

6B Vermillion Plain Talk**2010 Legal and Public Notices**

It was decided that the wheel tax should be put on the agenda again for the November 25th meeting.

Kenneth Orr met with the Board to discuss the placement of a mobile home that appears to be incorrect. The property in question is Lots 9, 10, and 11, Block 14 in Meckling, with the 911 address of 31368 Taylor St. Cynthia Aden, Zoning Administrator, presented a photo from the Beacon program. Orr stated that he believes the placement of the mobile home is in violation of 14-03, Section 9 of the zoning regulations regarding setbacks. Aden said there had been a conditional use permit for the property, and a building permit was granted. The footings for the mobile home were originally on the south property line, but she did tell the property owner they needed to be moved, so the footings were moved to the north. She has been out to the property 3 times and believes the structure is now within the proper boundaries. Upon inquiry of the Board, Aden and Teddi Gertsma, State's Attorney, said the next step would be civil proceedings, if Orr wishes to pursue the matter.

Mockler moved, seconded by Packard and carried to approve the following claims for payment. October Payroll: .

At 11:37 a.m. Kephart moved, seconded by Mockler and carried to adjourn and reconvene Thursday, November 6, 2014 at 9:00 a.m.

Raymond Passick, Chairman

ATTEST:
Board of County Commissioners

Carri R. Crum, County Auditor
Published once at the approximate cost of \$148.06
Published: Nov. 14, 2014

STATE OF SOUTH DAKOTA)
:§
COUNTY OF CLAY)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

FIRST DAKOTA NATIONAL BANK,
Plaintiff.

vs.

GARY L. DEJONG, PRIME-BANK, DISCOVER BANK and CHASE BANK USA,

Defendants.

Civ. 14-88

NOTICE OF FORECLOSURE SALE

Notice is hereby given that under and by virtue of a Default Judgment dated October 1, 2014, wherein Plaintiff First Dakota National Bank, holder of a certain note and mortgage attached as Exhibits to the Complaint on file herein, the note executed by Defendant Gary L. DeJong in favor of First Dakota National Bank. The mortgage was dated February 16, 2004, and recorded on February 17, 2004, in Book 120 of Mortgages, page 390 in the Office of the Register of Deeds of Clay County, South Dakota. First Dakota National Bank obtained a Default Judgment against Defendant Gary L. DeJong herein on October 1, 2014, which Default Judgment was in the aggregate amount of \$40,529.31, excluding attorney's fees, post judgment interest and disbursements. In accordance with the Default Judgment, First Dakota National Bank is authorized to sell his real estate described as follows:

Lot Eighteen (18), Block Twenty-seven (27), original town of Vermillion, according to the City Council replat of Main and Market Streets, City of Vermillion, Clay County, South Dakota.

on Wednesday, December 10, 2014, at 10:00 o'clock a.m.

This sale is made pursuant to SDCL 21-49 and 15-19. Said property is sold and subject to only real property taxes, interest, liens, special assessments, and penalties due to Clay County, South Dakota. After performing an updated title search on July 23, 2014, only two junior judgment liens and one junior mortgage appear against the Defendant or the affected real estate and the Court has determined that these liens are inferior to First Dakota National Bank's first position mortgage lien.

This sale is made subject to reduced redemption in the manner provided by law and prior court order and in accordance with the total indebtedness as at the time of such redemption, as authorized by law, in satisfaction of all said obligations. The redemption rights of the parties are subject to the

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Court's prior finding that the property has been abandoned since before the time litigation was initiated.

Public notice is hereby given that on December 10, 2014, at 10:00 o'clock a.m. at the front door of the Clay County Courthouse, Vermillion, South Dakota, I will in conformity with the Default Judgment, sell the above described property or so much thereof as may be necessary to raise sufficient money to satisfy such Default Judgment together with any additional interest and costs to the highest and best bidder.

Dated this 20th day of October, 2014.

/s/ Sheriff Andrew Howe

Sheriff Andrew Howe
Clay County, South Dakota

Dated this 20th day of October, 2014.

/s/ Steven K. Huff

Steven K. Huff, SDBA #3097
Johnson, Miner, Marlow,
Woodward & Huff, Prof. LLC

200 W. Third St.
PO Box 667

Yankton, SD 57078

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Attorneys for First Dakota National Bank

Published: Oct. 31, Nov. 7, 14 & 21

Unapproved Minutes
Council Special Session
November 3, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 3, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise (arrived 12:20 p.m.), Holland, Clarene Meins, Price, Ward, Willson, Mayor Powell

Absent: Erickson, Holly Meins

2. Education Session - Discussion of proposed daycare registration - John Prescott/Shannon Draper

John Prescott, City Manager, reported that during the budget session the City Council discussed the registration and inspection of daycare businesses in the city and requested more information on this topic at a future meeting. John stated that he had provided a one page listing of requirements that other cities within the state have required of daycare providers and requested City Council input on items to be included in a proposed ordinance. John asked Shannon Draper, Fire Chief, to review requirements of fire inspection of daycare facilities. Shannon Draper, Fire Chief, stated that there are two parts to this issue. The first is the registration of all daycare facilities so that the Fire Department would know when responding that there is a daycare at this location. Shannon suggested the registration of all businesses within the city to assist with compliance with the building and fire codes, compliance with proper zoning, education on fire safety and knowledge of any special items at each location. Shannon reviewed the Daycare Fire and Safety Code requirements as contained in the 2012 International Fire Code. Shannon answered questions of the City Council on the daycare fire safety requirements.

John Prescott, City Manager, reviewed a sample daycare ordinance prepared from input received from the budget hearings. John noted that the City Council can add or remove items to the ordinance. John stated that this is just a draft and that if more information is requested it can be provided at a future meeting. John reported that the City Attorney has not reviewed the draft ordinance. John stated that if the City Council wanted to proceed with a daycare ordinance steps will need to be taken to gather input from daycare providers and others involved. Discussion followed on the registration process as well as the state registration requirements. John asked the City Council for direction on items to include or not include in a proposed ordinance. Discussion followed on options to request public input on the requirements for a daycare registration ordinance. The consensus was to continue the discussions at a future noon information session.

3. Briefing on the November 3, 2014 City Council Regular Meeting

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

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was taken.

4. Adjourn

370-14

Alderman Holland moved to adjourn the Council special session at 12:58 p.m. Alderman Clarene Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of November, 2014.

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 3, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, November 3, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell, Student Representative Claussen

2. Pledge of Allegiance
3. Minutes

A. Minutes of October 20, 2014 Special Session; October 20, 2014 Regular Session

371-14

Alderman Willson moved approval of the October 20, 2014 Special Session and October 20, 2014 Regular Session minutes. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

372-14

Alderman Holland moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Morgan Appley - Dakota Rural Action

Morgan Appley, Member of Dakota Rural Action, reported that the group is reviewing alternative energy options for southeastern South Dakota. She invited the City Council and Community to a public information meeting to be held November 18th at 7:00 p.m. at the Vermillion Public Library.

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about November 15, 2014 at 202 Washington Street.

Mike Carlson, Finance Officer, reported that an application was received from the Vermillion Area Arts Council for a special daily malt beverage and wine license on or about November 15, 2014 at 202 Washington Street for their Chili Blues event. Mike stated that the notice of hearing and Police Chief's reports are included in the packet.

373-14

Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about November 15, 2014 at 202 Washington Street. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1321 - Amending Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, rezoning Lots 1 and 2 Blk 7 (addressed as 12 Shriner Street and 30 Shriner Street, respectively), and Lot 3 Blk 5 (addressed as 1129 Cottage), Partridge Addition to the City of Vermillion, Clay County, South Dakota from the GB General Business District to the R-2 Residential District

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Andy Colvin, Assistant to the City Manager, reported on the location of the property that is being requested to change the zoning from General Business to R-2 Residential District. Andy stated that this property currently adjoins the R-2 Residential Zone. Andy noted that no comments have been received since first reading and recommended approval of the ordinance.

374-14

Second reading of title to Ordinance No 1321, entitled AN ORDINANCE AMENDING Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, rezoning Lots 1 and 2 Blk 7 (addressed as 12 Shriner Street and 30 Shriner Street, respectively), and Lot 3 Blk 5 (addressed as 1129 Cottage), Partridge Addition to the City of Vermillion, Clay County, South Dakota from the GB General Business District to the R-2 Residential District.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1321 entitled an ordinance amending Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, rezoning Lots 1 and 2 Blk 7 (addressed as 12 Shriner Street and 30 Shriner Street, respectively), and Lot 3 Blk 5 (addressed as 1129 Cottage), Partridge Addition to the City of Vermillion, Clay County, South Dakota from the GB General Business District to the R-2 Residential District was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 19th day of October, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 3rd day of November, 2014 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1321

AN ORDINANCE AMENDING CHAPTER 155, ZONING REGULATIONS, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, SECTION 155.026 ENTITLED ADOPTION OF OFFICIAL ZONING MAP, AMENDING CHAPTER 155, ZONING REGULATIONS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, SECTION 155.026, ENTITLED ADOPTION OF OFFICIAL ZONING MAP, REZONING LOTS 1 AND 2 BLK 7 (ADDRESSED AS 12 SHRINER STREET AND 30 SHRINER STREET, RESPECTIVELY), AND LOT 3 BLK 5 (ADDRESSED AS 1129 COTTAGE), PARTRIDGE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FROM THE GB GENERAL BUSINESS DISTRICT TO THE R-2 RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA: SECTION 1. That Section 155.026, Adoption of Official Zoning Map, is hereby amended as follows:

THAT LOTS 1 AND 2 BLK 7 (ADDRESSED AS 12 SHRINER STREET AND 30 SHRINER STREET, RESPECTIVELY), AND LOT 3 BLK 5 (ADDRESSED AS 1129 COTTAGE), PARTRIDGE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, ARE HEREBY EXCLUDED FROM THE GB GENERAL BUSINESS DISTRICT AND INCLUDED IN THE R-2 RESIDENTIAL DISTRICT, AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE R-2 RESIDENTIAL DISTRICT.

Dated at Vermillion, South Dakota this 3rd day of November, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By _____

John E. (Jack) Powell, Mayor

ATTEST:

By _____

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Holland.

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Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y.

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Food pantry request for funding

John Prescott, City Manager, reported that a funding request was received from the Food Pantry as the City Council was adopting the 2015 budget. John noted that the City Council reviewed the funding request at the October 20th noon meeting with the consensus to bring forward the request to the next City Council meeting for funding of \$2,500. John stated that funding would be from the General Fund and require a revision to the 2015 budget to be done at revised time. Discussion followed.

375-14

Alderman Collier-Wise moved approval of funding for the Vermillion Food Pantry of \$2,500 from the 2015 General Fund Budget to be included in a future budget amendment. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Street Closure Request for Main Street from Elm Street to High Street on Friday, December 5, 2014 from 6:15 p.m. to 7:00 p.m. for the Parade of Lights parade

John Prescott, City Manager, reported that the Vermillion Chamber and Development Company, in planning for their annual Parade of Lights, is requesting a street closure for the event. The Parade of Lights will take place on Friday, December 5th from 6:30 p.m. to 6:45 p.m. The request is to close Main Street from Elm Street to High Street on December 5, 2014 from 6:15 p.m. to 7:00 p.m. City staff will open intersections as the parade passes, similar to what has been done in prior years.

376-14

Alderman Willson moved approval of the closing of Main Street from Elm Street to High Street on December 5, 2014 from 6:15 p.m. to 7:00 p.m. for the VDCD Parade of Lights event. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Participation Agreement with Sculpture Walk Sioux Falls for sculptures in downtown Vermillion

John Prescott, City Manager, reported that during the preparation of the 2015 budget, Larry Schou made a presentation to the City Council about an opportunity to bring four public sculptures to Vermillion in August 2015. John noted that USD has six sculptures on campus that were part of a partnership with USD and Sioux Falls Sculpture Walk. Larry Schou proposed a community public art sculpture program be coordinated with the USD program. John stated that the City Council included \$10,000 of BBB funding to support bringing four sculptures to off-campus locations in Vermillion. John reported that the University and City have been working with Sculpture Walk Sioux Falls to bring four public art sculptures to Downtown Vermillion. John stated that the attached Participation Agreement indicates that the City will contribute funding for the initiative and cover the insurance for the sculptures. John noted that, while the exact amount of funding needed for insurance is based on the value of the sculptures that are ultimately placed in Vermillion, we anticipate that \$1,000 per year to pay the premium should be sufficient. John stated that the Vermillion Sculpture Team will be responsible for securing the balance of the funding for the project. The sculptures would be in Vermillion from approximately August 2015 to August 2017. John stated that the participation agreement has been reviewed by the City Attorney. Discussion followed.

377-14

Alderman Holland moved approval of the Participation Agreement with Sioux Falls Sculpture Walk as presented and authorized the Mayor to sign the agreement. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. First Reading of Ordinance 1322 - Rezoning certain real prop-

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erty, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District

Andy Colvin, Assistant to the City Manager, reported on the location of the property noting that it was just north of the city limits in the Joint Jurisdictional Zoning Area adjoining 317th Street. Andy stated that the property is currently zoned A-1 Agricultural District and the owners are requesting to change the zoning to LI Light Industrial for their contractors shop and office. Andy stated that the zoning to the south in the city limits is Heavy Industrial. Andy reported that City and County Planning Commissions met jointly on October 27th and recommended approval of the zone change. Andy stated that, as this is in the Joint Jurisdictional Area, the City and County will approve first reading of the ordinance and then advertise the public hearing for second reading of the ordinance when both bodies will meet and consider second reading of the ordinance. Discussion followed.

378-14

Mayor Powell read the title to the above mentioned Ordinance and Alderman Collier-Wise moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1322 entitled An Ordinance Rezoning certain real property, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District 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 3rd day of November, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Price. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

E. Resolution Approving Option to Lease and Site Lease Agreement with Brookings Municipal Utilities d/b/a Swiftel Communications for the construction and maintenance of wireless communications facilities in Lions Park

Andy Colvin, Assistant to the City Manager, reported that Swiftel Communications, a division of Brookings Municipal Utilities, currently leases space on the Market Street Water Tower for their wireless communications antennas. Andy stated that the City provided them notice of plans to abandon the Market Street Tower in the coming months as the new water tower north of the Service Center is complete. Andy reported that staff worked with Swiftel to find a new location for their communications facilities. Andy noted that Swiftel obtained a variance and Conditional Use Permit from the City in July 2014 for the location of a proposed tower in Lions Park (Clay County Fairgrounds) near the demolition derby arena. Andy stated that staff began working on a land lease agreement in August 2014 once the Variance and Conditional Use Permit were approved. Andy stated that the City owns the property where the tower is to be built. A lease agreement is necessary to provide for the construction and ongoing maintenance of the premises. Andy noted that the agreement outlines all of the parties' respective responsibilities, conditions for termination of the agreement, access easements and liability. The agreement provides for an initial term of five (5) years with five (5) renewals of five (5) years each. Andy stated that the agreement is worded so that there is an option on the land until March 31, 2015. Andy stated that, upon exercising the option between now and March 31st, the agreement will become a lease for the land. Andy noted that once the agreement is approved and executed, Swiftel will begin installing the necessary underground utilities to serve the premises. Discussion followed.

379-14

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

RESOLUTION APPROVING OPTION TO LEASE AND SITE LEASE AGREEMENT

WHEREAS, the City of Vermillion wishes to lease land in Lions Park to Brookings Municipal