

2010 Legal and Public Notices

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT IN THE MATTER OF THE ESTATE OF MARILYN KAY DYBALL, DECEASED. PRO. 12-32 NOTICE TO CREDITORS

Notice is given that on the 21st day of September, 2012, David Claire Dyball, whose address is 31733 Bergen Avenue, Meckling, SD 57069, was appointed as personal representative of the estate of Marilyn Kay Dyball, Deceased.

Creditors of decedent must file their claims within four (4) 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.

David Claire Dyball 31733 Bergen Avenue Meckling, SD 57069 605-624-0011

JESSICA BOSSE CLERK OF COURTS 211 W. MAIN STREET VERMILLION, SD 57069 (605)677-6756

CRAIG K. THOMPSON LAW OFFICES P.O. BOX 295 VERMILLION, SD 57069 (605)624-2097 craig@cktlaw.net

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Published: September 28, October 5 & 12, 2012

NOTICE OF ADOPTION ORDINANCE #2012-02

AN ORDINANCE AMENDING COUNTY ORDINANCE #00-01 An Ordinance Authorizing The Clay County Board Of Commissioners To Declare A Fire Danger Emergency And To Prohibit Open Burning Within The County.

BE IT ORDAINED BY COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA:

That Regarding Penalty for those who have committed a public nuisance violation of this Ordinance, to Read as a Class 2 Misdemeanor: thirty days imprisonment in a county jail or five hundred dollars fine, or both according to SDCL#22-6-2, bringing the Ordinance up to State Statute now and future law changes to SDCL#22-6-2.

Dated this _____ Day of September, 2012.

First Reading: Sept. 11, 2012

Second Reading: Sept. 25, 2012

Adoption: Sept. 25, 2012

Publication: Oct. 05, 2012

Effective Date: Oct. 25, 2012

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

Ruth A. Bremer, Clay County Auditor Published once at the total approximate cost of \$19.23 Estimated publishing cost per published copy \$0.103

NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the General Election to be held on the 6th day of November 2012 will close on the 22nd day of October 2012 at 5:00 p.m. Failure to register by this date will cause forfeiture of voting rights for this election.

Registration may be completed during regular business hours at the County Auditor's Office, Municipal Finance Office, Secretary of State's Office and those locations which provide driver licenses, food stamps, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the County Auditor to request a mail-in registration form or access a mail-in form online at (www.sdsos.gov)

Voters with disabilities may contact the County Auditor for infor-

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mation and special assistance in voter registration, absentee voting, or polling place accessibility.

Ruth A. Bremer, Clay County Auditor Published twice at the total approximate cost of \$27.74 Estimated publishing cost per published copy \$0.298

Published: October 5 & 12, 2012

NOTICE OF PUBLIC HEARING OF APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 15th day of October, 2012 at the hour of 7:00 P.M. at City Hall Council Chambers will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Transfer of Retail On-off Sale Malt Beverage:

Varsity Pub, LLC for the Varsity Pub at 113 E. Main transfer from Sammelson Brothers, Inc for the Varsity Pub.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 28th day of September, 2012

Michael D. Carlson, Finance Officer Published once at the total approximate cost of \$16.76 Estimated publishing cost per published copy \$0.090

Published: October 5, 2012

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

ESTATE OF CHARLES R. ESTEE, DECEASED.

PRO. 12-33

NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

Notice is given that on the 27th day of September, 2012, Charles S. Estee, whose address is 7051 Clayton Avenue, Dallas, Texas 75214, was appointed as Personal Representative of the estate of CHARLES R. ESTEE.

Creditors of decedent must file their claims 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.

Dated this 27th day of September, 2012

Charles S. Estee 7051 Clayton Avenue Dallas, Texas 75214 469-235-5964

Clay County Clerk of Courts 211 West Main Street, Suite 300 Vermillion, SD 57069 605-677-6755

Linda L. Kogel Kogel Law Office P.O. Box 493 Vermillion, SD 57069 605-624-2667

Published four times at the total approximate cost of \$80.72 Estimated publishing cost per published copy \$1.735

Published: October 5, 12, 19 & 26, 2012

September 25, 2012 Commissioner Minutes

The Board of County Commissioners met in regular session Tuesday, September 25, 2012 at 9:00 a.m. Members present: Packard, Powell, and Wilson; Commissioners Passick & Kephart, absent

Packard moved, seconded by Wilson and carried to approve the agenda as presented.

Minutes of the September 11th meeting were approved with a motion by Wilson, seconded by Packard and carried.

Rod Polley/Highway Superintendent met with the Board to discuss highway matters. Roger Hanson/Riverside Twp resident met with the Board to request per-

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mission to remove the fence and clean the ditch on the North Side of 300th St., 1/2 mile East of Hwy 19 (Sec. 14-95-52) Wilson moved, seconded Packard and carried to authorize the fence removal and ditch cleaning by Mr. Hanson at his own expense under the direction of the Highway Superintendent. County requires that all ditches cleaned must be reseeded to prevent erosion.

The Hwy Supt. reported concerns on bridge 14-030-180 located over 455 Ave on Yankton Clay Ditch in Section 4, Norway Twp, about it being too narrow, pilings constrict flow, and large beaver dam underneath, noting that all other bridges similar to this one were replaced with 8'CMP's. Another #14-130-011 located 1-1/2 mile S of 46 on University Road does not meet current standards and is scheduled for replacement next year, but would be set back several years, due to lack of state funding. No action was taken at this time for either bridge.

Application for Entrance from a County Hwy was presented for Robert Emmick in Section 35, Bethel Twp, on 456 Ave North of Bluff Road on the East side. Driveway was previously approved in 2002. Packard moved, seconded by Wilson and carried to approve the driveway request with the installation with an 18" culvert 50' long at the expense of the landowner as recommended by the Highway Superintendent.

Application for Entrance from a County Hwy submitted at the September 11th meeting for Arden Abild was brought back to the table with a request for making his driveway smaller than the county specifications, due to trees that would need to be removed. Wilson moved, seconded by Packard and carried to approve the special exception for the slight variance on driveway widths, to allow the driveway extension without harming the trees.

Application for Occupancy of Road Right of Way was presented by Chris Nelson for tile installation under 316th St in section 5 & 8, Norway Township R-53W, T92N for the installation of Irrigation Pipe. Proposes to dig up 316th Street, install pipe and construct road to its original condition. Packard moved, seconded by Wilson and carried to authorize the Chairman to sign said application as recommended by the Hwy Supt.

At 9:30 a.m. Packard moved, seconded by Kephart and carried to adjourn and convene as Ditch Board. Tom Dreesen has requested the trees be removed from Lateral 3A, in Meckling Twp, which was previously let for bids, but never completed. Wilson moved, seconded by Packard and carried to table until next week's meeting giving more time to inspect the tree roots at the bottom of the ditch.

At 9:40 a.m. Wilson moved, seconded by Packard to adjourn as Ditch Board and reconvened as County Commissioners.

At 9:45 a.m. the Board acting as the Board of Resolutions acted on the following drainage permit applications:

#2012-14 - Erlin Ellison 30867 SD Hwy 19, Vermillion, SD 57069

For Drainage Tile Permit in NE1/4 Section 33-94-52 (Pleasant Valley Twp) for installation of 5" & 6" tile that will flow into existing 12" tile then South through solid pipe in Sec.2 Spirit Md.Twp, then into open waterway moving east and south to the Vermillion River.

Those Attending: Ron & Deb Hesla, Dick Nissen, and Erlin Ellison, Applicant. No written comments had been received but Ron and Deb Hesla were not in favor of 2012-14 Drainage Permit, as the property being drained sits higher and they are in a low or flat area that does not drain well and do not want any more water put on their property. Packard moved, seconded by Wilson and carried to table the request until landowners can agree on a plan that will satisfy both parties.

#2012-15- Erlin Ellison 30867 SD Hwy 19, Vermillion, SD 57069

For Drainage Tile Permit in W1/2 /Section 35-94-52 (Pleasant Valley Twp) for installation of 5"tile & 6" tile (replacing 6" tile) that will flow into existing 12" tile then South and West into Spirit Mound Creek to the Vermillion River.

Those Attending: Dick Nissen, and Erlin Ellison, Applicant. No written comments have been received and those attending were in favor of 2012-15 Drainage Permit.

Wilson moved, seconded by Packard and carried to approve Drainage Application 2012-15 as presented.

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

At 10:15 a.m. the Board held the second reading of County Ordinance #2012-2 an Ordinance

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amending County Ordinance #00-01 Authorizing The Clay County Board Of Commissioners To Declare A Fire Danger Emergency And To Prohibit Open Burning Within The County.

Wilson moved seconded by Packard and carried to pass and adopt the following County Ordinance:

ORDINANCE #2012-02

AN ORDINANCE AMENDING-COUNTY ORDINANCE #00-01 An Ordinance Authorizing The Clay County Board Of Commissioners To Declare A Fire Danger Emergency And To Prohibit Open Burning Within The County.

BE IT ORDAINED BY COUNTY COMMISSION OF CLAY COUNTY, SOUTH DAKOTA:

That Regarding Penalty for those who have committed a public nuisance violation of this Ordinance, to Read as a Class 2 Misdemeanor: thirty days imprisonment in a county jail or five hundred dollars fine, or both according to SDCL#22-6-2, bringing the Ordinance up to State Statute now and future law changes to SDCL#22-6-2.

Dated this _____Day of September, 2012.

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Second Reading: Sept. 25, 2012

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Effective Date: Oct. 25, 2012

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

Ruth A. Bremer, Clay County Auditor

At 10:30 a.m. a Public Hearing was held for the Adoption of the Annual Budget for 2013. Packard moved, seconded by Wilson to pass and adopt the Provisional Budget as the Annual Budget with a change to the ROD's (-\$10,670) lowering the Total General Fund Provision from \$4,804,503 to \$4,793,833. Fire Protection Fund increased from \$105,305 to \$105,571 due to recalculation. Also added, the new Fund (20500) Modern & Preservation Fund- \$10,000 for the ROD'S Budget (new as of July 1st, 2012) Motion Carried 3-0, Kephart & Passick absent.

Tax Levy in 2012 Payable in 2013

COUNTY TAX LEVIES, Dollars, \$'s/1,000 WITHIN LIMITED LEVY: *General County Purposes, (10-12-9), 4,108.710., 5.214 LIMITED LEVY (10-12-21) SUB TOTAL, 4,108,710., 5.214 OUTSIDE LIMITED LEVY: County Snow Removal Fund (34-5-2) *Highway and Bridge Reserve, (10-12-13) Courthouse, Jail, etc., Bldg., (7-21-1) Bond Interest Sinking, (7-24-18) Ag Building, (7-27-1) UNLIMITED LEVY - SUB TOTAL, 4,108,710., 5.214 OTHER SPECIAL LEVIES Secondary Road (Unorg. PT-76), (31-12-27) Fire Protection (34-31-3), 105,571, 0.214 TOTAL TAXES LEVIED BY COUNTY, 4,214,281, 5.428 *These Amounts include the 25% to be distributed to cities. As of September 25, 2012 these levies are (are not) approved by the Department of Revenue.

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, elimination's 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

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County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2012 and ending December 31, 2012 and the same is hereby approved an adopted by the Board of County Commissioners of Clay County, South Dakota, this 27th day of September, 2011.

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 taxed are levied by Clay County for the year January 1, 2011 through December 31, 2011.

BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, SOUTH DAKOTA

Chairman _____ Leo F. Powell Commissioner _____ Raymond (Dusty) Passick Commissioner _____ Leslie Kephart Commissioner _____ Phyllis Packard Commissioner _____ Jerry Wilson ATTEST: County Auditor _____ Ruth A Bremer

Cindy Aden/Zoning & Welfare

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Director met with the Board. Welfare Application #2012-26 was presented for HSC-(voluntary committal). Wilson moved, seconded by Packard and carried to authorize the payment of \$600 to HSC with the stipulation that the applicant completes the program.

Wilson moved seconded by Packard and carried to pass and adopt the following resolution approving survey plat Tract 1, Johnson Addition in the NW1/4 of Section 14, T95N, R51W of the 5th P.M., Clay County, South Dakota; Diane Johnson, Florene Larson, Larry L Larson and June C Larson 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 Plat Tract 1, Johnson Addition in the NW1/4 of Section 14, T95N, R51W of the 5th P.M., Clay County, South Dakota; Diane Johnson, Florene Larson, Larry L Larson and June C Larson owners.

Be it resolved that the Board of County Commissioners of said

Table with 3 columns: Description, Average No. Copies Each Issue During Preceding 12 Months, Actual No. Copies of Single Issue Published Nearest To Filing Date. Includes U.S. POSTAL SERVICE STATEMENT OF OWNERSHIP and various publication details.