

2010 Legal and Public Notices

tipped employee shall pay a cash wage of not less than two dollars and thirteen cents an hour fifty percent of the minimum wage provided by §60-11-3 if the employer claims a tip credit against the employer's minimum wage obligation. If an employee's tip combined with the employer's cash wage of not less than two dollars and thirteen cents an hour fifty percent of the minimum wage provided by §60-11-3 does not equal the minimum hourly wage, the employer shall make up the difference as additional wages for each regular pay period of the employer. A tipped employee is one engaged in an occupation in which the employee customarily and regularly receives more than thirty-five dollars a month in tips or other considerations. This section does not apply to babysitters or outside salespersons. This section also does not apply to employees employed by an amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center if one of the following apply: (1) The establishment, camp, or center does not operate for more than seven months in any calendar year; or (2) During the preceding calendar year, the average receipts of the establishment, camp, or center for any six months of the calendar year were not more than thirty-three and one-third percent of its average receipts for the other six months of the year.

Section 3. That chapter 60-11 be amended by adding thereto a NEW SECTION to read as follows: Beginning January 1, 2016, and again on January 1 of each year thereafter, the minimum wage provided by §60-11-13 shall be adjusted by the increase, if any, in the cost of living. The increase in the cost of living shall be measured by the percentage increase as of August of the immediately preceding year over the level as measured as of August of the previous year of the Consumer Price Index (all urban consumers, U.S. city average for all items) or its successor index as published by the U.S. Department of Labor or its successor agency, with the amount of the minimum wage increase, if any, rounded up to the nearest five cents. In no case shall the minimum wage be decreased. The Secretary of the South Dakota Department of Labor and Regulation or its designee shall publish the adjusted minimum wage rate for the forthcoming year on its internet home page by October 15 of each year, and it shall become effective on January 1 of the forthcoming year.

City of Vermillion Bond Question

Amount and Terms Explanation:

Shall the City of Vermillion, South Dakota, issue its general obligation bonds in an aggregate principal amount not to exceed \$3,100,000, for the purpose of financing the acquisition and construction of Prentis Park Improvements to consist of a new swimming pool to replace the existing pool, parking lot, basketball courts and related improvements?

A vote "Yes" is in favor of issuing the bonds.

A vote "No" is against the issuing of bonds.

Carri R. Crum, Clay County Auditor Michael D. Carlson, City of Vermillion Finance Officer Published once at the approximate cost of \$147.79. Published Oct. 10, 2014

NOTICE OF PUBLIC HEARING

Ordinance #2014-02, An Ordinance Amending 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

Notice is hereby given that the Clay County Commission will hold a Public Hearing at 9:15 a.m. Tuesday, October 28, 2014, at the Clay County Courthouse, 211 W. Main Street, Vermillion, SD, regarding the first reading of Ordinance #2014-02, an Ordinance Amending 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.

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(s) to: Clay County Commission, 211 W. Main Street, Suite 200, Vermillion, SD 57069.

Carri R. Crum Clay County Auditor Published twice at the approxi-

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mate cost of \$ Published: Oct. 3 & 10, 2014 STATE OF SOUTH DAKOTA) COUNTY OF CLAY) IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF

WANDA L. HANNAHS, DECEASED.

PRO. 14-21

NOTICE TO CREDITORS

Notice is given that on the 22 day of September, 2014, Timothy D. Hannahs, whose address is 109 Linden Ave., Vermillion, SD 57069, was appointed as personal representative of the estate of Wanda L. Hannahs, 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 filed with the clerk, and a copy of the claim mailed to the personal representative.

/s/ Timothy D. Hannahs 109 Linden Ave. Vermillion, SD 57069 (605) 670-2030

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

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

Published: Sept. 26, Oct. 3 & Oct. 10

STATE OF SOUTH DAKOTA) COUNTY OF CLAY)

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

ESTATE OF MICHELLE H. MARTIN, DECEASED.

PRO 2014-

Notice is given that on September 18, 2014, Joann F. Crane, whose address is 954 West Center Street, was appointed as personal representative of the Estate of Michelle H. Martin, Deceased.

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 Sept. 26, 2014.

/s/ Joann F. Crane 954 West Center Street Pocatello, ID 83201 208-233-1827

Jessica Bosse, Clay County Clerk of Courts PO Box 377, Vermillion, SD 57069 605.677.6756

C.C. Kirkeby, Attorney 100 Willow Street, Vermillion, SD 57069 605-624.9411

Published: Oct. 3, 10 & 17, 2014 October 7, 2014

The Board of County Commissioners met in regular session Tuesday, October 7, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

Kephart moved, seconded by Mockler and carried to approve the agenda.

Minutes of the September 30, 2014 meeting were approved with a motion by Packard, seconded by Mockler and carried.

Rod Polley, Highway Superintendent, presented fuel quotes for 1600 +/- gallons. Mockler moved, seconded by Powell and carried to accept low bid of \$2.974/gallon from Jerry's Service.

An Application for Occupancy on the Right-of-Way on County Highways was presented on be-

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half of MidAmerican Energy Company for gas service to 825 S. Dakota St. Powell moved, seconded by Mockler and carried to approve the application as presented.

The Highway Department will not be doing chip sealing as planned. Road temperatures need to be a minimum of 70 degrees, and the current colder weather will not allow it. The Highway Department did get more asphalt done than planned, so next year they will start with chip sealing. Polley said he should not be spending approximately \$300,000 as a result.

Polley said he checked into the road repair loan program discussed at the last meeting, and it cannot be used to repair the Loop Road because that road is not currently listed in the plan. He can add it to the plan, but it may take a couple of years.

Polley presented information about a gravel retriever machine. Powell also looked at the machine at the SD County Convention. The machine costs approximately \$17,000. The Board discussed that the County could save money on gravel retrieved from ditches with the use of this machine. The Highway Department is also currently using a very old roller, and a new one would be approximately \$19,390. Polley plans to purchase the items together as a package, saving the County \$1,000.

At 9:15 a.m., a Public Hearing was held for a two day Malt Beverage License for Westlund-Petersen Post #44 for November 17 & 18, 2014. No one appeared in opposition of the license and no written correspondence was received. Mockler moved, seconded by Packard and carried to approve the license.

Cynthia Aden, Welfare Director and Zoning Administrator, and Jose Dominguez, City of Vermillion Engineer, met with the Board. A plat was presented on behalf of Daniel Heine. The plat falls within the Joint Jurisdiction Zone. Powell moved, seconded by Mockler and carried to pass and adopt the following resolution for survey plat of Lot A1, accretion to government Lots 3 and Lot 4, Section 1; and A1, accretion to Lot A, Section 22; all in T92N, R52W of the 5th P.M., Clay County, South Dakota; Daniel Heine, owner.

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 of Lot A1, accretion to government Lots 3 and Lot 4, Section 1; and A1, accretion to Lot A, Section 22; all in T92N, R52W of the 5th P.M., Clay County, South Dakota; Daniel Heine, owner.

Be it resolved that the Board of County Commissioners of said County has examined the same and that it appears that the system of streets set forth therein conforms to the system of streets of existing plats and section lines of said County, that adequate provision is made for access to adjacent un-platted lands by public dedication or section line when physically accessible, and that all provisions of the subdivision regulations of said County have been complied with, and that all taxes and special assessments, if any upon the tract or subdivision have been fully paid and that such plat and the survey thereof have been executed according to law, and the same is hereby accordingly approved.

S/N/ Raymond Passick, Chairman Board of County Commissioners

I, Carri R. Crum, County Auditor of Clay County, South Dakota do hereby certify that the within and foregoing is a true copy of the Resolution passed on October 7, 2014.

Carri R. Crum County Auditor, Clay County, SD

Aden presented Welfare Case #C14-32 for a County Burial. Powell moved, seconded by Kephart and carried to approve the application as the applicant meets guidelines.

The Board discussed a letter received from Seiler's Second Road District regarding usage of property for a home daycare. Teddi Gertsma, State's Attorney, stated she does not believe the Seiler's Second Road District has authority to regulate this issue, that it would fall under zoning regulations. Aden reported that the Joint Jurisdiction regulations allow home-based occupations, and Dominguez concurred. However,

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the Covenants are a different issue. Aden is currently working on a response to send to the Seiler's Second Road District, along with copies of the regulations. Gertsma stated she would work with Aden on a written response and will check with Dominguez as well. Powell moved, seconded by Mockler and carried to authorize the written response with the message that the County does not have an issue with the property in question being used as a home daycare.

Carri Crum, Auditor, reported that Donald Gregg would like at least two Commissioners to look at his driveway grade and visibility. It was the consensus of the Board that the Highway Superintendent should inspect the issue and report back to the Board before any Commissioners would inspect it.

The following Auditor's Account with the County Treasurer Monthly Report and General Fund Surplus Analysis Report 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 September 30, 2014

I hereby submit the following report of my examination of the cash:

Table with 2 columns: Description, Amount. Total amount of deposits in banks 3,712,031.78. Amount of actual cash 1,483.32. Total amount of checks and drafts in Treasurer's Possession not exceeding three days 58,841.76. Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days: 1,568.44. Checks returned and not deposited 1,000.00. Cash Items Investments 1,000.00. Cash Variation 0.00. Total 3,774,925.30

Dated this 1st day of October 2014.

Carri R. Crum, County Auditor

CLAY COUNTY GENERAL FUND SURPLUS ANALYSIS DATE September 30, 2014

The amount of General Fund dollars that counties can retain as surplus is restricted by SDCL 7-21-18.1 which states: "The total unreserved, undesignated fund balance of the general fund may not exceed forty percent of the total amount of all general fund appropriations contained in the budget for the next fiscal year. The total unreserved, undesignated fund balance of the general fund of the county as of March thirty-first and September thirtieth shall be published in the minutes of the proceedings of the board of county commissioners and reported to the Department of Legislative Audit. The report shall be on forms prescribed by the Department of Legislative Audit."

The following analysis should be completed as of March thirty-first and September thirtieth of each year. Thereafter, the unreserved, undesignated fund balance amount should be published in the minutes of the governing board. This analysis should also be filed with the Department of Legislative Audit.

ASSETS: 10100 Cash 1,674,571.26 10200 Cash Change 600.00 10300 Petty Cash 100.00 10400 Interest Bearing Accounts 10500 Savings Certificates 10600 Cash with Fiscal Agent 10700 Restricted Cash in Bank 10800 Taxes Receivable--Current 1,919,145.28 10900 Estimated Uncollectible Taxes Receivable--Current 11000 Taxes Receivable--Delinquent 123,148.61 11100 Estimated Uncollectible Taxes Receivable--Delinquent 11400 Judgment Receivable 1,700.00 11500 Accounts Receivable 11,800.00 11600 Estimated Uncollectible Accounts Receivable 12800 Notes Receivable 1,310.00 11700 Due from Other fund 1,320.00 11800 Due from Other Government 13300 Advance to Other Fund 13500 Interest Receivable 14100 Inventory of Supplies 15100 Investments TOTAL ASSETS 3,717,565.15

GENERAL FUND SURPLUS ANALYSIS

LIABILITIES AND EQUITY: 20100 Claims Payable 33,625.47 20200 Accounts Payable 20800 Due to Other Funds 2,090.00 21000 Due to Other Governments 21600 Accrued Wages Payable 96,734.28 21700 Payroll Withholding Payable 15,791.32 22300 Revenues Collected in Ad-

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Table with 2 columns: Description, Amount. 5000 Unavailable Revenue 2,042,293.89 FUND BALANCES: 27300 Nonspendable 27,400 27500 Restricted 27,500 Committed (list) 27600 Assigned (list) 27601 Subsequent Year's Budget (one of the following three) March - 3/4 of the current year 1,089,213.75 September - 1/4 of current year + subsequent year December - subsequent year 27602 Capital Outlay Accumulations 27700 Unassigned 439,906.44 TOTAL LIABILITIES AND EQUITY 3,717,565.15

Following Year's General Fund Budget (use current year for March analysis) 4,793,833.00 The unassigned fund balance, account 27700, divided by the following year's General Fund budget resulting in the fund balance percentage 9.18%

At 9:44 a.m., Kephart moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, October 14, 2014 at 9:00 a.m.

Raymond Passick, Chairman Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor Published once at the approximate cost of \$131.58.

Published: Oct. 10, 2014 September 30, 2014

The Board of County Commissioners met in regular session Tuesday, September 30, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

Kephart moved, seconded by Mockler and carried to approve the agenda.

Minutes of the September 9, 2014 meeting were approved with a motion by Mockler, seconded by Packard and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Quotes for 1 tanker of #2 dyed diesel fuel were presented. Mockler moved, seconded by Packard and carried to accept the low bid of \$2.798 from Jerry's Service, Hartington, NE.

Polley presented an Application for Entrance from a Clay County Highway for a location 1/8 mi. west of 299 St. & Frog Creek Rd. in the NE1/4 of Section 18, T95N, R52W on behalf of Jason Knutson. Powell moved, seconded by Kephart and carried to approve the application.

Polley reported that the new Wakonda Highway Shop building is under construction. The frame and three sides are completed, and plumbing and electrical work is underway. Construction is progressing as expected.

The Board discussed wheel tax and opt-out in relation to concerns about roads and bridges that will need major repairs. Polley said at the SD County Convention he learned about an infrastructure bank that money could be borrowed from. He also said at the Convention he attended a roundtable at which opt-outs were discussed and reported that he was surprised how many counties have opted out. Passick asked if the Loop Road is the only road that is in a crisis type of situation, where it badly needs to be repaired. Polley said that there are other roads in need, but none with the same situation or as high of a traffic volume as the Loop Road. The county is losing money trying to stay ahead of the Loop Road. At this time it is the most critical road. He said the Highway Department is down there once or twice a week putting a band-aid on it. Powell said he doesn't like the idea of an opt-out. He likes the idea of a wheel tax because roads should be built and maintained with the funds. He reported that the percentage of tax exempt properties in Clay County is one of the highest, and the expense of repairing the roads should fall on those who are using them. Polley said if the county were to opt out he would like to see it for at least 5 years because the county has a lot of roads and bridges that need work. Passick said he would like to see more information regarding the loan process that Polley discussed before increasing taxes. Polley said he will return to the next meeting with more information. Powell said he also suggested to the group in Pierre that licensing fees be raised incrementally rather than once every 10 years in a big amount. Packard said the public needs to know that the county is trying to find the funds to repair the roads correctly.

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At 9:30 a.m., Mockler moved, seconded by Kephart and carried to adjourn and convene as Ditch board.

At 9:30 a.m., the time and place set for bid opening for the Lateral 1, 2, and 3 Cleanup Project, the one bid received was opened and read aloud. The bid was from Pollman Excavation, Inc. Bids were as follows: Lateral 1A \$9670.00, Lateral 1B \$9800.00, Lateral 2B \$9450.00, and Lateral 3A \$19570.00, and Lateral 3B \$19,700.00. The Board discussed which Laterals to clean because the funds were short of the bid. Powell moved, seconded by Packard and carried to award bid sheet line items 2, 3, 5, and 6 to Pollman Excavation, Inc. Line item 2 was \$9800.00 for Lateral 1B, Section 8-93-53. Line item 3 was \$9450.00 for Lateral 2B, Section 9-93-53. Line item 5 was \$9820.00 for Lateral 3A, Section 22-93-52. Line item 6 was \$9900.00 for Lateral 3B, Section 15-93-52.

Troy Walraven met with the Board to discuss cleaning of Lateral 50B. He presented a map highlighted with the bad areas in need of cleaning and pointed out areas that have filled in with cat-tails, corn stalks, and silt. Powell moved, seconded by Packard and carried to bid cleaning _ mile from Highway 50 west to 455 Ave. Powell moved, seconded by Packard and carried to set October 28, 2014 at 9:30 a.m. for bid opening.

At 9:54 a.m., Powell moved, seconded by Kephart and carried to adjourn and reconvene as Board of County Commissioners.

Jill Munger, Community Health Nurse, met with the Board to discuss flu vaccines for employees. Powell moved, seconded by Kephart and carried to provide flu vaccines to the County employees. Munger and Layne Stewart, Emergency Management Director, met with the Board to discuss the annual POD exercise. The contract agreement for the exercise was \$750 to be paid out of the POD grant funds. Powell moved, seconded by Packard and carried to authorize Stewart to sign the contract.

The Board discussed with Rod Polley, Highway Superintendent, that the Highway Department should move the ticket booth from the fairgrounds back to the rodeo grounds when time permits.

The Vermillion Public Library and Register of Deeds Monthly Reports were accepted and placed on file.

Carri Crum, Auditor, presented 4 welfare cases on behalf of the Welfare Director. The State's Attorney's Office has worked with the Welfare Director and Sanford Medical Center to negotiate the cost of the bills. Case #C14-12 was in the amount of \$17,109.84. Case #C14-17 was in the amount of \$36,863.96, Case #C14-18 was in the amount of \$19,199.12, and Case #14-24 was in the amount of \$8,915.19. Crum reported that the largest of the 4 bills might qualify for reimbursement from the Catastrophic Poor Relief Fund in which the county participates. Powell moved, seconded by Mockler and carried to authorize the Chairman to sign the Catastrophic Poor Relief Fund Application Voucher. Powell moved, seconded by Kephart and carried to authorize payment of the welfare cases as presented.

The Board discussed the 2015 Budget. Packard reported that the Board had forgotten about its offer to assist with the cost of a recycling trailer for Wakonda. It was discussed that there may be funding from other sources to assist with the purchase, and the county would consider the purchase at that time. The increase in license plate fees going into the Road & Bridge Fund was discussed. Packard moved, seconded by Kephart and carried to adopt the 2015 Provisional Budget as the Annual Budget.

Payroll changes were as follows: Highway/Weed Department summer workers are done for the season, and their ending dates are as follows. Sullivan 7/24/14, Sand 8/4/14, Knutson 8/19/14, Landeen and Schmitz 8/21/14. Kevin Noble left the Sheriff's Office and the 24/7 Sobriety Project 8/8/14. Zachery Vekovius was hired for the 24/7 Sobriety Project Administrator 7/29/14 at \$12.67/hour. Emma Hagen was hired for the Sheriff's Office 9/15/14 at \$1017.58/month.

Powell moved, seconded by Packard and carried to approve the following claims for payment. September Payroll: Commissioners \$4,995.50, Auditor's Office \$9,151.50, Treasurer's Office \$13,015.24, States Attorney's Office \$13,357.67, Courthouse \$2425.83, DOE's Office \$9,151.50, ROD's Office \$6,013.95, Veteran's Office