2010 Legal and Public 2010 **Notices**

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

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

Unapproved Minutes Council Special Session October 15, 2012 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 15, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies. Grayson, Meins, Ward (arrived at 12:04 p.m.), Zimmerman, Mayor Powell

Absent: Osborne, Willson

2. Educational Session - housing Study Presentation -

Steve Howe, Executive Director of the VCDC, stated as background that a group of community leaders got together in June for some strategic planning. The top item from the meeting was the need for housing in Vermillion for currently employees commuting and for new employees. Steve stated that he had approached the City Council about funding a housing study which was expanding into a Talent Attraction Strategy and Workforce Housing Solutions report. Steve stated that Mark Lautman and Richard Bessan of Community Housing Laboratory, LLC prepared the report that was distributed and Mark is present to review the report and answer questions.

Alderman Ward arrived at 12:04 p.m.

Lautman of Community Mark Housing Laboratory, LLC, provided an overview of the Talent Attraction Strategy and Workforce Housing Solutions report along with the summary of findings. Mark answered questions of the City Council on the report.

3. Briefing on the October 15, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

Alderman Zimmerman moved to adjourn the Council special session at 1:02 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15th day of October, 2012.

GOVERNING BODY OF CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Unapproved Minutes City Council Regular Session October 15, 2012 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order

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on October 15, 2012 at 7:00 p.m.

by Mayor Powell.

1. Roll Call

Collier-Wise, Davies, Present: Grayson, Meins, Osborne, Ward, Zimmerman,

2. Pledge of Allegiance

3. Minutes

A. October 1, 2012 Special Session; October 1, 2012 Regular

373-12

Alderman Zimmerman moved approval of the October 1, 2012 special session minutes and the October 1, 2012 regular session minutes. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

Alderman Ward moved proval of the agenda with the addition of Item 5B - Proclamation of Congratulations to the Vermillion High School Boys Soccer Team. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. United Way Week Proclama-

Alderman Meins read the proclamation recognizing October 22-28 as United Way of Vermillion Week. Mayor Powell presented the proclamation to Kelsey Collier-Wise on behalf of the Vermillion United Way.

B. Proclamation of Congratulations to the 2012 Vermillion High School Boys Soccer Team

Alderman Ward read the proclamation congratulating the Vermillion High School Boys Soccer Team and coaches who won the Class A State Championship this past weekend. Mayor Powell presented the proclamation to team members and coaches.

6. Public Hearings

A. Transfer of Retail on-off Sale Malt Beverage license from Sammelson Brothers, Inc. to Varsity Pub, LLC for the Varsity Pub at 113 E. Main Street.

Mike Carlson, Finance Officer, reported that an application was received for the transfer of the retail on-off sale malt beverage license from Sammelson Brothers. Inc. to Varsity Pub, LLC for the Varsity Pub at 113 E. Main Street. The notice of hearing and Police Chief's report are included in the Council packet. Discussion fol-

375-12

Alderman Zimmerman moved approval of the transfer of on-off sale malt beverage license from Sammelson Brothers, Inc. to Varsity Pub, LLC for the Varsity Pub Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor declared the Powell motion adopted.

7. Old Business - None

8. New Business

A. USD hangar Lease Agree-

Jose Dominguez, City Engineer, reported that since the hangar lease expired in October 2009 a new lease agreement with USD was drafted. Jose noted that the City leases hangar spaces within the airport property and the lessee is responsible to place their hangar and maintain the property. The proposed lease is for 20 years with an option for another 20 years. The rate is \$.05 per square foot for the building size and \$.10 per square foot for unused land being leased for a total cost of \$180 per year. Discussion followed.

376-12

Alderman Willson moved approval of the airport hangar land lease agreement with the University of South Dakota as presented for 20 years with the renewal option of another 20 years. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor declared the motion adopted.

B. Grant Fluent Hangar Lease Agreement

Jose Dominquez, City Engineer, reported that the original 10 year hangar lease with Mr. Fluent expired in April 2011 but included Although the City did not receive a written request for the extension, the annual payments have been received. The lease will expire April 15, 2021 and provides for the annual lease of \$10 per

Alderman Davies moved approval of the renewal option with Legal and Public 2010 **Notices**

Grant Fluent for airport hangar land lease as presented until April 15, 2021. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Developer's Agreement for Lots 9-13, Block 2, French Addi-

Jose Dominquez, City Engineer, reported that Mrs. Frances Rasmussen recently purchased Lots 9 through 13, Block 2, French Addition and is planning on constructing five townhouses facing Norbeck Street. As Lot 13, the corner lot, abuts French Drive, the agreement allows the construction with the stipulation that the owner agrees not to remonstrate against assessments for the future construction of French Drive. The agreement also clarifies owner's responsibility with respect to sanitary sewer laterals that are shared between two lots. Discussion followed.

378-12

Alderman Zimmerman moved approval of the Developer's Agreement with Mrs. Frances Rasmussen for Lots 9 through 13, Block 2, French Addition as presented. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell Declared the motion adopted.

D. AFSCME Collective Bargaining Agreement

John Prescott, City Manager, reported that the current contract with AFSCME Local 1052 expires at the end of this year and over the last few months the City and Union have been negotiating a new contract. John noted that the majority of the contract is unchanged from the current agreement. The proposed agreement includes a 2% cost of living raise for 2013, 2.25% for 2014, and 2.5% for 2015. John noted the 2% has been included in the 2013 adopted budget. John stated that the Labor and Finance Committee has reviewed the agreement and recommend acceptance.

Alderman Grayson moved approval of the agreement between AFSCME Local 1052 and the City for 2013, 2014 and 2015. Alderman Ward seconded the motion, Motion carried 9 to 0. Mayor declared the adopted.

E. Teamsters Collective Bargaining Agreement

John Prescott, City Manager, reported that the current contract with Teamster's Union Local 120 expires at the end of this year and over the last few months the City and Union have been negotiating new contract. John noted that the majority of the contract is unchanged from the current contract. Two of the changes to the agreement are changing the wording caliber weapon to duty weapon and increasing the maximum on the 50% gym membership reimbursement from \$125 to \$175. The proposed agreement includes a 2% cost of living raise for 2013, 2.25% for 2014 and 2.5% for 2015. John noted the 2%has been included in the 2013 at 113 E. Main Street. Alderman adopted budget. John stated that the Labor and Finance Committee has reviewed the agreement and recommend acceptance. Discussion followed.

380-12

Alderman Davies moved approval of the agreement between Teamster's Union Local 120 and the City for 2013, 2014 and 2015. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Light and Power Digger Der-

Jason Anderson, Assistant City Engineer, reported that the 1998 digger derrick truck is scheduled for replacement in 2013. He noted that the replacement truck bid has a high lifting capacity based upon the consensus of the City Council following the June 4th noon presentation. Jason read the bids received and recommended the low bid of Dueco, Inc. He reviewed the two add alternates and the deduct alternate for trade-in of old truck. Jason recommended accepting add alternate No. 1 for extended cab of \$5,440 and not to accept Alternate No. 2 or the deduct alternate for trade-in as the old unit can be advertised for sale following delivery of the new unit. Jason recommended the low bid of Dueco, Inc. plus add Alternate No. 1 for a total purchase price of \$240,685. The purchase will be funded from the equipment replacement fund, noting that the 2013 equipment replacement fund included a \$100,000 transfer from the electric fund due to the increased cost of this piece an option for a 10 year renewal. of equipment which can be adjusted based on this favorable bid.

> Altec Industries: Base Bid \$249,772.00, No. Alternate \$4,884.00, Alternate No. \$1,455.00. No. Alternate -\$14,000.00 Bid Dueco, Base \$235,241.00, Alternate No.

> > Alternate

No.

\$5,444.00.

\$3,509.00.

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-\$10,000.00

381-12 Alderman Davies moved approval of the low bid of Dueco. Inc. for the digger derrick truck with add Alternate No. 1 for a total purchase price of \$240,685. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the Police Department and Emergency Communications Department Halloween Open House is Saturday, October 27th from 10:00 a.m. to 1:00

- B. John reported that the Water Department will be flushing hydrants through Friday, October 19th and reminded citizens that if they see them flushing in the area there may be some discoloration of the water.
- C. John reported that the combination skate park and ice rink is nearly complete as the equipment was delivered and installed last week and signage was installed just today.
- D. John stated that a Joint City/County meeting on a rezoning request in the Joint Jurisdictional area is needed with the date of November 20th proposed for an evening meeting. Please let City Hall know of your availability.

E. John reminded citizens that political signs are not allowed in the right of way which is between the sidewalk and curb and asked citizens to keep the signs behind the sidewalk.

11. Invoices Payable

382-12

Alderman Grayson moved approval of the following bills: Adam's Construction Llc Clubhouse Roof 19,174.00 Architecture Inc. Professional Services 2.715.00

Asphalt Surfacing Co Hydrant Deposit Less Usage 154.53 Broadcaster Press Advertising 1.713.23

Bureau Of Administration Long Distance 262.61 Centurylink Telephone 1,474.39

Of Vermillion City Vouchers 252.47 Clay-Union Electric Corp Electricity 1,179.91 Concrete Materials Chips/Asphalt

6,051.20 Dakota Rock Farms H a u Sludge 12,687.17 Dept. Environment Natl Re-

sources Landfill Operations Fee Geotek Engineering Professional Services 347.00 Gregg Peters Managers Fees/Profit 24,118.16 Knology Dial Up Service 49.95 Loren Fischer Disposal Haul Cardboard 140.00

Matheson Tri-Gas, Inc Supplies 215.45 Midamerican Gas Usage

Midcontinent Communications Cable/Internet Service 105.95 Pomps Tire Service, Inc. Reserve Account Postage For Me-

ter 950.00 Sd Dept Of Envir & Natl Resources Permit Modification Sd Public Assurance Alliance In-

surance Coverage 117,371.16 Sprint Cell Phones 1,184.98 Stern Oil Co. Fuel 18,946.47

The Equalizer Advertising 64.00 Todd Halverson Reimburse Testing Fees 180.00 True Value Supplies 12.99

United Parcel Service Shipping 61.50 Us Postmaster Postage For Utility Bills 975.00

Vermillion Area Community 3rd Quarter Roundup 126.96 Vermillion Development Co Contribution 46,350.00

Visa/First Bank & Trust Fuel/Supplies 98.97 Carol Bock Bright Energy Rebate

Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of November 5, 2012 for the lease for approximately 232 acres of farmland east of Vermillion

Alderman Osborne moved approval of the consensus agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

Alderman Osborne moved to adjourn the Council Meeting at 7:29 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Da-

Legal and Public Notices

kota this 15th day of October,

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

John E.(Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Published once at the total approximate cost of \$181.03 Estimated publishing cost per published copy

Published: October 26, 2012

Deadline nears for disabled veterans propety tax benefits

Veterans rated as permanently and totally disabled as the result of a service related injury have only a short time left to apply for a new program that would grant them a partial exemption on their property taxes.

Eligible veterans or the unmarried surviving spouse of an eligible veteran wanting to take part in the Property Tax Reduction for Disabled Veterans Program must apply annually on or before November 1 to their county assessor. The program exempts the first \$100,000 of valuation of a disabled veteran's property from property taxes. For the purposes of the program, property is defined as the house (including manufactured and mobile homes), garage, and the lot upon which it sits or one acre, whichever is less. Because the budgets and tax levies for the property taxes payable in 2013 have already been set, veterans eligible for this program will first see the reduction in their property taxes payable in 2014.

To be eligible, the veteran must have been rated permanently and totally disabled based on the established rating schedule used by the Veterans' Affairs Rating Board. Applicants will be required to provide proof of their eligibility to get the exemption. Such proof can be obtained by calling the Sioux Falls VA Regional Office at 1-800-827-1000 and requesting that they send the veteran a statement verifying they are permanently and totally disabled as the result of a service-connected disability. A copy of that statement should be presented along with the application.

Āpplications are now available from county assessors and the Division of Property and Special Taxes.

For more information, call the Department of Revenue's toll-free helpline at 1-800-829-9188 and select option "2."

I FOOD From Page 1

Saturday starting at 9 a.m. "Picking up the bags isn't going to take very long," Heier said. "For the most part, you go around, you see a bag, you pick it up. It goes a lot faster (than putting them out).

"But, after we pick them all up we've got to go to the food pantry and sort through everything, put it in its category and there are approximately 30 different categories," he said. "That'll take a little bit of time, but I think it'll be a lot of fun."

The food pantry gave the Coyoteopoly students a list of the different items they're seeking, which included tuna, canned meat, chunky and regular soup, crackers, hamburger helper, scalloped potatoes, boxed mashed potatoes, chili, macaroni and cheese, pasta and rice, cereal, canned fruit, muffin mix and peanut butter and jelly.

The annual Coyoteopoly food drive began as part of the Business Law class taught by Dr. Greg Huckabee, but has since become one of the group's regular activities, the main idea behind which is summarized by the mission statement, "To unite the USD students, faculty, staff and the community of Vermillion and its surrounding areas in order to enhance the

'Come to the Table' on Nov. 3

Bergen Lutheran Church is pleased to have author Tom Roberts and his wife, Tammy, as presenters for this year's "Come to the Table" program. The

event will be held on Saturday, Nov. 3 at 10 a.m. in the Bergen Lutheran Church Fellowship Hall. Tom

Roberts is

originally

ROBERTS

from the Ipswich/Aberdeen area of South Dakota, but he and his wife, Tammy, have been long-time residents of Sioux Falls. His affiliation with the Children's Home Society (CHS) began several years ago as a volunteer Santa Claus for the kid's Christmas Party. Then in 2002, he and his wife produced one of his stories, "Twas The Night Before Christ," into a book as a fundraiser for Children's Home. The project was a great success for several years and eventually led to his wife becoming a member of the CHS foundation

staff. In the spring of 2009, Tom, too, was invited to join their team as their event coordinator and during his first year there published his second book, Santa's Prayer." In 2011, Tom launched his third book entitled, "The Little Lost Sock." To date, 37,000 of his books have been sold world-wide raising over \$700,000 to help the kids at CHS.

All are welcome to attend this event. "Come to the Table" is sponsored by the Bergen Lutheran Church WELCA. The church is located seven miles west of Vermillion on Timber Road.

knowledge of hunger awareness, as well as provide lasting relief to the issue of hunger."

"Basically, it's one of those ways that gives USD the opportunity to give back to the community, and just help them to have a better bond with the community," Heier said. "It's really good to give back to the community. How many people have lived here for four yearsplus? This is a second home to them. I know a lot of students just like to be able to give back

because they live here." For her part, Berglin said she is "really impressed with the crew that put this together this

The Vermillion Food Pantry has grown substantially since it was founded 28 years ago, due in large part to efforts like these, Berglin said.

It's incredible, the generosity," she said. "We have families now that are donating every month, just like if you paid your bill to the electric company ... which is really wonderful.

"We're very fortunate in the respect that we have a lot of good friends," she said.

For more information about the Vermillion Food Pantry,

www.vermillionfoodpantry.org. To volunteer to help pick up donations Saturday, e-mail foodpantryvolunteers@hotmail. com, or visit Coyoteopoly's

Facebook page.



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