

**2010 Legal and Public Notices**

The applicant has signed and submitted his application for platting as requested.

Passick moved, seconded by Wilson to pass and adopt the following County Ordinance with the amendment of the addition of Loen Plat. All voting aye, motion carried.

**ORDINANCE #2012-03  
AN ORDINANCE AMENDING  
ORDINANCE #05-01  
BY REZONING CERTAIN  
PROPERTY**

BE IT ORDAINED BY CLAY COUNTY, SOUTH DAKOTA:

That Ordinance #05-01 be amended as follows:

Zoning change from A-1 Agricultural District to C-Commercial District for that portion of the property as shown on the attached plat identified as Loen Tract 1 in Lot 2 (0.23 +/- acres) located within the W 485ft of S 1976ft of SW1/4, Section 19, T95N, R 52W, Riverside Township, Clay County SD.

And the official zoning map referred to in Article 4, Section 4.03 is amended to include the property in the Commercial District.

Planning Commission Public Hearing: September 24, 2012

First Reading: Oct. 30, 2012  
Second Reading: Nov. 08, 2012  
Adoption: Nov. 08, 2012  
Publication: Nov. 23, 2012  
Effective Date: Dec. 12, 2012

Mark Wetmore, Nancy Carlsen and Cindy Kirkeby met with the Board and gave their report on the completed project of Spirit Mound Cemetery, for survey and fencing project as proposed.

At 11:00 a.m. The Board of County Commissioners convened as a Canvassing Board and with the County Auditor & Deputy, canvassed the votes cast at the 2012 General Election (Nov.6th) of all precincts in the county. Wilson moved, seconded Passick and carried to approve the figures canvassed which included 1- provisional ballot.

At 11:30 a.m. Packard moved, seconded by Wilson and carried to adjourn and convene as Ditch Board.

A reported culvert on Lateral 1A in Meckling Twp has split apart and is need of replacement. (between 455 Ave & 310th St.). Packard moved, seconded by Wilson and carried to approve the repair or replacement of culvert on Lateral 1A, whichever is needed.

Two quotes for tree removal, leveling and seeding were opened on Lat3A. Wilson moved, seconded by Passick and carried to approve low quote submitted by Pollman Excavation for \$7475. Martz bid was \$12,200.

At 11:50 a.m. Wilson moved, seconded by Packard to adjourn as Ditch Board and reconvene as Board of County Commissioners.

The Vermillion Library Report for September was accepted and placed on file.

The Register of Deeds Fees Collected for October 2012 for \$10,624.50 and the following Auditor's account with the County Treasurer for October 2012 were accepted and placed on file.

**AUDITOR'S ACCOUNT  
WITH THE COUNTY  
TREASURER**

To the Honorable Board of County Commissioners of Clay County items in the hands of the County Treasurer as of October 31, 2012. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks	7,141,874.94
Amount of actual cash	3,453,963.96
Total amount of checks and drafts in Treasurer's	Possession not exceeding three days 522,028.84
Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:	1,799.13
Checks returned and not deposited	Cash Items
Investments	251,000.00
Cash Variation	
Total	7,920,156.87

Dated this 1st Day of Nov, 2012.

Ruth A. Bremer, County Auditor

Packard moved seconded by Kephart and carried to set November 27th for the following Drainage Permit Hearings:

**NOTICE OF DRAINAGE  
PERMIT HEARING**

Notice is hereby given that in accordance with the Clay County Drainage Permit Ordinance, Sec-

**2010 Legal and Public Notices**

tions 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 9:45 a.m. Tuesday November 27, 2012.

**2012-22** -Daryl Henriksen-25829 301st St. Wakonda SD 57073  
For the Installation of Drainage Tile in W1/2 NE1/4 & E1/2 NW1/4 Sec. 30, T95N-R52W of the 5th P.M. (Riverside Twp) to drain East into existing water way into Frog Creek then Southeast into the Vermillion River.

**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.

Passick moved seconded by Kephart and carried to approve travel expenses for County Treasurer to attend Treasurer meeting in Rapid City, November 14.

The Veteran's, Zoning and Welfare Monthly Reports were accepted and placed on file.

Cindy Aden/Zoning Director went over a summary of what was presented at the Planners Association Conference she attended October 23-25th .She also presented her recommendations and information to the board for the Joint Jurisdiction Area and the petition for rezoning, Joint City-County Meeting to be held at city hall on November 20th at 5:00p.m.

The Board discussed advertising for the Planning & Zoning Board, one which will be vacant in January due to the election and one which is term is up. There are two positions 1-3yr (remaining Mockler position) and 1-5yr (Walz position). Wilson moved, seconded by Passick and carried to advertise the positions with a Dec. 3rd deadline. Those approved, will be sworn in, January 8, 2013.

Personnel Updates (Aug-Nov.)  
Sheriff & Jail- Kevin Becker-PT Jailer- start 8-28-12 at \$12.24 per hour, Bryan Beringer-24/7 Officer- start 8-31-12 at \$11.09 per hour, James Dietz PT-Jailer resigns 8-20-12, Nathan Goette-24/7 Officer-start date-7-30-12 at \$11.09 per hour, Sam Kavanagh- Deputy Sheriff- resignation as of 11-15-12, Chris Kenck- PT Jailer-resignation as of 10-6-12, Derek Ronning-24/7 Officer start 10-10-12 at \$11.09 per hour, Dominic Santa Maria-PT Jailer- start 9-16-12 at \$12.24: Highway Dept-

Auditor's Office- Election workers- Mary K. Madsen- \$11.70 per hour, Mary Mock-\$11.70.

**Motion by Packard, seconded by Kephart and carried to approve the following claims for payment: November Bills;** (Prof. Serv./Fees) Denise Cody- \$15.00, Caitlin Collier- \$386.57, Dept. of Revenue- \$2,964.07, FedEx-\$18.17, Fox, Youngberg & Lewno- \$71.16, Debra Gapp/Gapp Counseling Svc.- \$1,980.00, Kober Funeral Home- \$345.00, Lewis & Clark BHS- \$1,043.00, Lucy Lewno-\$150.45, James McCulloch- \$888.90, Net-sys Plus- \$801.58, Sanford Health Clinic- \$30.77, SD Achieve- \$120.00, SD Dept. of Health Lab- \$1,644.00, SESDAC- \$360.00, Shepherd Reporting- \$27.50, Karen Swanda- \$15.00, Creighton Thurman- \$318.34, Vermillion Federal Credit Union- \$12.13, Vermillion/Clay EMS- \$131.89, Yankton Co. Sheriff- \$25.00, Yankton Medical Clinic- \$49.96; (Publishing) Plain Talk- \$1,368.83, The Equalizer- \$350.00; (Repairs/Maint.) Brad Waage Construction- \$102.00, Century Business Products- \$15.87, HARTELCO- \$10.00, Johnson Controls- \$302.50, Johnson Electric- \$81.17, Pollman Excavation- \$18,154.00, Stewart Oil & Tire- \$110.00; (Data Processing) Microfilm Imaging Systems- \$432.00, Netsys Plus- \$160.00, Software Services- \$1,800.00; (Materials/Supplies) A-OX Welding Supply- \$226.19, Brunick Service- \$28.27, Butler Machinery- \$207.86, Campbell Supply- \$283.78, Certified Laboratories- \$500.28, Dakota PC Warehouse- \$79.99, First Bank & Trust Visa- \$144.01, Jones ACE Hardware- \$10.80, Light & Siren- \$206.87, McLeod's Printing & Supply- \$577.95, Menard's- \$64.98, Midwest Bldg. Maint.- 42.00, Midwest Oil- \$3,158.56, Pollman Excavation- \$363.08, Quill Corp.- \$73.99, SD Dept. of Transportation- \$37,287.94, Stewart Oil & Tire- \$2,840.03, Sturdevant's Auto Parts- \$36.70, Truck-Trailer

**2010 Legal and Public Notices**

Sales & Service- \$80.00, True Value-\$118.53, US Postal Service - \$44.00, Vermillion Federal Credit Union- \$19.53, Western Office Technologies- \$157.04; (Copier Contract) Century Business Products- \$53.82; (Travel/Conference) Cynthia Aden- \$523.38, First Bank & Trust Visa- \$158.00, Hope Matchan- \$18.50, Rodney Polley- \$117.00, Vermillion Federal Credit Union- \$75.87; (Utilities) Clay-Union Electric- \$425.06, HARTELCO- \$79.95, MidAmerican Energy- \$462.67, Vermillion Garbage Service- \$60.00; (Machinery/Auto) Brunick Service- \$171.32, Quality Motors- \$40.43, Vermillion Ford- \$567.60; (Jury/Witness) Lynn Anderson- \$50.00, Robert Carlson- \$50.00, Joseph Dwyer- \$50.00, Tracey Halverson- \$50.00, Brian Hanson- \$20.00, Stacy Huber- \$50.00, Ricky Johns- \$50.00, Amy Norling- \$64.80, Suzanne Sipes- \$67.76, Lana Svien- \$50.00, Kyla Swier- \$20.00; (Animal Damage Control Fund) Dept. of Revenue- \$973.38; (POD Grant) Campus Catering- \$665.56; (Catastrophic Legal Fund) SDACC Office- \$4,170.38.

At 11:58 a.m. Packard moved, seconded by Wilson and carried to adjourn and reconvene Tuesday, November 27, 2012 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 30, 2012**

**PUBLIC NOTICE**

**Clay County Board of  
Commissioners and Vermillion  
City Council to Hold Joint  
Public Hearing on Re-Zoning  
Application**

Notice is hereby given that a Public Hearing will be held before the Clay County Board of Commissioners and the Vermillion City Council in joint session at 5:15 p.m. Tuesday, December 11, 2012 at Vermillion City Hall to consider the following applications:

A request by Richard Jahn to re-zone land from Agriculture to Rural Residential in order to split the property into two (2) one-acre lots for property located at 46171 Timber Road, Vermillion, South Dakota, which is Lot 1 of Parcel A, N1/2, SE1/4, 15-92-52, Vermillion Township, Clay County, South Dakota.

A request by Eldon Nygaard to re-zone land from Agriculture to Commercial as required by the State of South Dakota to place a billboard for property owned by Verna Saito and located at 1103 SD Highway 50, Vermillion, South Dakota, which is Lee Tract 1, SE1/4, SE1/4 11-92-52, Vermillion Township, Clay County, South Dakota.

All interested persons are encouraged to attend this public hearing. Those interested persons not able to attend are invited and encouraged to send written comments before December 11, 2012 to the Clay County Auditor, 211 W. Main Street, Suite 203, Vermillion, SD, 57069.

Ruth Bremer  
Clay County Auditor  
Published once at the total approximate cost of \$20.90  
Estimated publishing cost per published copy \$0.112

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A request by Eldon Nygaard to re-zone land from Agriculture to Commercial as required by the State of South Dakota to place a billboard for property owned by Verna Saito and located at 1103 E SD Highway 50, Vermillion, South Dakota, which is Lee Tract 1, SE1/4, SE1/4 11-92-52, Vermillion Township, Clay County, South Dakota.

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**2010 Legal and Public Notices**

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Clay County Auditor  
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**Published: November 30, 2012**

**STATE OF SOUTH DAKOTA  
COUNTY OF CLAY:SS**

**IN CIRCUIT COURT  
FIRST JUDICIAL DISTRICT**

**Franklin American Mortgage  
Company,**

**Plaintiff(s),**

**vs,**

**(1) Andrew C. Curry**

**(2) Lacy Sullivan**

**(3) Unknowns: All Occupants  
And Tenants Of The Subject  
Real Estate, All Unknown  
Spouses Of Any Party Hereto,  
And All Other Persons Living  
Or Dead Whose Names Are Unknown,  
Who Claim Any Interest  
Herein,**

**Defendant(s).**

**TO EACH DEFENDANT  
NAMED ABOVE:**

**Case No. #12-329  
Judge Steven R. Jensen**

**SUMMONS**

\*\*\*\*\*

A lawsuit has been started against you in the above entitled court by the above named Plaintiff or Plaintiffs. Plaintiff's claims are stated in a written Foreclosure Petition and Complaint, a copy of which is served upon you with this Summons, if service hereof is by a method of personal service. If service hereof is by publication, a copy of the Foreclosure Petition and Complaint is available from the Court Clerk and/or the Plaintiff's attorney whose addresses and phone numbers are indicated at the top of the first page hereof.

In order to defend against this lawsuit, you must respond to the Foreclosure Petition and Complaint by stating your defense(s) in writing and by filing same with the Clerk of the Court (by mail, if you wish) and mailing a copy to the Plaintiff's attorney. Your written response must in certain instances state any related claim(s) which you may have against any other party hereto or you may be barred from making such claim(s) in any other lawsuit. If you do not respond in writing, a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff may be entitled to what they ask for because you have not responded.

Your written response must be filed (by mail, if you wish) with the Clerk of the Court and mailed to Plaintiff's attorney within thirty (30) days after the date you are personally served with this Summons by a method of personal service or within thirty (30) days of the last publication of this Summons, if it is published. If you wish to seek the advice of an attorney, you should do so promptly so that your written response, if any, may be served on time.

This lawsuit requests a money judgment, the foreclosure of a Mortgage or Deed of Trust against and quieting title to the following Real Estate and all improvements thereto:

Common Description:  
32167 470th Avenue  
Burbank, SD 57010

Legal Description:  
LOT 3 AND LOT A OF LOT 4, TOGETHER WITH RIGHT OF INGRESS AND EGRESS THERETO OVER AND ACROSS LOT 5, ALL IN DOLNEY'S ADDITION TO SECTION 1, TOWNSHIP 91 NORTH, RANGE 51 WEST OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

TAX PARCEL ID #:  
#12600-00000-030-00

Mobile or Manufactured Home:

Common Description  
None Known

Legal Description:  
None Known

In this lawsuit, the Plaintiff alleges that the following Defendants have personal liability on the subject Mortgage or Deed of Trust and Note and the requested money judgment: ANDREW C. CURRY.

Dated: \_\_\_\_\_, 2012.

Kleinsmith & Associates, P.C.  
Attorney for Plaintiff

**2010 Legal and Public Notices**

By:/s/\_\_\_\_\_

Philip M. Kleinsmith, #1005  
6035 Erin Park Drive, Ste 203  
Colorado Springs, CO 80918  
800-842-8417

Published four times at the total approximate cost of \$173.44  
Estimated publishing cost per published copy \$3.3729

**Published: November 23, 30 &  
December 7, 14, 2012**

**Unapproved Minutes  
Council Special Session**

**November 19, 2012  
Monday 12:00 noon**

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 19, 2012 at 12:00 noon in the City Hall large conference room.

**1. Roll Call**

Present: Collier-Wise (arrived at 12:02 p.m.), Davies, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Osborne

**2. Informational Session - Coyoteopoly/Shakespeare Festival 2013 Event - Ted Cherry**

John Prescott, City Manager, introduced Ted Cherry, CEO Coyoteopoly, and Chaya Gordon-Bland, Artistic Director, to update the City Council.

Alderman Collier-Wise arrived at 12:02 p.m.

Chaya Gordon-Bland provided a review of the 2012 event thanking the City Council for its support for the first year event.

Ted Cherry reported on the Coyoteopoly goals for the 2013 event scheduled for June 14-16 in Prentis Park. He stated that the group will be soliciting sponsors for the 2013 event and will be working with the City on items for the City Council consideration as it gets closer to the event.

Ted and Chaya answered questions of the City Council on the Shakespeare Festival.

**3. Informational Session - Review of Joint Jurisdictional Zoning Process - Andy Colvin**

Andy Colvin, Assistant to the City Manager, reported that the County Commission and City Council will be having a joint meeting Tuesday at 5:00 p.m. to consider the zone change request at 46171 Timber Road. Andy provided a copy of the joint jurisdictional zone change ordinance, official zoning map and the information presented to the Joint Planning Commissions. Alderman Willson reported on the discussions of the committee working on the Joint Jurisdictional Ordinance and was concerned about the precedent this request would set and suggested instead changing the ordinance to allow for a conditional use permit to allow the added structure in the agricultural zone subject to the density limits. Mayor Powell stated that this item will be discussed at the joint meeting on Tuesday.

John Prescott, City Manager, reported that there is another request for a zone change in the joint jurisdictional area from Eldon Nygaard that the Joint County Commission and City Council will need to act upon. The consensus was to check with the County to see if Tuesday, December 11th at 5:00 p.m. would work for the joint meeting.

**4. Briefing on the November 19, 2012 City Council Regular Meeting Agenda**

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

**5. Adjourn**

**400-12**

Alderman Zimmerman moved to adjourn the Council special session at 12:42 p.m. Alderman Davies seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of November, 2012.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_

John E (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_

Michael D. Carlson, Finance Officer

**Unapproved Minutes  
City Council Regular Session**

**November 19, 2012  
Monday 7:00 p.m.**

The regular session of the City Council, City of Vermillion, South Dakota was called to order on November 19, 2012 at 7:00 p.m. by Mayor Powell.

**1. Roll Call**

**2010 Legal and Public Notices**

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Thiel

**2. Pledge of Allegiance**

**3. Minutes**

A. November 5, 2012 Special Session; November 5, 2012 Regular Session

**401-12**

Alderman Osborne moved approval of the November 5, 2012 special session minutes and the November 5, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

**4. Adoption of Agenda**

**402-12**

Alderman Zimmerman moved to add to the agenda Old Business Item A - Reconsideration of the November 5, 2012 action on the request from Todd and Michele Mechling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W. Main Street. Alderman Osborne seconded the motion. Discussion followed. Motion carried 9 to 0 to add the item to the agenda. Mayor Powell declared the motion adopted.

**403-12**

Alderman Zimmerman moved adoption of the agenda as amended. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

**5. Visitors to be Heard**

A. Resolution of Support in Joining Community Leaders in Addressing Housing Needs

Alderman Ward read the resolution of support in joining community leaders in addressing housing needs.

B. Proclamation of Appreciation for Area Fire Departments Responding to the Vermillion Landfill Fire

Alderman Meins read the proclamation of appreciation recognizing the Gayville, Volin and Wakonda Volunteer Fire Departments who responded to assist the Vermillion Fire Department at the landfill fire.

**6. Public Hearings - None**

**7. Old Business**

A. Reconsider the November 5, 2012 action on the request from Todd and Michele Mechling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W. Main Street

**404-12**

Alderman Zimmerman moved to reconsider the November 5, 2012 action on the request from Todd and Michele Meckling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W Main Street. Alderman Osborne seconded the motion. Mayor Powell asked Jim McCulloch, City Attorney, about what discussion would be allowable. Jim stated that discussion on the motion to reconsider would be allowed but that no discussion should take place on the variance as it was not advertised on the agenda but could be put on a future agenda for consideration.

Todd Mechling, owner of 1020 W Main Street, provided handouts of the diagram of his front yard showing the project as it is proposed to be completed as support for the motion to reconsider.

A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-N. Mayor Powell declared the motion to reconsider passed 7 to 2. Mayor Powell requested that this item be included on the December 3rd agenda for Council consideration.

**8. New Business**

A. Parade