2010 Legal and Public Notices

mitted by Mills Distributing and Miller Brokerage, Brandon SD for $54.00 per ton.

Driveway Application was submitted on behalf of Mike Lovejoy for field entrance on 299th ST Sec 17 Riverside Twp. Wilson moved, seconded by Kephart and carried to authorize Chairman to sign said application at the landowner's expense no culvert required as recommended by the Hwy Supt.

Wilson moved, seconded by Packard and carried to pass and adopt the following resolution approving an automatic supplement to the Hwy Dept. Budget.

RESOLUTION #2011-28

Automatic Supplement

WHEREAS, the Clay County Hwy Department has been reimbursed $48,911.72 for Insurance recovery of Hail Damage to county hwy shop; and

WHEREAS the Hwy Budget does not have adequate funds to allow payment of these extra expenses incurred in 2011 and;

WHEREAS, the Board of County Commissioners have agreed to supplement the Department by an automatic supplement, with reimbursement received from Claims Associates, for the proper conduct and discharge of lawful county obligations has been given in accordance with the law and direction of the County Board,

NOW THEREFORE BE IT RESOLVED: That the following budget be adopted as an automatic supplement to the foresaid annual budget:

Clay County Hwy (20100x4250311) - Repairs & Main.-$48,911.72

Dated this 25th day of October, 2011,

Commissioner_____ moved the adoption of the foregoing Resolution. Motion seconded by Commissioner_____.

Vote of the Commission: Packard _____,Wilson_____,

Kephart_____,Passick___, and Powell _____.

Upon which voting the foregoing Resolution was declared passed and adopted.

_____

Leo F. Powell, Chairman

_____

Board of County Commissioners

Ruth A. Bremer, County Auditor

Clay County, South Dakota

Passick moved, seconded by Packard and carried to set November 8 at 9:30 a.m. for the following Budget Supplement Hearing.

NOTICE OF HEARING

COUNTY BUDGET

SUPPLEMENT

Notice is hereby given that in accordance SDCL 7-21-22 the Clay County Commissioners will conduct a public hearing November 8th 2011 at 9:30 a.m. on supplementing the 2011 County Budget for - $1,075,922 to the Highway Department (20100X4260311 to allow payment of expenses incurred on the 302 St Project in the 2010 Budget (delayed payment in 2011 due to legal action).

All interested persons are encouraged to attend the public hearing. Those interested persons not able to attend are invited and encouraged to send written comments prior to the hearing, to:

Clay County Commissioner

211 W. Main Street. Suite 200

Vermillion, SD 57069

Ruth A. Bremer

Clay County Auditor

At 9:45 a.m. the Board reviewed the results of the tax deed sales as performed on the Courthouse steps Tue, Oct 25th. 9:30 a.m.

Only one bid received on Parcel #1, that being Brad Trudeau, Centerville, SD for $2,625.00 , contingent upon the results of a title search (no liens).

Parcel #1

Legal description: Commencing at SE Corner of SE 1/4 of Section 27, for place of beginning: thence North on a line between Section 26 and Section 27 295': thence South (39D) O Min W 428' thence East between Section 27 and Section 34 to the POB exc Lt H1 in the SE 1/4 and subject to Highway right-of-way 27-95-52, Riverside Township, Clay County, South Dakota.

Packard moved, seconded by Passick and carried to table awarding the sale of Parcel #1 (30-days) until November 29th Meeting contingent upon the results of the title search being initiated by the buyer.

Parcel #2

Legal description: Lots 6 & 7 Lying N of RR R/W BLK 10 Van Meters Addn, City of Vermillion, Clay County, South Dakota.

There were no bids on Parcel #2- No Sale to report.

At 10:00 a.m. the commissioners acting as the Board of Resolution reviewed the following drainage permit application.

11-24 -Joan Kinney- 46453 312th St, Vermillion, SD 57069

For Proposed drainage (tile) in the E 1/2 of NW1/4, NE1/4, and E1/2 of SE1/4 Sec 19 Township 93 North, (Prairie Center Twp) Range 51 West, of the 5th p.m. to drain into University Road ditch and 312 ST road ditch into the old Vermillion River bed then East to the Vermillion River.

Those attending: Joan & Chris Kinney-Applicants, Bob Fallan and Donnie O'Connor; landowners.

No written comments and no-one attending was in opposition to the drainage permit request. Passick moved, seconded by Kephart and carried to approve Application #2011-24 and grant the permit.

Will Kennedy/Extension met with the Board to discuss updates on the State Extension Services. The Educator's contract with the State has been extended by one month (Nov.21, 2011) and he will continue working in Vermillion until he hears from the State on his contract.

At 10:45 a.m. Wilson moved, seconded by Packard and carried to adjourn and convene as Ditch Board. Those attending: Frank Martz, Ron, James, Justin & Frank Orr and Bob Emmick.

Frank Martz requested permission to continue cleaning Clay Creek from 455 Ave East to the Meckling Rd (457 Ave) 2-miles +/- in Sec 34-Bethel Twp and Sec. 3 & 2 in Meckling Twp. Those in attendance requested also that he be allowed to keep working before the ground freezes. It was the consensus of the Board that he could continue working on Clay Creek, up to $19,300 for this year complying with state statue.

Passick moved, seconded by Wilson and carried to pay the following invoices: (Yankton Clay Ditch Expense). Clay Union Electric-$830.00 (tree removal near Holmes Welding by Jacobsen Tree Experts)

Passick moved, seconded by Kephart and carried to pay Martz Excavating - $15,106.20 for the cleaning of Clay Creek Ditch in Sec.29 & 33 Bethel Twp.

Kephart moved, seconded by Packard and carried to table Hwy Department Invoice - $5,940.84 for culverts on Clay Creek Ditch due to insufficient legal description to determine location.

Packard moved, seconded by Wilson and carried to bring this item back to the table and to pay the Clay County Hwy Department - $5,940.84 for Culverts used on the Clay Creek in Sec. 7 Spirit Mound and Sec. 33 Bethel Twp.

Packard moved seconded by Wilson and carried to pay the Clay County Hwy Department - $2,701.22 for labor & materials for flop gates, replaced on Lateral 50 in Meckling Twp.

At 11:25 a.m. Passick moved, seconded by Wilson and carried to come out of Ditch Board and reconvene as Board of County Commissioners.

The following General Fund Surplus Analysis as of September 30, 2011 was accepted and placed on file. (SDCL 7-21-18.1)

27209 - Undesignated 617,759.20

TOTAL LIABILITIES AND EQUITY 3,221,913.06

Following Year General Fund Budget (use current year for March analysis) 4,619,062.00

The unreserved, undesignated fund balance, account 27209, divided by the following year General Fund budget resulting in the fund balance percentage 13.37%

The Vermillion City Public Library Monthly Report for September 2011 was accepted and placed on file.

The Board discussed the new Liquor License Renewal information regarding the public hearing which is not mandated by state law unless the Board wishes to continue the practice. Passick moved, seconded by Wilson and carried to forgo any public hearing on the renewals for 2011 and approve these during regular commissioner meetings.

Teddi Gertsma/ States Attorney met with the Board to discuss pending legal case. Wilson moved, seconded by Packard and carried to go into executive session as requested by the States Attorney. At 11:40 a.m. Packard moved, seconded by Passick and carried to come out of Executive Session. No action taken.

The Board discussed updating the county zoning ordinance. It was the consensus of the board that a review of the document should be done annually and updated as deemed necessary. The zoning ordinance will be reviewed for updates at the Nov. 29th meeting.

The Board discussed the information regarding Boston Mutual Life Insurance, and their request for permission to be approved for county employees, which allows the employees to purchase thru a payroll deduction (paid by employee). It was the consensus of the Board not to sponsor this deduction and to deny the request.

Kephart moved, seconded by Packard and carried to approve travel request submitted by Dennis Ganschow/Weed Supervisor, for 2 employees to attend Annual Weed Conference in Mitchell, on Nov. 10th.

Commissioner Packard volunteered to represent Clay County on Focus Group -Community Health Assessment sponsored by Planning & Development District 3, Yankton, SD.

Motion by Passick seconded by Kephart and carried to approve the following claims for payment: October Payroll: Commissioners - $4,607.10, Auditor's Office - $8,751.25, Treasurer's Office - $10,568.24, States Attorney's Office - $11,823.34, Courthouse - $2,104.17, DOE's Office - $7,650.00, ROD's Office - $6,407.33, Veteran's Office - $1,459.42, Sheriff's Office - $28,357.55, County Jail - $12,990.92, LEPC - $262.92, Emerg. Mgmt. Office - $2,363.42, Highway Department - $34,350.82, County Welfare Office - $459.58, CHN Office - $1,671.49, WIC Office - $858.34, Extension Office - $2,529.83, Weed Department - $1,232.27, and Zoning Office - $1,320.83; (Payroll Withholding) ASCI - $329.21, AFLAC - $1,258.79, City Of Vermillion - $114.74, Clay County Treasurer - $30,157.00, Conseco/Washington National Ins. - $431.30, Nationwide Retirement Solutions - $117.64, New York Life Ins. - $306.96, SD Retirement System - $16,606.98, SD Supplement Retirement - $1,025.00, SDRS Special Pay Plan - $1,986.82, TASC (Flex) - $2,003.62, United Way Of Vermillion - $87.00, Vermillion Federal Credit Union - $2,211.00, Wellmark Blue Cross/Blue Shield - $24,030.93; **October Bills:** (Liability Insurance) SD Public Assurance Alliance - $100.00; (Prof. Serv./Fees) Norma Andersen - $30.00, David Bergendahl - $187.60, Deb Boone - $1,650.00, Brevik Law Office- $363.48, Clay Co. Treasurer - $10.00, Denise Cody - $24.00, Caitlin Collier - $217.74, Dept. Of Revenue - $1,485.00, Donna Dietrich - $793.95, Marv Ekeren - $15.00, Jennifer Holman - $250.00, Horn Law Office - $193.94, Kabeiseman & Pollard - $380.00, Lewis & Clark Behavioral Health Service - $596.00, James McCulloc - $102.00, Gary Mikelson - $182.16, Minnehaha Co. Treasurer - $112.50, Netsys Plus - $50.00, Rachel Orazem - $50.00, Peterson, Stuart, Rumpca & Rasmussen - $3,828.04, SD Dept. Of Health Lab - $2,272.00, SDRS Special Pay Plan - $45.00, Karen Swanda - $69.00, University Cleaners - $41.00, USD Police Dept. - $70.00, Staci Wuestewald - $100.00, Yankton Co. Sheriff - $50.00; (Repairs/Maint.) Allied Oil & Supply - $412.50, Butler Machinery - $606.00, Dept. Of Public Safety - $1,700.00, Midwest Bldg. Maint. - $24.00, Olson's Pest Technicians - $42.00, Sioux Falls Two-Way Radio - $70.00, Sooland Bobcat - $490.00; (Historic Preservation) Jim Stone - $98.85; (Data Processing) Bureau Of Administration - $20.00, ESRI - $400.00, Bruce Mastel/Macman Designs - $25.00, Microfilm Imaging Systems - $180.00, Software Services - $480.00; (Materials/Supplies) Allied Oil & Supply - $1,602.20, Brunick Service - $40.00, Butler Machinery - $1,656.37, Campbell Supply - $476.40, Clay Co. Treasurer - $178.17, Concrete Materials - $15,178.65, Davis Pharmacy - $12.00, Fullerton's Bldg. Center - $16.23, Grainger-$26.54, Jones ACE Hardware - $99.96, Layne's World - $29.88, Ralph Marquardt/Utica Gravel - $9,513.28, MidAmerican Research Chemical - $69.94, Print Source - $174.00, Quill Corp.-$95.82, Sioux Falls Two-Way Radio - $30.98, Sooland Bobcat - $393.96, Sturdevant's Auto Parts - $48.03, Titan Machinery - $12,057.00, Verizon Wireless - $12.49, Wal-Mart Community - $63.41, Zee Medical Service - $44.35; (Travel/Conference) Matt Broderson - $40.00, Andy Howe - $40.00, SDSU Extension Service - $118.11; (Utilities) Butch's Propane - $2,602.15, Centurylink - $1,343.99, City Of Vermillion - $1,139.64, Clay Rural Water System - $88.20, Clay Union Electric-$375.12, MidAmerican Energy-$8.00, Midcontinent Communications-$150.00, Verizon Wireless - $73.98; (Machinery/Auto) Brunick Service - $42.95, Fast Auto Glass - $240.00; (Books) SD Continuing Legal Education - $45.00, West Group - $280.00; (Training/Special Equip.) Neve's Uniforms - $170.75; (Juvenile Detention Contract) Minnehaha Co. JDC - $4,840.34; (E-911) City Of Vermillion - $62,495.68; (Ditch Expense) Clay Co. Hwy. Dept. - $8,642.06, Clay Union Electric - $830.00, Royce Martz/Martz Excavating - $15,106.20; (Law Library) West Group - $294.50; (Void Check) Guarantee Oil Co. - $(225.90).

At 11:55 a.m. Packard moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, November 1, 2011 at 9:00 a.m.

_____

Leo F. Powell, Chairman

Board of County Commissioners

ATTEST:

_____

Ruth A. Bremer, County Auditor

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Published: November 11, 2011

STATE OF SOUTH DAKOTA

COUNTY OF CLAY :SS

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE NAME CHANGE OF

TONYA JOHNSON RUBIDA

CIV. NO. 11-300

NOTICE OF HEARING

****

NOTICE IS HEREBY GIVEN that a Petition for change of name by Tonya Johnson Rubida to have her name changed to Tonya Grace Johnson has been received. All persons having an interest therein shall appear before this Court on the 30th day of November, 2011 at 9:00 o'clock a.m. in the Clay county Courthouse at Vermillion or be forever barred.

Dated this 19th day of November, 2011

BY THE COURT:

/S/_____

Jessica Bosse

Clerk of Courts

Prepared by:

John P. Slattery

Attorney for Petitioner

PO Box 398 - 110 West Main

Elk Point, SD 57069-0398

(605)356-3373

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Wake-up call: 1 in 6 fatal crashes involve drowsy driving

Nearly all drivers feel drowsy driving is an unacceptable behavior, yet almost one third admitted to driving while drowsy in the past month, according to the AAA Foundation for Traffic Safety. In light of these findings, and in recognition of Drowsy Driving Prevention Week (Nov. 6-12), AAA South Dakota is alerting motorists to the dangers of this common, yet underestimated driving practice.

"In many ways, driving drowsy is similar to driving drunk — awareness decreases, reaction time slows, judgment is impaired, and your risk of crashing skyrockets," said Mark Madeja, spokesman for AAA South Dakota. "What's more, drivers have a tendency to underestimate the impact being tired has on their driving, which puts themselves and others at risk."

In its 2010 study, Asleep at the Wheel, the foundation found that one of every six deadly crashes and one in eight crashes causing serious injury involves a drowsy driver. Furthermore, the foundation's 2011 Traffic Safety Culture Index revealed additional findings related to drowsy driving which include:

• 32 percent of drivers admitted to driving while "so sleepy [they] had a hard time keeping [their] eyes open" in the last month.

• Two out of every five drivers admit to having fallen asleep at the wheel at some point, with one in 10 saying they had done so in the past year.

• More than eight out of 10 (82 percent) view it as unacceptable for someone to drive when they are having trouble keeping their eyes open.

• More than half of drivers (56 percent) rate people driving when they are sleepy as a very serious safety threat.

"With these eye-opening statistics in mind, we urge motorists to pay special attention to their driving behavior and take action if they are exhibiting signs of sleepiness," said Madeja.

Warning signs of sleepiness include:

• Having difficulty keeping your eyes open and focused, and/or having heavy eyelids,

• Difficulty keeping your head up,

• Drifting from your lane, swerving, tailgating, and/or hitting rumble strips,

• Inability to clearly remember the last few miles driven,

• Missing traffic signs or driving past your intended exit,

• Yawning repeatedly and rubbing your eyes,

• Feeling irritable or restless.

To remain alert and prevent a fall-asleep crash, AAA offers these tips:

• Get plenty of sleep (at least seven hours) the night before a long trip,

• Stop driving if you become sleepy; someone who is tired could fall asleep at any time – fatigue impacts reaction time, judgment and vision, causing people who are very sleepy to behave in similar ways to those who are drunk,

• Travel at times when you are normally awake, and stay overnight rather than driving straight through,

• Schedule a break every two hours or every 100 miles,

• Drink a caffeinated beverage. Since it takes about 30 minutes for caffeine to enter the bloodstream, find a safe place to take a 20-to 30-minute nap while you're waiting for the caffeine to take effect,

• Travel with an alert passenger.

Christmas event planned for Nov. 19 at Adams Homestead

Adams Homestead and Nature Preserve would like to invite their visitors to get in the holiday spirit and take a step back in time by attending the annual Christmas at the Homestead on Saturday, Nov. 19 from 12 to 4 p.m.

This free, family event allows participants to tour the Stavenger Church, Shay/Adams House and Lamont Country School decorated for the Christmas season. Adams Homestead volunteers will be showing off their talents in each of the homestead buildings. Visitors will also get to enjoy refreshments in the Visitor Center, make children's crafts in the school and hear Christmas music from three different groups in the church throughout the day. Mike Pedersen from the Nora Store will have sing-along from 12 to 1 p.m., The "Homestead" Choir will sing from 1 to 3 p.m., and Amanda Vandezande's piano students will be showing off their talents from 3 to 4 p.m.

Vendors will be displaying their talents and merchandise for all visitors to see and purchase. Take time to shop for Christmas, while enjoying homemade goodies and the warmth of the fireplace.

Santa Claus will also make an appearance in the Visitor Center and will be hanging out by the fireplace taking pictures with kids of all ages.

For more information, please call Adams Homestead and Nature Preserve at (605) 232-0873. Adams Homestead and Nature Preserve is located 1 mile west and one-half mile south of Interstate 29, Exit 4.

Heartland Humane Society to host photo event

Heartland Humane Society invites the community to get their picture taken Nov. 19 and 20 and support HHS during the Pawsitively Purrfect Christmas Photos. The event will be held at the Heartland Humane Society office at 601 ½ Burleigh Street in Yankton from 10 a.m. to 4 p.m. on Saturday and Sunday. Participants are encouraged to call or email for an appointment. Several time slots are available.

"This is a fun event that will put you in the mood for the holidays," said Kerry Schmidt, executive director at Heartland Humane Society. "Get your family's picture taken – with or without pets and help support all of our shelter animals this holiday season."

Cost is $30 for first pose and $10 for each additional pose. Participants will receive a CD of their photos. Contact the Heartland Humane Society office at 605-664-4244 or email hhsdirector@midconetwork.com to make your appointment today. Walk-ins will be allowed from 10am to 2pm both Saturday and Sunday. Participants are encouraged to book an appointment.

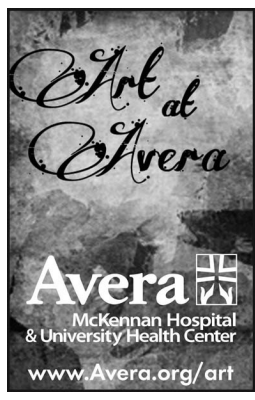
SENIOR ATTORNEY

DEPARTMENT OF HEALTH – PIERRE SD

Full time position providing legal support to all divisions in the department. Duties include providing legal opinions & advice to dept. staff; drafting legislation & administrative rules; overseeing the Request for Proposals process; ensuring compliance with federal/state statutes and admin. rules; participating in hearings associated with regulatory actions involving health care facilities, food service/lodging establishments, and campgrounds; providing assistance in drafting contracts & joint powers agreements; etc. Membership to the S.D. State Bar is required.

For more information go to www.state.sd.us/jobs and reference req. #E40-1302 or to apply, submit a letter of interest/resume to Tom Martinec, Deputy Secretary, SD Department of Health, 600 E. Capitol Ave. Pierre, SD 57501, 605-773-3361, Fax 605-773-5683, tom.martinec@state.sd.us. Open until filled. EOE

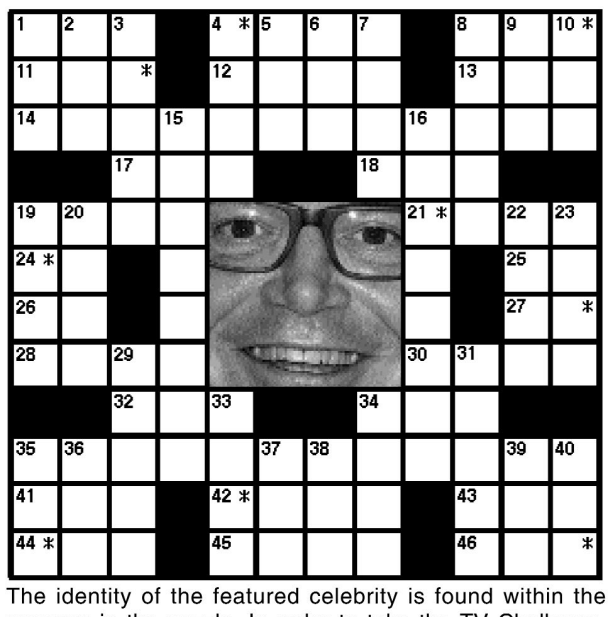
SOUTH DAKOTA DEPARTMENT OF HEALTH



Avera's Digital Art Gallery

Did you know Avera McKennan has the first community digital art gallery in the region? Located in the Prairie Center on the Avera campus in Sioux Falls, this art gallery is constantly changing. Visit our new exhibit,

Guardian Angels: A Devotion
November 17 - January 22.



The identity of the featured celebrity is found within the answers in the puzzle. In order to take the TV Challenge, unscramble the letters noted with asterisks within the puzzle.

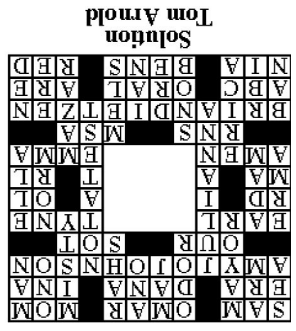
ACROSS

1. LL Cool J's role on "NCIS: Los Angeles"
4. Actor Epps
8. "Teen __"; reality series
11. Period of time
12. Andrews or Carvey
13. "Message __ __ Bottle"; Kevin Costner movie
14. "Flashpoint" actress (3)
17. "Days of __ Lives"
18. Tipsy one
19. "My Name Is __"
21. Portrayer of Amy's mom
24. Initials for Duvall
25. "__' Blue Eyes"
26. One of the Kettles
27. Lansing's initials
28. Hemsley sitcom
30. 1996 Gwyneth Paltrow film
32. Some "ER" characters: abbr.
34. Monogram for a "Little House on the Prairie" actress
35. Actor on "NCIS" (2)
41. Diane Sawyer's employer
42. Spoken
43. "We __ Marshall"; 2006 film for Matthew Fox
44. __ Long
45. Stein and Stiller
46. Freddie the Freeloader's portrayer

DOWN

1. "The Love Boat" setting
2. "The Man With the Golden __"; Sinatra film
3. Winston's position on "Spin City"
4. Reason to bathe
5. Hot Lips Houlihan's rank: abbr.
6. "I'd like to buy __ __, Pat"
7. Cheers from the fans
8. "Play __ for Me"; 1971 Clint Eastwood movie
9. Most famous 1980 widow
10. "Spider-__"
15. Actress Margulies
16. "This Is __ __ __"; 2008 Tom Arnold film
19. Late columnist Bombeck
20. __ Sandler
22. Role on "Cheers"
23. "Queen of Jazz"
29. Actress Durance
31. Debi __
33. Haughty person
34. Diner on "Alice"
35. Forbid
36. Baseball stat.
37. Dr. of rap
38. McShane or McKellen
39. Before, to a poet
40. Stacey's man

Solution
Tom Arnold



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