2010 Legal and Public 2010 **Notices**

guidelines.

Packard reported to the Board that she had received some citizen concerns regarding an abandoned cemetery in Riverside Township. It was the consensus of the Board that the topic should be put on the August 26, 2014 agenda.

Carri Crum, Auditor, presented the Combined Election Agreement with the City of Vermillion for the November 4, 2014 election. Mockler moved, seconded by Packard and carried to authorize the Chairman to sign the

The Veterans, Welfare, and Zoning Monthly Reports and the Register of Deeds Monthly Report were accepted and placed on file.

The following Auditor's Account with the County Treasurer for the Month of July was 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 July 31, 2014.

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

Total amount of deposits in banks 4,226,845.35

Amount of actual cash 2,155.35

Total amount of checks and drafts in Treasurer's Possession

exceeding three days 29,143.31

Itemized list of all items, checks and drafts which have the Treasurer's possession over three

Checks returned and not depos-

1,568.44

Cash Items

days:

1,000.00 Investments

Cash Variation

Total

Dated this 1st day of August 4,260,712.45

Carri R. Crum, County Auditor

The dissolution of the Clay County Rodeo Club and associated property on the rodeo grounds was discussed. Kephart moved, seconded by Powell and Pursuant to SDCL 46-2A-2, the Agreement for 2015. Stewart adto sign a letter to the Clay County Rodeo Club regarding potential disposal of any property.

Powell moved, seconded by Mockler and carried to approve the following claims for payment. August Bills: (Due to other Governments) SD Assn of Co Official \$374.00; SD Dept of Transport \$3,583.53 and Minnehaha County JDC \$5,425.00; (Other Insurance) Jensen Insurance \$120.33; BW Insurance Inc. Cali \$100.00 and SD Public Assurance Al \$50.00; (Professional Services and Fees) Anderson, Norma \$30.00; City of Vermillion \$48.00; Cody, Denise \$30.00; Corrisoft LLC \$237.60; First Bank and Trust Visa \$10.00; Lewis & Clark Behavior \$320.00: Lewno, Lucille M \$300.98; Netsys Plus Inc. \$82.50; Pharmchem, Inc. \$63.00; SD Dept of Health Lab \$1,045.00; Secretary of State \$30.00; Security Shredding Svc \$35.00 and Zuercher Technology \$950.00; (Other Professional Service) Bossman, Jeanne \$448.40; Brevik Law Office LLC. \$236.13: Peterson. Stuart. Rumpca \$13,311.38; Reed Law Offices \$417.60; Thompson, Craig K \$2,190.04; Dept of Revenue \$60.00; SD Achieve \$120.00; Sesd Activity Center \$360.00 and Dept of Revenue \$2,191.90; (Publishing) The Equalizer \$34.00; Broadcaster Press \$184.26 and Star Publishing \$505.86; (Repairs and Maintenance) Century Business Products \$91.47; Hartelco \$10.00; Johnson Controls. Inc. \$2,779.50; Johnson Feed, Inc. \$142.50; Microfilm Imaging System \$432.00; Midwest Bldg. Maint. \$32.00; Netsys Plus Inc. \$42.50; Presto-X Company LLC. \$67.49; Mastel, Bruce \$35.00 and Software Services, Inc. \$1,040.00; (Supplies and Materials); A & B Business \$165.69; A-Ox Welding Supply Co \$148.80; Allied Oil & Supply \$3,008.00; American Stamp & Marking \$53.95; Appeara \$21.52; Bob Barker Co Inc.\$126.69; Bomgaars \$23.49; Boyer Trucks SF Inc. \$15.80; Butler Machinery Co. \$743.64; Campbells Supply Co. \$218.46; Chemo, Inc. \$63.59; Cherry Street Grille \$2,836.20; Concrete Materials \$101,235.42; Davis Pharmacy \$129.79; First Bank and Trust Visa \$207.13; JCL Solutions - Spencer \$143.45; Jebro Inc. \$3,488.49: Jerry's Service \$20,884.17: Johnson Feed, Inc.

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\$9.94; L.G. Everist, Inc. \$15,946.43; Mead Lumber \$69.99; Midwest Bldg. Maint. \$42.00; Midwest Ready Mix \$637.00: Northern Safety Co. \$172.84: Office Elements \$48.18: Orr Farm Supply \$29.48; Quill Corporation \$228.01; Reliance Telephone \$500.00; Sioux Falls 2-Way \$99.99; Sturdevant's Auto Part \$46.88: True Value \$60.61: Vermillion Ace Hardware \$9.98: Western Office Tech. \$250.04; Wheelco Brake and Supply \$432.46 and Yankton Janitorial Supply \$2,761.50; (Copier Supplies) Century Business Products

\$40.00 and First Bank and Trust Visa \$56.26; (Travel and Conference) Peterson, Ina \$72.00 and Brunick Services, Inc \$227.00: (Utilities) Bueau of Administra-\$70.58; Century Link \$523.34; Clay Union Electric Co. \$416.54; Hartelco \$79.95; Midamerican Energy \$174.77; Midcontinent Comm. \$270.00 and Verm./Clay Co. Landfill \$10.25; (Jury/Witness) Bak, Carol \$74.42; Bohn-Brown, Dawn \$57.40; Cook, Darice \$5.00; Houts, Esther \$50.00; Iacino Barbara \$50.00; Jacobson, Sheila \$50.00; Mollman, Benjamin \$50.00; Rasmussen, Micky \$50.00; Schlenker, Evelyn \$50.00; Sommervold Donna \$52.96; Hulstein, Samantha \$10.00; Cooley, Natalie \$34.80; Johnson, Jasper \$20.00 and Rernleitner, Megan \$20.00; (Furniture and Minor Equipment) Microfilm Imaging System \$120.00; (Machinery and Automotive Equipment) Brunick Serv-

At 9:57 a.m. Powell moved. seconded by Mockler and carried to adjourn and reconvene Tuesday, August 26, 2014 at 9:00 a.m.

ice Inc. \$4,879.76; Quality Motors

\$40.43; Star Headlight & Lantern

Raymond Passick, Chairman **Board of County Commissioners**

ATTEST:

\$318.13.

Carri R. Crum, County Auditor Published once at the total approximate cost of \$78.20.

Publish: September 5, 2014.

NOTICE OF APPLICATION NO. 8031-3 to Appropriate Water

Notice is given that Dakota Protein Conversion, Inc., c/o Ray Spangler. 31281 456th Ave, Meckling SD 57069 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from two wells to completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 SE 1/4 Section 22-T93N-R53W for commercial use in a livestock rendering operation.

carried to authorize the Chairman Chief Engineer recommends AP-PROVAL of Application No. for emergency evacuation plans 8031-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

> Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 15, 2014.

> The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.32. Published September 5, 2014.

August 26, 2014

Board of County Commissioners met in regular session Tuesday, August 26, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and

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Passick.

Kephart moved, seconded by Mockler and carried to approve

Minutes of the August 12, 2014 meeting were approved with a motion by Mockler, seconded by Packard and carried.

Maxine Johnson, Clay County Historical Society, met with the Board to invite the Commissioners to the dedication of the one-room schoolhouse replica.

An Application for Entrance from a Clay County Highway was presented on behalf of Rick Orr on 308 St., Section 29, Pleasant Valley Township. Mockler moved, seconded by Packard and carried to approve the application.

Michelle Maloney, District 17 Candidate, met with the Board to inquire about local concerns that she might address in her campaign. Powell stated that drainage and ongoing damage repairs have been a continuous and expensive issue. His concern is that the task force on the state level continues to make progress. Passick echoed concerns that Maloney has received from others regarding shortage of road and bridge repair dollars. He stated that Clay County is criticized on the state level for lack of a wheel tax. However, the County has tried in the past to pass a wheel tax to assist with repairs of roads and bridges. Mockler stated that maybe the state should mandate the wheel tax, so counties cannot he criticized for not paying their fair share. The Board discussed that the State often passes the expenses down to the Counties in a number of ways. Philip Terwilliger, Deputy States Attorney, used the State's effort to reduce penitentiary size as an example. Certain sentences are referred to the county jail now, so the costs are shifted to the counties. Passick said there is a general lack of help from the state level on many

At 9:15 a.m. a Public Hearing was held for the First Reading of the proposed Subdivision Regulations. Packard asked Cynthia Aden, Zoning Administrator, to clarify questions regarding minimum or maximum lot size and mobile home parks. Aden explained that subdivisions may have lot sizes of varying shapes and sizes, and a mobile home park would be covered under the zoning regulations. It was decided that Aden will research those items and return at the Second Reading.

Layne Stewart, Emergency Management Director, met with the Board to present the SLA dressed the addition of language for large community events in case of severe weather as well as a plan for replacement of a County Official in the event of a sudden death. Powell moved, seconded by Packard and carried to authorize the Chairman to sign the agreement.

Jim Wilson, Clay County Historic Preservation Commission, met with the Board to discuss an abandoned cemetery in Riverside Township. The Board requested input from Clay County Historic Preservation Commission regarding abandoned cemeteries within Clay County. Wilson suggested that the County develop a policy for providing a simple fence around abandoned cemeteries and then find a neighbor in the area who might be willing to mow a couple times a year. Wilson did agree to inquire at the next Clay County Historic Preservation Commission Meeting for people who might be interested in serving on a Board to handle care of abandoned cemeteries. Powell and Mockler also discussed the possibility of finding a 4-H group that might be interested in providing assistance.

Powell moved, seconded by Packard and carried to appoint Tom Sorensen to the vacancy left by John Erickson on the Clay County Historic Preservation Commission.

At 10:18 a.m., Powell moved, seconded by Packard and carried to adjourn and convene as Ditch

Powell moved, seconded by Kephart and carried to authorize the Chairman to sign the bond inquiry regarding completion of the Clay Creek Ditch Cleanout Project Phase 1.

Powell moved, seconded by Packard and carried to authorize advertisement for Clay Creek Ditch Cleanout Project Phase 2 with bid opening set for 9:30 a.m. September 9, 2014.

At 10:27 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of County Commissioners.

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Linda Wymar and Linda Kogel, Vermillion Food Pantry, met with the Board to request funding for the Vermillion Food Pantry. Since the beginning of the year the food pantry has served 3,475 people, a very large amount of which are children. The Pantry reguested \$5,000-7,500 to fund the purchase of meat and \$2,500 to fund the purchase of toilet paper. Powell moved, seconded by Mockler and carried to allocate \$7,500 for the 2015 budget year.

Alan Hanson, EMS Director, met with the Board to request additional dollars for the ambulance replacement allocation. Hanson discussed the rising costs of ambulances, the need for a 4-wheel drive ambulance, and the safety of additional features. Packard moved, seconded by Powell and carried to approve \$30,000 for the 2015 budget year to the ambulance replacement budget.

Cynthia Aden, Zoning Administrator, met with the Board to present the following plat. Powell moved, seconded by Mockler and carried to pass and adopt the following resolution for plat of Erickson Tract 1 in the NW1/4 of Section 9, T95N, R52W of the 5th P.M., Clay County, South Dakota.

RESOLUTION OF COUNTY **COMMISSIONERS**

WHEREAS it appears that the owners thereof have caused a plat to be made of the following described real property:

Plat of Erickson Tract 1 in the NW1/4 of Section 9, T95N, R52W of the 5th P.M., Clay County, South Dakota.

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.

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 August 26, 2014.

Carri R. Crum County Auditor, Clay County,

The Sheriff's Monthly Activity Reports were accepted and placed on file.

Brad Waage, Craig DeVelder, Sharron Jensen, Julie Fallan, Grant Sorensen, and Shane O'Connor, Coyote Country Rodeo, Inc. and 4-H, met with the board to discuss the property at the Clay County Park related to the Rodeo Club. Terry Taggart was present to represent the Clay County Park Board. Waage provided documentation of the grant received for \$1350 for the ticket

booth. Bleachers were also purchased from the Yankton Rodeo Assn. Waage provided record of the checks used for payment of the items. Sorensen Farms has a chute on the property, and it was used for rodeos. Another farmer has a cultivator/disc on the property as well. Passick agreed that the farm machinery would return to the original owners. Passick clarified that the remaining bleachers were not in question. Waage clarified that the crow's nest, bucket chutes, and holding pens were also not in question. After much discussion between the Commissioners, the Park Board, and the Rodeo club, Passick said his personal opinion is that it should be workable for both the 4-H and the park to have use of the ticket booth throughout the year. Philip Terwilliger's (Deputy State's Attorney) opinion, given the language of the grant, was that the County has legal ownership of the ticket booth. Packard wondered if the County could put funds in the 2015 budget to build something for 4-H. Waage said maybe the 4-H kids could build a shed if the County would pay for the materials. Powell moved, seconded by Packard and carried to have the ticket booth moved back to the rodeo grounds, and the County would provide materials

up to \$2000 from the 2015 budget

to build another ticket booth for

the 4-H grounds. Packard moved,

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Notices seconded by Kephart and carried to allow the Rodeo Club to do what they please with the bleach-

Packard moved, seconded by

Mockler and carried to approve payroll and the following claims for payment. August Payroll: Commissioners \$4995.50, Auditor's Office \$9151.50, Treasurer's Office \$13,015.24, States Attorney's Office \$13,357.67, Courthouse \$2425.83, DOE's Office \$9151.50, ROD's Office \$6,238.43, Veteran's Office \$1.583.33. Sheriff's Office \$32,189.42, County Jail \$13,056.37, 24/7 Sobriety Project \$2,804.78, LEPC \$366.67, Emerg. Mgmt. Office \$3,309.00, High-Department \$40,274.00, CHN Office \$1,310.46, WIC Office \$728.04, Extension Office \$2,786.275, Weed Department \$6,526.94, and Zoning Office \$2,183.33. August Bills: (Payroll Withholdings) Aflac \$692.57; Clay CO Treasurer \$38,772.36; Colonial Life \$409.49; Conseco/Washington \$100.70; Dearborn National \$197.19; Nationwide Ret. Solutions \$58.82; New York Life Insurance \$389.93; SD Retirement System \$18,750.08; SD Supplement Retirement \$600.00; SDRS Roth 457(B) Plan \$275.00; Tasc Pvr \$2.934.00: United Way of Vermillion \$130.00; Vermillion Federal \$1,141.00 and Wellmark Blue Cross \$32,401.46; (Professional Services and Fees) Cody, Denise \$45.00; Gapp, Debra \$1,920.00; Great Plains LLC \$2,446.25; Hansen Funeral Home \$1,900.00; Lacroix Law Office \$229.13; Lewno, Lucille M \$381.98; Netsys Plus, Inc. \$386.74; Secretary of State \$30.00; Swanda, Karen \$45.00; University Cleaners \$34.00; Vermillion Federal Credit \$8.86; Yankton Co Treasurer \$110.00; Yankton Fire & Safety \$32.50 and Yankton Medical Clinic \$40.57; (Other Professional Services) Bergendahl, David L \$902.40 and KCH Law \$135.08; (Publishing) Plain Talk \$224.40; (Repairs and Maintenance) John Deere Financial \$560.00; Kone, Inc. \$615.48; Anthofer, Larry Louis \$90.00; Pressing Matters

\$10,137.00; Presto-X Company Llc. \$67.49; Turner Plumbing \$138.76 and Netsys Plus, Inc \$384.00; (Supplies and Materials) Appeara \$22.58; Brunick Service, Inc. \$125.00; Concrete Materials \$15,565.44; Dakota Lock & Key \$68.00; Dakota PC Warehouse \$84.98; Francotyp-Postalia Inc. \$129.00; Higman Sand & Gravel \$141.44; Hillbilly Carpet Cleaner \$174.36: Hv-Vee, Inc. \$75.32: Jcl Solutions-Spencer \$168.48; John Deere Financial \$106.55; L.G. Everist. Inc \$14,553.98; Lawson Products, Inc. \$463.73: Liewer Enterprise, Inc. \$1,300.00; Little Italy's \$164.40; Lyle Signs, Inc \$559.00; Marco \$252.12; Pressing Matters \$25.00; Rudolf Ruda \$450.00; Union County Hwy Dept \$3,454.31; Walmart Community/Gecr \$29.78 and \$2,408.00; (Travel and Conference) Best Western Of Huron \$100.80; Gateway Hotel/Conference \$99.68; Jensen, Andrew \$91.60; Safety Benefits, Inc. \$195.00; SD Planner's Association \$80.00; Stewart, Lane \$96.20; Pennington County Sheriff \$126.75; and Brunick Service, Inc. \$160.00; (Utilities) City of Vermillion \$1,659.48; Clay Rural Water Systems \$57.50 and Verizon Wireless \$365.93; (Payment) Freeman, Grace \$412.50; Hy-Vee, Inc. \$387.18; Vermillion Federal Credit \$223.04 and Walmart

Equipment) Dakota PC Warehouse \$29.99. Payroll changes were reported as follows. Tom Sullivan, Summer Highway Maint. & Weed Sprayer, finished working July 2. Contract Bonds

(Books) Thomson Reuters-West

\$549.71; (Furniture and Minor

\$162.05;

Community/Gecr

At 12:07 p.m. Powell moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, September 2, 2014 at 9:00 a.m.

Raymond Passick, Chairman 3. Commencement and **Board of County Commissioners**

ATTEST:

Carri R. Crum, County Auditor Published once at the approximate cost of \$136.30.

Publish: September 5, 2014. ADVERTISEMENT FOR BIDS

Sealed bids will be received by

the Clay Creek Ditch Board at the office of the County Auditor of Clay County or may be hand delivered to the place of opening until 9:30 a.m. September 9, 2014, at which time they will be publicly opened and read aloud in the Commission meeting room, Clay County Courthouse located at 211 West Main Street in

Vermillion, South Dakota.

Such bids are to provide for the Clay Creek Ditch Cleanout, Phase 2 for Clay County, South Dakota.

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Bids are invited on the following major items and approximate quantities of work:

BASE BID

Removal of sand bars, bank sluffs, beaver dams and tree debris and seeding and clearing from an approximate three mile segment of the stream, as more fully described and enumerated in the BIDDING DOCUMENTS.

ALTERNATE BID

Removal of sand bars, bank sluffs, beaver dams and tree debris and seeding and clearing from an approximate four mile segment of the stream, as more fully described and enumerated in the BIDDING DOCUMENTS.

The Clay Creek Ditch Board will receive and consider bids on the basis of a unit price contract for the work. If awarded, the contract will be awarded to the responsible Bidder submitting the lowest responsive Total Base Bid or Total Alternate Bid, at the Owner's discretion, subject to provisions of the BIDDING DOCUMENTS.

All work shall be in strict compliance with CONTRACT DOCUMENTS prepared by Johnson Engineering Co., Yankton, South Dakota, Copies of the Bidding Documents are on file and may be examined at the following locations:

Clay County Auditor, 211 West Main Street, Vermillion, SD

Johnson Engineering Co., 1800 Broadway, Ste. 3, P.O. Box 672, Yankton, SD

Plains Builders Exchange, 220 N. Kiwanis Ave., Sioux Falls, SD

Sioux City Construction League, 3900 Stadium Drive, Sioux City, IA

Omaha Builders Exchange, 4255 S. 94th St., Omaha, NE Sioux Falls Builders Exchange,

1418 "C" Avenue, Sioux Falls,

Master Builders of Siouxland, 903 6th St., Sioux City, IA

Copies of the Bidding Documents may be obtained from the office of Johnson Engineering Co., 1800 Broadway Avenue, Suite 3, Yankton, SD, 57078 (phone number: (605) 665-5571) upon payment of a deposit of \$25.00 for the set. In accordance with SDCL 5-18B-1, these documents, upon request therefore, will be furnished without charge to each contractor resident in South Dakota who intends, in good faith, to submit a Bid.

Any Bidder, upon returning the Bidding Documents promptly and in good condition will be refunded the deposit. Deposits Yankton Janitorial Supplies of Non-Bidders will not be refunded.

> The attention of prospective bidders is directed to the following contract provisions:

1. Bid Guarantee

Pursuant to SDCL 5-18B-2, each Bid shall be accompanied by Bid security made payable to the owner, which shall be a certified check, cashier's check, or draft, said check or draft certified or issued by a state or national bank domiciled within the State of South Dakota for 5 percent of the amount of the Bid, or in lieu thereof a bid bond on the form bound herewith, issued by a surety authorized to do business in South Dakota for 10 percent of the amount of the Bid.

Separate payment and performance bonds guaranteeing faithful performance of the Contract and payment of all labor, materials, rentals, etc., will be required for an amount equal to one hundred percent (100%) of the amount of the contract.

Completion

The Engineer will set the beginning date in a written "Notice to Proceed." The Contractor shall begin the work within ten (10) days of the date set forth in the written "Notice to Proceed" and shall complete the Work on or before the date for completion shown in the Agreement.

4. Award of Contract

The right is reserved, as the interest of Clay Creek Ditch Board may require, to reject any and all bids, to waive informality in bids received, and to accept or reject any items of any bid.

Travis Mockler, Chairman Clay Creek Ditch Board