

2010 Legal and Public Notices

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October 29, 2012 Joint Meeting with County Planning Commission

The Board of County Commissioners met in joint session with the Clay County Planning and Zoning Board Monday October 29, 2012 at 5:45 a.m.

Meeting was called to order by Leo Powell, Chairman.

Members present: Wilson, Kephart, Packard, Powell, Mockler, Bottolfson, Walz and Davidson. Also present: Toby Brown, SECOG Representative and Cindy Aden, Zoning Director.

Zoning Director, Cindy Aden gave an overview of what the joint meeting accomplished at the last meeting.

The Joint Boards continued the discussion starting at page 66 of the document through page 77.

Toby Brown recommended the group, read ahead and bring points they like and dislike in the Ordinance back to the Board for the next joint meeting.

The Joint County Commission & Planning & Zoning Meeting adjourned at 7:40 p.m. and all present agreed to reconvene with the joint meeting on Monday November 26th at 2:30 p.m. in the Commissioner Room of the Court-house to continue the discussion of the proposed Clay County Zoning Ordinance prior to setting the Public Hearings.

Leo F. Powell, Chairman Board of County Commissioners ATTEST:

Ruth A. Bremer, County Auditor Published once at the total approximate cost of \$20.90 Estimated publishing cost per published copy \$.0112 Published: November 16, 2012

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 10th day of December, 2012, at 2:00 p.m. at which time bids and proposals will be received, publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall located at 25 Center Street on the 17th day of December, 2012 at 7:00 p.m. The equipment required is as follows:

Pumper Truck for Fire Department.

Copies of the specifications may be obtained from the City of Vermillion Engineering Department at 25 Center Street, Vermillion, South Dakota, 57069.

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

Payment for the services herein provided for will be in cash.

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities therein.

Dated at Vermillion, South Dakota this 13th day of November, 2012.

CITY OF VERMILLION By Jason Anderson, Asst. City Engineer Published twice at the total approximate cost of \$33.44 Estimated publishing cost per published copy \$0.359 Published: November 16 & 23, 2012.

ADVERTISEMENT FOR BIDS, NEW BUILDING ADDITION, PHASE 2 IRENE-WAKONDA ELEMENTARY SCHOOL, WAKONDA, SOUTH DAKOTA NOTICE TO BIDDERS CONSTRUCTION CONTRACT BID PACKAGES

NOTICE TO BIDDERS:

The Irene-Wakonda School District 13-3, herein called the Owner, located in Clay County, State of South Dakota, shall receive sealed bids for separate prime contracts for furnishing all labor, materials, tools, equipment and services necessary for the bid packages, as listed below, until 12:00 p.m., local time on the 7th day of December, 2012, at the office of the construction manager, Crafts, Incorporated, 2602 South 13th Street, Norfolk, NE, 68701. Sealed bids shall be opened and tabulated at the office of the construction manager at 10:00 a.m., December 10, 2012. The tabulated bid results shall be presented at a meeting of the Irene-Wakonda School Board, December 12,

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2012.

Separate prime Contracts will be awarded on the classes of work as follows.

Bid Package No. 1: Site Work and Excavation for Utilities

Bid Package No. 2: General Building Excavation, Backfill and Concrete Work

Bid Package No. 3: Interior Metal Stud Framing

Bid Package No. 4: Pre-Engineered Metal Building System

Bid Package No. 5: Packaged Aluminum Window Units

Bid Package No. 6: Sealant Work

Bid Package No. 7: Aluminum Entrance Doors and Builders Hardware

Bid Package No. 8: Suspended Ceiling Panel System

Bid Package No. 9: Floor Coverings

Bid Package No. 10: Painting

Bid Package No. 11: Casework, Countertops, Toilet Partitions and Miscellaneous Equipment

Bid Package No. 12: Food Service Equipment

Bid Package No. 13: Mechanical HVAC Systems

Bid Package No. 14: Mechanical Plumbing

Bid Package No. 15: Electrical Systems

All bids shall be made in accordance with the contract documents. Mailed or hand delivered bids shall be submitted in a sealed envelope addressed to Crafts Incorporated, 2602 South 13th Street, Norfolk, NE 68701. Note, fax bids are not allowed.

Bid envelopes shall be clearly marked on the outside lower left corner with the appropriate Bid-Package Number.

Full responsibility for the timely delivery of mailed bids or hand delivered bids prior to the deadline for receiving bids rests with the bidder. Bids delivered after 12:00 p.m. local time shall be classified as non-performing and shall not be considered.

Contract documents, including bid proposal forms, drawings and project manual, have been placed on file and may be examined at the Plains Builders Exchange and Sioux Falls Builders Exchange of

Sioux Falls, South Dakota, Sioux City Construction League, Sioux City, Iowa and Rapid City Builders Exchange, Rapid City, South Dakota.

Interested bidders can obtain one complete set of construction plans and project manual, from the architect's office, for a non-refundable cost of one hundred dollars (\$100.00). Checks shall be made payable to Marquis X Erickson, Architect. Bidders can, also, download a complete set of electronic construction documents, free of charge, from an internet "cloud drive". The access link shall be posted at the time the drawings are released for general distribution. Architect's contact information: Marquis X Erickson, Architect, 334 Walnut Street, Yankton, SD 57078-4345, phone: 605-664-0232, cell: 605-360-9438, email: mxeach@iw.net.

Each bidder must deposit bid security with the bid, payable to The Irene-Wakonda School District 13-3 and shall be one of the following:

1. Certified check, cashier's check or draft drawn on a State or National Bank in the amount of five percent (5%) of the bidders base bid.

2. Bid Bond, issued by a Surety authorized to do business in the State where the project is located and acceptable to the Owner in the amount of five percent (5%) of the bidders base bid.

It shall be the bidder's responsibility to make inquiry as to any addenda issued.

The successful bidder shall be required to furnish a contract performance bond and a labor and materials payment bond in the penal amount of one hundred percent (100%) of the contract price as originally bid or subsequently modified.

No Bidder may withdraw a bid until 30 days after the bid opening, without a written request explaining the cause of withdrawal and without written consent of the Owner after reviewing the cause.

The Owner reserves the right to reject any and all bids or parts thereof, and to waive any irregularities of any bid. The Owner also reserves the right to award the contract to the lowest responsible bidder as may be determined by the Owner.

Construction manager's contact information: Larry O. Voecks, Construction Manager, Crafts, Incorporated, 2602 South 13th Street, Norfolk, NE, 68701, phone: 402-379-0777.

/s/ Larry O. Voecks - Construction Manager Crafts Incorporated Published twice at the total approximate cost of \$121.45 Estimated publishing cost per published copy \$1.305 Published: November 9 & 16, 2012

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NOTICE OF DRAINAGE PERMIT HEARING

Notice is hereby given that in accordance with the Clay County Drainage Permit Ordinance, Sections 106 and 107, the Clay County Commissioners sitting as the Clay County Board of Resolutions will conduct a hearing on drainage permit application for drainage into County ROW, in the Commissioners room at the Clay County Courthouse for the following applicant at 10:00 a.m. Tuesday November 27, 2012.

2012-23 -Lois Larson , 1110 Sunset Dr, Beresford, SD 57004 For the Installation of Drainage Tile in S1/2 of Sec. 15, T95N-R51W of the 5th P.M. (Glenwood Twp) to drain West into existing water way then Southwest into the Vermillion River.

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 Commissioners 211 W. Main Street. Suite 200 Vermillion, SD 57069

Ruth A. Bremer Clay County Auditor Published once at the total approximate cost of \$15.24 Estimated publishing cost per published copy \$.0081 Published: November 16, 2012

Positions Available on Planning & Zoning Commission

The Clay County Board of Commissioners is accepting applications from individuals who are interested in serving on the Clay County Planning & Zoning Commission. Two positions are available. Appointments are for one three-year term and one five year term.

All residents of Clay County are eligible. The Clay County Planning & Zoning Commission is a five person advisory board whose members are appointed by the Clay County Board of Commissioners.

The job of the Planning & Zoning Commission is to plan the long-range growth of Clay County and to review the zoning and development requests in the unincorporated area of the county.

Regular Commission meetings are held the last Monday of each month at 5:15 P.M.

For information, call the Clay County Planning & Zoning Department at 605-677-7145.

Applications must be received by 5 P.M. Dec. 3, 2012. Please state which position you are applying for.

Clay County Auditor Ruth A. Bremer 211 West Main STE 200 Vermillion, SD 57069 Published twice at the total approximate cost of \$33.24 Estimated publishing cost per published copy \$0.357 Published: November 16 & 23, 2012

October 30, 2012 Commissioners Meeting

The Board of County Commissioners met in regular session Tuesday October 30, 2012 at 9:00 a.m. Members present: Wilson, Kephart, Packard, Powell and Passick.

Kephart moved, seconded by Passick and carried to approve the agenda as presented.

Minutes of the October 9th meeting and the Joint Zoning Board & Commissioner Meeting October 16th were approved with a motion by Wilson, seconded by Packard and carried.

Rod Polley /Highway Superintendent met with the Board to discuss highway matters. The Highway Department will be going back to 5- 8hour days beginning the week of November 4th.

The Board discussed interest in possible surplus property from the state of SD on the west edge of Vermillion.

Gas Quotes were submitted for Gasoline. Kephart moved, seconded by Packard and carried to ratify the consensus made on October 9th and to accept low quote from Jerry's Service, Hardington Ne at \$3.5414 per gal for 1768 gal.

Driveway Application was submitted on behalf of Todd Heine for field entrance on Timber Road Sec 17 Norway Twp. Passick moved, seconded by Kephart and carried to authorize Chairman to sign said application at the land-owner's expense as recommended by the Hwy Supt.

Driveway Application was submitted on behalf of Todd Heine for field entrance on Burbank Road Sec 21 Fairview Twp. Passick moved, seconded by Wilson and carried to table any decision

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until the November 8th meeting as recommended by the Hwy Supt.

The Board discussed the burn ban that has been in effect since July and with the recent wet weather and the many requests to have it released if it was safe to do so. Packard moved, seconded by Kephart and carried to authorize the release of the Burn Ban and urge the public to exercise caution when burning.

Wilson moved, seconded by Packard and carried to approve expenses paid for Hwy Foreman and Emergency Mgmt Director Layne Stewart to attend Safety Meeting in Pierre Nov 14-15. Passick moved, seconded by Kephart and carried to authorize travel expenses paid for Hwy Supt. for attending Region 8 Road Conference in Rapid City October 23-25.

The Board reviewed Larry O'Connor's request to have a 24"culvert replaced with a larger one to accommodate the recent ditch cleaning by adjoining land owners to the North and the increase of water that will have to go thru it in Prairie Center Twp -County Road 470th Ave. The Engineers will not sign off on document approving the culvert until they have performed a hydrology study to determine the effects of a larger culvert. Packard moved, seconded by Kephart and carried to authorize Johnson Engineering to do the study with approximate cost of \$3500 and if they need to go over the amount indicated that the county be notified before the work is performed.

Application for ROW of County Road Saginaw Ave in Sec. 33 (Fairview Twp) T92N, R51W for cable occupancy was presented on behalf of Clay Union Electric. Wilson moved, seconded by Packard and carried to authorize the Chairman to sign said application.

The Board reviewed the request from Calvin Hansen to not allow residents to dig up county roads for pipe installation and to require them to bore under the road to preserve the quality of the road. It was the consensus of the Board that for the road in question a decision has already been passed, but will work on getting a resolution adopted for future requests.

At 9:30 a.m. the commissioners acting as the Board of Resolution reviewed the following drainage permit applications.

#2012-16- Tim Ostrem -45924 300 St, Centerville, SD 57014

For Drainage Tile Permit in NW1/4, Section 19-95-52 (River-side Twp) for installation of 6" & 8" tile that will empty into existing tile located in the SE1/4NW1/4.

#2012-17- Tim Ostrem - 45924 300 St, Centerville, SD 57014

For Drainage Tile Permit in SW1/4, Section 17-95-52 (River-side Twp) for installation of 6" & 8" tile that will empty into Frog Creek moving south to the Vermillion River

Those attending: Tim Ostrem-Applicant. No written comments and no-one attending was in opposition to the drainage permit request. Passick moved, seconded by Packard and carried to approve Application #2012-16 & 17 and grant the permits.

Wilson moved, seconded by Passick and carried to set November 8th for the following drainage permit hearings:

9:30 a.m. for #2012-18 -Kyle Jensen 31582 454 Ave, Meckling, SD 57069

For proposed drainage tile in the SW1/4 of Sec. 32, T93N, R53 West of the 5th P.M. (Meckling Twp) One tile will connect into Calvin Hanson's tile which drains into Yankton Clay Ditch and second tile will drain directly into the Yankton Clay Ditch which flows East to the Vermillion River.

9:45 a.m.- #12-19 Peter Sexton, Farm Supervisor, Southeast Research Farm-29974 University Road, Beresford, SD 57004.

For Proposed drainage tile in the East edge of the NW1/4 of Sec. 17, T95N, R51 West of the 5th P.M. (Glenwood Twp) to drain west along a small waterway that runs into Ash Creek then to the Vermillion River.

10:00 a.m.-2012-20 -Kendal Frick-30474 469th Ave. Beresford, SD 57004.

For the Installation of Drainage Tile in SE1/4 Sec. 11, T94N-R51W of the 5th P.M. (Garfield Twp) to drain into Baptist Creek then South and West into the Vermillion River.

10:15 a.m.- 2012-21-Phyllis C. Tschudy-306 S. 2nd St, Beresford, SD 57004.

For the Installation of Drainage Tile in E1/2 of the SW1/4 Sec. 15, T94N-R51W of the 5th P.M. ( Garfield Twp) to drain into Baptist Creek then South and West into the Vermillion River.

At 10:00 a.m. the time set for the public hearing on an application for a 2-day on-sale malt beverage license presented by Westlund/Peterson Post #44 in

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Garfield Township, Section 29 on November 12 & 13 2012. Packard moved, seconded by Kephart to approve the application and grant the license. Motion carried 5-0.

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. Packard moved, seconded by Passick and carried to forgo the added public notice on the renewals for 2013 and approve these during regular commissioner meetings.

Passick moved, seconded by Kephart and carried to pass and adopt the following resolution approving fund transfers from County General:

RESOLUTION # 12-25 FUND TRANSFER

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from the General Fund (10100) in the amount of \$700,000 to Highway Fund (20100) \$50,000 from General Fund to E911 Fund (as levied for in the 2012 Budget.

Motion by Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ Vote of the Board:

Packard \_\_\_\_\_, Kephart \_\_\_\_\_, Passick \_\_\_\_\_, Powell \_\_\_\_\_, Wilson \_\_\_\_\_ Motion carried.

Dated this 30th Day of October, 2012

Board of County Commissioners Clay County, South Dakota

Leo F. Powell, Chairman ATTEST:

Ruth A. Bremer, County Auditor

Wilson moved, seconded by Packard and carried to pass and adopt the following resolution approving contingency transfers from the general fund:

RESOLUTION # 2012-26 Contingency Transfer

BE IT RESOLVED by the Clay County Board of Commissioners the transfer of funds from Commissioners Contingency Fund Budget (D-112) \$3000 to Treasurer Budget-D141 (maint. & supplies) \$2500 to Register of Deeds D-163(travel & utilities) \$15,000 to 2477-D212 (24800) (wages), \$2,000 to Veterans -D165 -(supplies), \$2000 to Coroner Budget-D213 (supplies), \$352.45 to Senior Citizen Budget -D525 (maint.) and \$3,000 to Extension-D611(maint.) for unanticipated expenses for the current Budget Year.

Motion by Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_

Packard \_\_\_\_\_, Kephart \_\_\_\_\_, Passick \_\_\_\_\_, Powell \_\_\_\_\_, Wilson \_\_\_\_\_

Motion carried.

Dated this 30th day of October 2012.

Board of County Commissioners Clay County, South Dakota

Leo F. Powell, Chairman ATTEST:

Ruth A. Bremer, County Auditor

Dennis Ganschow/Weed Supervisor met with the Board to review the weed spraying season for 2012. It was reported that the increase of the noxious weed- Salt Cedar Trees are becoming more of a threat. Most of these are found on sandbars in the Missouri River. Yankton, Union, Clay counties in SD along with Nebraska will jointly apply for grant money to eradicate the trees.

Passick moved, seconded by Kephart and carried to approve travel request submitted by Dennis Ganschow/Weed Supervisor, for 2 employees to attend Annual Weed Conference in Mitchell, on Nov. 13th.

Packard moved, seconded by Passick and carried to authorize the Chairman to sign counties legal document (consensus formed on Oct. 16th).

Passick moved, seconded by Kephart and carried to authorize the Chairman to sign Department of Homeland Security Grant (HLS) 2012 Projects Agreement.

At 10:30 a.m. the board held the first reading on the following County Ordinance 2012-03, An Ordinance Amending Ordinance #05-01 By Rezoning Certain Property:

A Zoning change from A-1 Agricultural District to C-Commercial District For the property identified as the W 485ft of S 1976ft of SW1/4, Section 19, T95N, R 52W, Riverside Township, Clay County SD.

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The Board discussed concerns for the platting of said property and the access to property. The property is currently being used to sell cars, and has since 1976, but state requires the business to be located on commercial property. It was the consensus of the Board to require the applicant to sign statement of proposed platting with them before the second reading and adoption of said ordinance.

Second reading and Adoption will be held at the next week's meeting Thursday at 10:30 a.m. November 8, 2012.

Cindy Aden/Welfare & Zoning Director met with the Board. Welfare Case #12-29 was presented for funeral expense.

Wilson moved, seconded by Packard and carried to pay funeral expense of \$345 to Kolber Funeral Home, as applicant does meet the county guidelines.

Packard moved seconded by Passick and carried to pass and adopt the following resolution approving Survey of RePlat of Parcel A, Located in the Northeast Quarter of The Southeast Quarter (NE1/4SE1/4) of Section Thirty Five (35), Township Ninety Four (94), Range Fifty Three (53) West of the 5th P.M., Clay County, South Dakota; Webb Ranches, L.L.C. and Robert Madsen, owners.

RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

Survey of RePlat of Parcel A, Located in the Northeast Quarter of The Southeast Quarter (NE1/4SE1/4) of Section Thirty Five (35), Township Ninety Four (94), Range Fifty Three (53) West of the 5th P.M., Clay County, South Dakota; Webb Ranches, L.L.C. and Robert Madsen, owners.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

SN/ Leo F. Powell, Chairman Board of County Commissioners

I, Ruth A. Bremer, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 30, 2012.

County Auditor, Clay County, SD

Passick moved seconded by Wilson and carried to pass and adopt the following resolution approving Survey RePlat of Lot 1 of Florence Axlund's Addition in the NW1/4 of Section 34, T95N, R53W of the 5th P.M., Clay County, South Dakota; Dianne Axlund, P. O. A. and Trustee of the Florence E. Axlund Revocable Trust, owner.

RESOLUTION OF COUNTY COMMISSIONERS

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

Survey RePlat of Lot 1 of Florence Axlund's Addition in the NW1/4 of Section 34, T95N, R53W of the 5th P.M., Clay County, South Dakota; Dianne Axlund, P. O. A. and Trustee of the Florence E. Axlund Revocable Trust, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

SN/ Leo F. Powell, Chairman Board of County Commissioners

I, Ruth A. Bremer, County Audi-