

PUBLIC NOTICES

September 29, 2009
Commissioner Minutes

The Board of County Commissioners met in regular session Tuesday, September 29, 2009 at 9:00 a.m. Members present: Sommervold, Powell, Passick, and Wilson, Kephart absent.

Plan as presented with the change in Goal 2, Protect Natural Resources, Objective 6- Preserve and enhance Missouri River riparian areas: Policy 1-The County values the preservation of Missouri River riparian habitat for the natural and scenic qualities of the Missouri National Recreational River and encourages development that preserves and enhances these areas.

Sommervold, Kephart, Powell, Wilson, Passick Motion carried. Dated this 29th day of September 2009. Board of County Commissioners, Clay County, South Dakota

Leo F. Powell, Chairman ATTEST: Ruth A. Bremer, County Auditor. Passick moved, seconded by Wilson and carried to allow travel expenses paid for the Auditor and Deputies to attend State Election Week in Pierre November 18, 19 & 20.

Commissioners ATTEST: Ruth A. Bremer, Clay County Auditor. Wilson moved, seconded by Passick and carried to authorize the Chairman to sign the following resolution authorizing the joint purchase with the City of Vermillion.

Treasurer-\$30,411.76, Conseco Ins.-\$530.70, Nationwide Retirement Solutions-\$147.00, New York Life Ins.-\$259.92, SD Child Support Center-\$284.00, SD Retirement System-\$16,548.61, SD Supplement Retirement-\$710.90, TASC (Flex)-\$1,875.29, United Way Of Vermillion-\$855.00, Vermillion Federal Credit Union-\$1,971.00, Wellmark Blue Cross/Blue Shield-\$20,270.49.

Auditor Publish: October 9, 2009 Published once at the approximate cost of \$254.11 Estimated publishing cost per circulated copy: \$14

NOTICE TO BIDDERS Notice is hereby given that the Board of County Commissioners of Clay County South Dakota, acting as the Ditch board for Lateral 50, will receive bids at the office of the Clay County Auditor, Clay County South Dakota until 10:00 a.m. on the 13th day of October, 2009 for the following:

Furnish all necessary equipment and labor for the restoration of Lateral 50 from where it enters into Yankton/Clay Creek Ditch (Sec.35) North to Hwy 50 (1 & 3/4 +/- miles), located in Sections 34, 27, then Northwesterly along Hwy 50 located in Sections 22, 21, 20, and 17, to 33 West of 453 Ave. in Sec.18, Township 93 North, Range 53 West (Meckling Twp.) Clay County, South Dakota. The Project consists cleaning, leveling spoils-banks and removal of all trees, brush and stumps within said lateral. All work to be done under the supervision of the County Highway Superintendent.

Minimum Equipment Required: Track-type hoe with six (6) foot ditch cleaning bucket, Programmable laser comparable to a laser beacon LB-4, Proof of Insurance, and bid the project by Sections, using the Bid Sheet the county will furnish, with a final total bid.

Specifications/Plans for the above project are on file at the Clay County Auditor's Office, Vermillion, South Dakota. Ruth A. Bremer, Clay County Auditor Publish: October 2 & 9, 2009 Published twice at the approximate cost of \$25.61 Estimated publishing cost per circulated copy: \$0.1

NOTICE OF DRAINAGE PERMIT HEARING

Notice is hereby given that in accordance with the Clay County Drainage 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 10:45 a.m. October 13, 2009.

09-11 Gary Davis 45922 300th St. Wakonda, SD. 57073 For Proposed drainage (tile) in the NW 1/4 of the NW 1/4 of Section 26, Township 95 North, (Star Twp) Range 53 West, of the 5th p.m. to drain into Spring Creek.

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 Publish: October 2 & 9, 2009 Published twice at the approximate cost of \$20.25 Estimated publishing cost per circulated copy: \$0.1

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT Pro. 08-32 ESTATE OF NORMAN KING, Deceased.

NOTICE TO CREDITORS Notice is given that on the 14th day of September, 2009, Wayne King, whose address is 3705 W. 88th St., Sioux Falls, South Dakota, was appointed as personal representative of the estate of Norman King. 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.

Wayne King 3705 W. 88th Street Sioux Falls, SD 57108 Robin L. Reed, Clerk of Courts 211 W. MAIN ST. VERMILLION, SD 57069 (605) 677-6785

JOSEPH H. REED REED LAW OFFICES 110 E. MAIN ST. PO BOX 539 VERMILLION, SD 57069 (605) 624-7090 Publish: September 25, October 2 & 9, 2009 Published three weeks at the total approximate cost of \$43.90 Estimated publishing cost per circulated copy: \$0.1

NOTICE OF APPLICATION FOR EXECUTIVE CLEMENCY

Sarah Delanty who was sentenced from Clay County, the 21st day of June 2005, to a 405 fine for the crime of Driving Under the Influence has applied to the South Dakota Board of Pardons and Paroles for Pardon.

Publish: September 25, October 2 & 9, 2009 Published three times at the total approximate cost of \$7.74 Estimated publishing cost per circulated copy: \$0.01

NOTICE OF HEARING

Notice is hereby given that the Clay County Commissioners acting as the Board of Adjustments will meet at 10:30 A.M. on Tuesday, October 13, 2009 in the Commissioners' Meeting Room of the Clay County Courthouse, Vermillion, SD at which time, said Board will hear, consider and act upon the following:

1. Variance Hearing to consider the building of a garage with a 23' variance in the 50' side lot, for Tom Martin, 46985 Prairie View Drive, Burbank, SD, Lot 3 in SE1/4 Section 24 24-92-51 Fairview Twp, Clay County, South Dakota. All interested persons are invited to attend this public meeting. 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, Auditor Turn to PUBLIC NOTICES on Page 11

Table with columns: COUNTY TAX LEVIES, Dollars, \$'s/1,000. Rows include: WITHIN LIMITED LEVY, General County Purposes (3,775,892), LIMITED LEVY (3,775,892), UNLIMITED LEVY - SUB TOTAL (3,775,892), OTHER SPECIAL LEVIES, Secondary Road (98,557), TOTAL TAXES LEVIED BY COUNTY (3,874,449).

RESOLUTION ADOPTION OF ANNUAL BUDGET FOR CLAY COUNTY Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

At 11:00 a.m. the Board convened at the Laverne A. Nelson Estate to conduct the following public Drainage Hearings referred from the September 8th meeting.

09-09 Don O'Connor, 46874 311 St, Burbank, SD 57004 For Proposed drainage (tile) in the NE1/4 and the N1/2 of the NW1/4 of Section 14, Township 93 North (Prairie Center Twp) Range 51 West, of the 5th p.m. to drain into Greenfield Road.

09-09 Don O'Connor, 46874 311 St, Burbank, SD 57004 For Proposed drainage (tile) in the W1/2 of the SE1/4 of Section 11, Township 93 North (Prairie Center Twp) Range 51 West, of the 5th p.m. to drain into 311 Street ditch.

Those attending: Don O'Connor, Applicant, Scott Henderson, Kelly O'Connor, and Mike O'Connor. It was reported that the Committee has had several meetings and are making progress in determining how to handle the drainage in the Prairie Center/Greenfield. It was requested by the committee they appoint one more person to the committee making seven members.

Passick moved, seconded by Sommervold and carried to approve Drainage Permit #09-09 as submitted. Wilson moved, seconded by Sommervold and carried to approve Drainage Permit #09-10 as submitted. Richard Nissen/Spirit Mound Resident and Lanny Nelson met with the Board as visitors to be heard, to discuss a dam project being build on the Nissen property, to protect hundreds of acres of farmland. This is a project that sets a good example for other entities for controlling drainage problems and flooding fields.

Passick moved, seconded by Sommervold and carried to authorize the Chairman to sign County Proclamation proclaiming October 4th thru the 10th as National 4-H Week. Wilson moved, seconded by Passick and carried to pass and adopt the following 2009 Personnel Manual Resolution #09-25.

RESOLUTION #09-25 WHEREAS, the Clay County Commission has determined it appropriate and necessary to update and revise the Clay County Employees Personnel Manual; THEREFORE BE IT RESOLVED, the 2009 Clay County Employees Personnel Manual is hereby adopted by reference as the Federal HAYA (Election) Grant for Clay County to set aside as interest earned on grant.

Dated this 29th day of September, 2009. Leo F. Powell, Chairman Board of County Commissioners

Plus-\$110.00, Peterson & Stuart-\$3,608.30, Pitney Bowes-\$69.38, Cathy Rehffuss-\$60.00, SD Achieve-\$60.00, SD Dept. Of Health Lab-\$752.00, YaVonne Slowey/Slowey Court Reporting-\$100.00, Mathias & Stricherz-\$3,396.25, Vermillion Ford-\$146.94, Yankton Co. Sheriff-\$152.00, (Repairs/Maint.) Great Plains International-\$748.00, Hansen Locksmithing-\$85.00, Interstate Power Systems-\$517.53, Richard Jensen-\$20.00, Johnson Electric-\$52.34, KONE-\$365.07, Murph's Appliances-\$176.85, Olson's Pest Technicians-\$42.00, Pedersen Machine-\$65.28, Pitney Bowes-\$485.62, Pressing Matters-\$1,980.00, Presto-X-\$863.00, Software Services-\$20.00, Turner Plumbing-\$115.52, (Data Processing) Microfilm Imaging Systems-\$425.00, Software Systems-\$180.00, (Materials/Supplies) Boyer Trucks SF-\$21.06, Butler Machinery-\$61.97, Campbell Supply-\$191.77, Concrete Materials-\$36,954.41, Lummins Central Power-\$41.23, Durovac-\$290.00, Farm Plan Financial-\$403.59, Great Plains International-\$847.02, Higman Sand & Gravel-\$1,104.18, Holcomb Freightliner-\$450.89, JCL Solutions-\$391.83, Richard Jensen Service-\$296.16, Mart Auto Body & Marine-\$18.00, McLeod's Printing-\$137.57, Midwest Bldg. Maint.-\$40.00, Mills & Miller, Inc. Distributing-\$2,741.96, Pedersen Machine-\$58.69, Perkins Auto Solutions-\$139.00, Pressing Matters-\$19.00, Print Source-\$176.00, Quill Corp.-\$224.31, Riverside Hydraulics-\$90.89, Stan Houston-\$178.85, Sturdevant's Auto Parts-\$28.38, Truck Parts, Sales & Service-\$92.48, US Postal Service-\$44.00, Velvet Uniforms-\$670.78, Verizon Wireless-\$12.72, Wal-Mart Community-\$76.36, Wheelco Brake Supply-\$94.56, (Travel/Conference) Best Western Of Huron-\$534.00, Ruth Bremer-\$161.58, Ray Hoffman-\$25.00, Will Kennedy-\$142.00, Ina Peterson-\$144.00, Cathi Powell-\$29.00, Leo Powell-\$81.14, SD Sheriff's Assn.-\$75.00, SDSU CES-\$90.00, Layne Stewart-\$187.02, (Inmate Transport) Pennington Co. Jail-\$105.95, (Utilities) Bureau Of Administration-\$166.85, City Of Vermillion-\$2,150.18, Clay Rural Water System-\$53.50, Clay Union Electric-\$325.38, Midcontinent Communications-\$150.00, Qwest-\$511.14, Verizon Wireless-\$85.97, (Jury/Witness) Christine Doty-\$50.00, Reta Eidem-\$50.00, Cindy Ellefson-\$70.72, Mitchell Fee-\$62.58, Kathy Heles-\$8.25, Norman Jensen-\$50.00, Frederick Moreau-\$50.00, Robin Muecke Lamster-\$50.00, Marilyn Trefz-\$52.96, (Machinery/Auto) Quality Motors-\$213.91, Van Diest Supply-\$851.90, (Books) West Group-\$822.54, (Law Library) West Group-\$273.98, (Ditch Expense) Leo Powell-\$100.00.

At 12:12 p.m. Sommervold moved, seconded by Wilson and carried to adjourn and reconvene Tuesday, October 6, 2009 at 9:00 a.m.

Leo F. Powell, Chairman Board of County Commissioners ATTEST: Ruth A. Bremer, County Auditor

RESOLUTION ADOPTION OF ANNUAL BUDGET FOR CLAY COUNTY Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR CLAY County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2010 and ending December 31, 2010 and the same is hereby approved and adopted by the Board of County Commissioners of Clay County, South Dakota, this 29th day of September, 2009

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Clay County, South Dakota. The accompanying taxes are levied by Clay County for the year January 1, 2009 through December 31, 2009. BOARD OF COUNTY COMMISSIONERS OF Clay County, South Dakota

Leo F. Powell, Chairman Board of County Commissioners ATTEST: Ruth A. Bremer, County Auditor

Motion by Sommervold, seconded by Passick and carried to approve the following claims for payment: September Payroll: Commissioners-\$4,479.17, Auditor's Office-\$8,322.22, Treasurer's Office-\$9,409.09, States Attorney's Office-\$11,653.33, Courthouse-\$1,995.83, DOE's Office-\$8,692.66, ROD's Office-\$7,270.33, Veteran's Office-\$1,544.45, Sheriff's Office-\$25,232.91, County Jail-\$10,542.45, 24/7 Sobriety Project-\$1,046.64, LEPC-\$631.25, Emerg. Mgmt. Office-\$1,893.50, Highway Department-\$34,236.01, County Welfare Office-\$1,425.41, CHN Office-\$2,779.84, WIC Office-\$795.16, Extension Office-\$2,436.75, Weed Department-\$2,027.55, and Zoning Office-\$1,126.14, (Payroll Withholding) AFLAC-\$197.10, Clay County