

Discussion followed.
376-09

Alderman Ward moved to concur with the Planning Commission and deny the zone change request for the property at 916 Ratingen Strasse. Alderman Osborne seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

B. First Reading of Ordinance 1221 - An Ordinance amending Chapter 155.082 Adjustments to Yard Regulations, to add an exception to required side yards under certain conditions

Farrel Christensen, Building Official, reported that over the past several weeks City staff has been exploring different ways to allow reductions to required side yards in specific circumstances. Throughout the comprehensive plan revision process, the Planning Commission has expressed an interest in encouraging redevelopment of the older areas of the community. The proposed ordinance will reduce the side yard size in specific circumstances within R-1 and R-2 districts for the purposes of redevelopment and new construction. The ordinance would not apply to additions, alterations or other improvements to existing structures. The ordinance proposed would reduce the side yard from eight (8) foot to five (5) foot providing an additional six (6) feet for building space to allow homeowners and developers to construct homes with more desirable dimensions and square footage. One primary challenge in developing the ordinance was to allow new construction while maintaining the character of the neighborhood that was included in the ordinance. Farrel noted that the Planning Commission recommended the adoption of the ordinance.

Mayor Christopherson read the title to the above mentioned Ordinance and Alderman Powell moved approval of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1221 entitled An Ordinance amending Chapter 155.082 Adjustments to Yard Regulations, to add an exception to required side yards under certain conditions 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 being a regularly called meeting of the Governing Body of the City on

this 16th day of November, 2009 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-17 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 Christopherson declared the motion adopted.

C. Farmland lease for approximately 232 acres east of Vermillion

Mike Carlson, Finance Officer, reported that Kenneth Mockler left approximately 232 acres to the City in 1994. The will provided for the property was to be leased for cash rent paid in advance with the proceeds to benefit the golf course. For the City to enter into a lease for more than 120 days and \$500, a public hearing is needed which was advertised for tonight. The lease of the farmland was advertised in the Plain Talk and Broadcaster with six bids received for a three-year lease.

Jeff Solomon 2011: \$32,480; 2012: \$33,640; 2013: \$34,800 total \$100,920; Bruce Mockler 2011: \$35,032; 2012: \$35,032; 2013: \$35,032; total \$105,096; John S. Doughterty 2011: \$47,925; 2012: \$50,011; 2013: \$50,011; total \$147,930; Steve, Ryan & Tim Herrman 2011: \$41,064; 2012: \$41,064; 2013: \$41,064; total \$123,192; Tim Renken 2011: \$45,101.75; 2012: \$45,101.75; total \$90,203.50; Robert Finnegan 2011: \$27,500; 2012: \$27,500; 2013: \$27,500; total \$82,500
378-09

Alderman Osborne moved approval of the three year lease of the 232 acres to John S. Donnelly for 2011 at \$47,925, 2012 at \$50,011 and 2013 at \$50,011. Alderman Edelen seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

D. Airport farmland lease

Mike Carlson, Finance Officer, reported that the City has leased the airport farmland since the airport management contract with James Kinney expired in 1999. In 1999, only one bid was received from Nels Sorensen involving no revenue and prunes that would farm the farmable acres, do weed control and mow the balance. Most of the airport land is very sandy and does not produce many crops and requires extra attention to keep the weeds down. Due to FAA regulations, there are restrictions on what crops can be planted (no corn as it is too tall) on this land and there are setbacks along the runways. As the City was in the process of renewing the Mockler farm lease, City staff believed it would be time to inquire if this land would now support some rental income to the City.

Designated by the City and Superintendent is familiar with this land, as applying wastewater sludge over the years requires documenting the yields and soil samples. He has been very happy with the results. He is currently leasing the land to Nels Sorensen. It has taken a number of years to accomplish but Paul noted that the property has fewer weeds and has been very well maintained.

We were concerned about advertising for bids on this property as the high bidder may not be familiar with the extra needs of this property and allow the weeds to return. Paul and the City staff Nels Sorensen stated that the City needs to see if this property could now generate some rental income to offset the investment into the airport improvements. Mr. Sorensen stated that he felt the few acres that produce crop when reduced by the extra work of mowing and spraying would be worth \$1,000 per year for a three-year lease. This is the offer for the City Council to see if they would want City staff to advertise for bids.

379-09

Alderman Willson moved approval of the three-year lease of the airport property to Nels and Grant Sorensen for \$1,000 per year. Alderman French seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

7. Old Business - None

8. New Business

A. Annual write-off of accounts receivable

Mike Carlson, Finance Officer, reported that the City for the Council needs to remove the old accounts receivable from the accounting records with collection efforts to continue on these accounts. Mike stated that the accounts totaling 131 utility accounts totaling \$20,097.57, 9 general accounts receivable totaling \$347.10, 5 return checks totaling \$215.10 and 85 ambulance accounts totaling \$34,884.61 from the accounting records.
380-09

Alderman Edelen moved approval of the removal from the accounting records of utility accounts totaling \$20,097.57, general accounts totaling \$347.10, return checks totaling \$215.10 and ambulance accounts totaling \$34,884.61. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

B. Resolution designating Electric Revenue Bond as Build America Bond

Mike Carlson, Finance Officer, reported that the resolution to issue the electric revenue bonds was adopted in October, 2008 and was referred to a public vote at a special election held in January 2009 where the voters approved the resolution. Since then, the process has been proceeding with the design and bid specifications for the construction of the transmission line, and the information has been put together for the issuance of bonds. Doughterty & Company suggested that the City could save some interest costs on the issue if the bonds were rated and two weeks ago, following the review of the financial information and a conference call with the rating agency, the City was awarded an "A" rating by Standards & Poor's for this bond issue. Since the receipt of the rating, Doughterty & Company proposed to issue the bonds as Build America Bonds. The American Recovery and Reinvestment Act of 2009 creates the new Build America Bond program which authorizes state and

local governments to issue Build America Bonds as taxable bonds in 2009 and 2010 to finance any capital expenditures for which they otherwise could issue tax-exempt governmental bonds. State and local governments receive a direct federal subsidy payment for a portion of the borrowing costs on Build America Bonds equal to 35% of the total coupon interest paid to investors. For the City to issue the Build America Bonds, a resolution would need to be adopted authorizing the change in the bond issue projected by Doughterty & Company that the conversion of this bond issue to a Build America Bond would save the City over one million dollars during the 27 year life of the bond issue. If the bond issue were switched to Build America Bonds, the principal and interest payments would increase and be offset by the 35% refund from the Federal Government. The 35% refund is not considered surcharge revenue in this computation, thus the surcharge portion of the electric rate would need to be increased with the remainder of the rate reduced so the total rate would be unchanged. The 35% interest refund from the Federal Government would be placed into the electric fund to offset this change in the rate allocation. If the Build America Bond resolution were adopted, a revised electric rate would be prepared for consideration at the first meeting in December.

381-09
After reading the same one, Alderman Hofman moved adoption of the Resolution.
A RESOLUTION AUTHORIZING THE DESIGNATION OF CERTAIN ELECTRIC REVENUE BONDS AS "BUILD AMERICA BONDS"
BE IT RESOLVED by the City Council of the City of Vermillion, South Dakota (the City), as follows:
Section 1. Recitals.
1.1. By a resolution adopted by this Council on October 2, 2008, the City has authorized the issuance and sale to Doughterty & Company, LLC (the "Underwriter") of its electric revenue bonds (the "Bonds") for the purpose of financing the cost of acquiring and constructing improvements to its municipal electric utility, funding a reserve fund and paying costs of issuance of the Bonds, pursuant to the terms set forth in an Indenture of Trust to be entered into with The First National Bank of Sioux Falls, Sioux Falls, South Dakota, as Trustee.
1.2. The Underwriter has advised that the City could realize a significant debt service savings by designating all, or a portion, of the Bonds as "Build America Bonds."

Section 2. Build America Bonds Designation. It is hereby found, determined and declared to be in the best interest of the City to authorize the City Finance Officer to irrevocably designate all, or a portion, of the Bonds as "Build America Bonds" electing to have Section 54AA of the Internal Revenue Code of 1986, as amended (the "Code"), apply to the Bonds, and irrevocably electing to have Section 54AA(g) of the Code apply to the Bonds, with the result that the City shall be entitled to the credit provided in Section 6431 of the Code.

Section 3. Effective Date. This Resolution shall take effect 20 days following the publication.

Dated at Vermillion, South Dakota this 16th day of November, 2009.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: **Dan Christopherson, Mayor**
ATTEST:

BY: **Michael D. Carlson, Finance Officer**

The motion was seconded by Alderman French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

C. National Guard Armory Lease Agreement

John Prescott, City Manager, reported that the City entered into a construction and use agreement with the 82d National Guard for the Princeton Street armory in 1986. Since then, the City has entered into Maintenance and Use Agreements. The last agreement expired in 2008 and the City is attempting to negotiate a better agreement with respect to the compensation for utilities and operating costs. The Lieutenant Colonel handling the negotiation retired and the negotiation was suspended until last month. The proposed lease is for five years at \$1,000 per quarter, which is the same as in previous years as the payments are controlled by the City. The City will continue to continue from the first lease and the payments due for 2008 and 2009.
382-09

Alderman Powell moved approval of the Maintenance and Use Agreement with the South Dakota National Guard for 2008 - 2013 as presented. Alderman French seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

D. William and Robin Richardson Crawford Road right-of-way settlement

John Prescott, City Manager, reported that the voters approved the construction of Crawford Road between Crestview and Burbank Road in 2006. The acquisitions of right-of-way for the road and construction easement were needed for the voters approved property owners. The DOT completed the appraisals and was unsuccessful in its negotiations to acquire any of the needed property. The City Council moved approval of the consensus agenda process to acquire the needed property through the quick take order of possession process to acquire the property while negotiations proceeded. The City Council and the attorney for the voters approved owners have discussed different levels of compensation during the year in an attempt to resolve the matter before trial. Attached is a Stipulation and Final Judgment

with William and Robin Richardson for the 620 square feet of permanent easement and 847 square feet of temporary easement. The City has previously paid the DOT appraised amount of \$1,430 and will need to pay the difference of \$5,264.81 for a total of \$6,694.81 for the temporary and permanent easement.
383-09

Alderman Willson moved approval of the Stipulation and Final Judgment with William and Robin Richardson for the Crawford Road right-of-way as presented and authorized the Mayor to sign the agreement. Alderman Edelen seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

9. Bid Openings

A. Airport fuel quotes

Mike Carlson, Finance Officer, read the aviation fuel quotes and Robin Richardson the low quote of Gerstner Oil.
100LL Aviation fuel: Gerstner Oil \$3.3699/gal; Stern oil \$3.3852/gal
384-09

Alderman French moved approval of the low quote of Gerstner Oil of \$3.3699/gal for 100 LL aviation fuel. Alderman Hofman seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

10. City Manager's Report

A. John noted that City offices would be closed on Thursday, November 26th for Thanksgiving holiday. With the Thursday holiday, he reminded curbside residents with Thursday pickup that their pickup day would be Monday, November 23rd.

B. John reported that the City of Vermillion resident position to the Joint Powers Board is in need of appointment. The Joint Powers Board is comprised of elected officials and appointed citizens from Vermillion and Yankton and makes recommendations regarding the Yankton Transfer station, Vermillion Landfill and Recycling Center. The Board typically meets four times a year. Individuals interested in volunteering should complete an Expression of Interest form, available at City Hall, by noon on November 30th. The City Council will make the appointment at the December 7th meeting and the next Joint Powers Board meeting is December 10th.

PAYROLL ADDITIONS AND CHANGES

General: Evie Johnson \$10,000/hr; Police Admin: Betty Mozak \$12.77/hr; Police Patrol: Jordan Helming \$16.88/hr, Kevin Malloy \$16.88/hr; Code: Jim Balleweg \$15.20/hr; Recreation: Jena Chettinger \$7.50/hr, Grace Olszewski \$7.50/hr, Bailey Resch \$7.50/hr; Library: Katlynn Beck \$7.25/hr, Bobbi Burgess \$9.20/hr, Wendy Nilson \$15.87/hr, Joe Finn \$7.25/hr; Water: Tom Kruse \$21.47/hr; Landfill: Mark Milbrodt \$13.14/hr; Recycling: Todd Moore \$13.14/hr

11. Invoices Payable

385-09
Alderman Powell moved approval of the following bills:
1. BROADCASTER PRESS, ADVERTISING, 2,193.08
2. BUREAU OF ADMINISTRATION, TELEPHONE, 415.59
3. CANON FINANCIAL SERVICES, INC, COPIER LEASE, 56.15
4. CITY OF VERMILLION, LANDFILL VOUCHERS, 386.25
5. CLAY-UNION ELECTRIC CORP, ELECTRICITY, 983.27
6. CORY MOORE SAFETY BOOTS REIMBURSEMENT, 100.00
7. DAVID R. OLSON, SESQUICENTENNIAL BALL, 500.00
8. DEPT OF ENVIRONMENT & NATL RES, LOAN PAYMENT, 31,888.89
9. DEPT OF ENVIRONMENT & NATL RES, LANDFILL OPERATIONS FEE, 3,166.45
10. EAST RIVER ELECTRIC POWER, WELDING, 4,767.00
11. FULLERTON LUMBER CO, SUPPLIES, 16.39
12. GREGG PETERS, MANAGERS FEE, 5,375.00
13. HY VEE FOOD STORE, USD ADMISSIONS PROGRAM, 384.33
14. KNOLOGY, INTERNET SERVICE, 49.95
15. LINWELD, SUPPLIES/CYLINDER RENTAL, 183.03
16. LOREN FISCHER DISPOSAL, HAUL CARDBOARD, 140.00
17. MIDAMERICAN, GAS USAGE, 2,550.86
18. MIDCONTINENT COMMUNICATIONS, CABLE/INTERNET SERVICE, 89.65
19. QWEST, TELEPHONE, 1,508.60
20. R P & H, INC, BIKE PATH, 47,174.81
21. RESERVE ACCOUNT, POSTAGE FOR METER, 659.57
22. SOIL TESTING LABORATORY, TESTING, 19.00
23. STERN OIL CO., FUEL, 10,140.00
24. TRUB VALUE, SUPPLIES, 50.04
25. US POSTMASTER, POSTAGE FOR UTILITY BILLS, 950.00
26. VERMILLION RADIO, ADVERTISING, 118.50
27. VERMILLION ROTARY CLUB, DUES/MEALS, 140.75
28. VISA/FIRST BANK & TRUST, TRAVEL/SUPPLIES, 358.09
29. WILLIAM & ROBIN RICHARDSON, S. CRAWFORD SETTLEMENT, 5,264.81
30. ZEE MEDICAL SERVICE, SUPPLIES, 475.00

Alderman Edelen seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of December 7, 2009 for an annual liquor and wine license renewals

B. Set a bid opening date of December 2, 2009 for trencher backhoe

C. Set a bid opening date of December 16, 2009 for electric wire and transformers

386-09
Alderman Willson moved approval of the consensus agenda. Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

Alderman Edelen moved to go into executive session at 8:20 p.m. for legal matters. Alderman French seconded the motion. Motion carried 8 to 0. Mayor

Christopherson declared the motion adopted.

Mayor Christopherson declared the Council out of executive session at 8:30 p.m.

388-09
Alderman Edelen moved approval of the Stipulations and Final Judgment with CLG, LLC (Pressbox) and to authorize the Mayor to sign. Alderman Hofman seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

14. Adjourn

Alderman Hofman moved to adjourn the Council Meeting at 8:40 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of November, 2009.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: **Dan Christopherson, Mayor**
ATTEST:

BY: **Michael D. Carlson, Finance Officer**

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ADVERTISEMENT FOR BIDS

Sealed Bids will be received by the Nebraska Game and Parks Commission at the Engineering Division Office, 2200 North 33rd Street, Lincoln, Nebraska, 68503, for the following projects at the times listed:

BID DATE AND TIME: December 8th @ 2:30 P.M.
PROJECT: Water and Sewer Extensions for Seven Cabins
And
BID DATE AND TIME: December 8th @ 3:00 P.M.
PROJECT: Seven Cabins
LOCATION: Ponca State Park
NEAR: Ponca, Nebraska
COUNTY: Dixon

Bids will be publicly opened, read aloud, and tabulated at the time and place specified.

Bidding Documents are on file at the Engineering Division Office, Nebraska Game and Parks Commission, 2200 North 33rd Street, Lincoln, Nebraska, phone (402) 471-5548. Interested Prime Contractors/Bidders may obtain copies of the Bid Documents upon request to this office or visit website: www.ngpc.state.ne.us/admin/bids.asp for downloadable PDF files.

The Nebraska Game and Parks Commission reserves the right to accept or reject any or all Bids and to waive any or all informalities or irregularities.

NEBRASKA GAME AND PARKS COMMISSION
BY: **REX AMACK - Director**
Published three times at the approximate cost of \$37.86
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Publish: November 13, 20 & 27, 2009

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT Pro. 09-38 IN THE MATTER OF THE ESTATE OF DEBRA LYNN PALMER, Deceased.

NOTICE TO CREDITORS
Notice is given that on the 13th day of November, 2009, Pamela K. Palmer, whose address is 401 N. Mystic Circle, Sioux Falls, South Dakota 57110, was appointed as personal representative of the estate of Debra Lynn Palmer.

Creditors of decedent must file their claim within four 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 13th day of November, 2009.

Pamela K. Palmer