

4B Vermillion Plain Talk

2010 Legal and Public Notices

ered. Vermillion School District 13-1 reserves the right to reject any and all proposals. Published twice at the approximate cost of \$43.49. Published: Sept. 26 and Oct. 3, 2014 STATE OF SOUTH DAKOTA) :SS 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@cklaw.net Published: Sept. 26, Oct. 3 & Oct. 10

The University of South Dakota is accepting sealed bids for USD Dakota Dome Ballast Lift System until 2:00 P.M., October 2nd, 2014. Sealed bids must be delivered to the University of South Dakota, Purchasing Office, 209 Slagle Hall, 414 East Clark St., Vermillion SD. Copies of the bid solicitation and specifications may be obtained by bidders at the office of A&D Technical Supply, 1822 N Street, Lincoln, Nebraska, phone number: 402-474-5454. The University reserves the right to reject any and all bids. Published twice at the approximate cost of \$10.71. Published: Sept. 19 & 26, 2014

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL FOR NUISANCE ABATEMENT IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 3rd day of September, 2014 for the abatement of public nuisance to be levied against the property abutting upon:

NUISANCE ABATEMENT

On various properties as follows: Property Location, Legal, Corrective Action, Amount 809 N Norbeck, Lot G-2 Exc W 110.9 of S 198.91 SW 1/4 SE 1/4 NE 1/4 & SE 1/4 SE 1/4 NE 1/4 & Exc Lot 1 18-92-51 Misc Entries, grass tagging & mowing 8/27/13, \$79.50; debris removal 9/2/13, \$349.80 15 Linden, S 18" of Lots 1 & 2 & N 32' of Lot 3 Blk 1 Cottage Place, grass tagging & mowing 5/29/13, \$79.50; grass tagging and mowing 7/16/13, \$121.90; grass tagging 6/17/13, \$31.80; grass tagging & mowing 8/27/13, \$143.10; snow tagging & removal 12/8/13, \$95.40 813 W Cedar, E75' of S150' of outlot V-1 in SE1/4 14-92-52 & SW 1/4 of 13-92-52 Torstensions unplatted, grass tagging & mowing 5/16/14, \$74.20; grass tagging 6/5/14, \$31.80; grass tagging 7/25/14, \$53.00 10 S University, Lot 4, East End Addn, grass tagging 5/23/13, \$10.60; grass tagging & mowing 6/18/13, \$100.70; snow tagging &

2010 Legal and Public Notices

removal 12/8/13, \$106.00 \$217.30 21 E Bloomingdale, Comm 80' E of NW corner of Lot S to 80' E of SW corner of Lot 3 thence E 44' to N line of Lot 1 Blk 13 Original Town, debris removal 9/24/13, \$116.60; snow tagging & removal 12/8/13, \$63.60

324 Lewis, S 103' 7.5" of Lots 1 & 2 Blk 81, East Vermillion, snow tagging & removal 12/8/13, \$63.60

119 Franklin, Lot 12 Blk 41 Snyders, grass tagging & mowing 7/23/13, \$121.90; grass tagging & mowing, 9/24/13, \$121.90; snow tagging & removal 12/8/13, \$127.20; Abatement dangerous structure, \$13,696.98; grass tagging & mowing 7/2/14, \$74.20; grass tagging & mowing 7/25/14, \$95.40

420 Franklin, S 50' of E 106.25' Lot 2 Blk 83, Addn to Snyders Addn, grass tagging & mowing 5/16/14, \$74.20

601 Lewis, Lot 1 Replat of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud tract A 19-92-51, grass tagging & mowing 5/23/13, \$31.80; grass tagging & mowing, 6/21/13, \$53.00; grass tagging & mowing 7/2/14, \$111.30

25 S Yale, Lot 16 Blk 76 Smiths Addn, grass tagging & mowing 7/19/13, \$10.60; debris removal 1/14/14, \$143.10

716 Maple, E 77.7' of 11, 12 & E77.7' of S 1/2 of Lot 13 Blk 3 Eastside, grass tagging & mowing 5/29/13, \$100.70; grass tagging & mowing 7/30/13, \$121.90; grass tagging & mowing 8/27/13, \$143.10; grass tagging & mowing 5/16/14, \$74.20; grass tagging & mowing 6/13/14, \$31.80

714 W Clark, E 37' of Lot 10 & W 16' of Lot 11 Blk 4 Holiday Village Addn, grass tagging & mowing 6/21/13, \$10.60; grass tagging & mowing 7/16/13, \$121.90; grass tagging & mowing 8/27/13, \$132.50; grass tagging & mowing 9/24/13, \$137.80; grass tagging & mowing 6/13/14, \$74.20

316 Prentis, Lot 2 Blk 3 Replat of Blessing Addn, grass tagging & mowing 5/23/13, \$10.60; debris removal 7/22/13, \$106.00

in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property for the corrective action.

WHEREAS, said assessment roll now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars.

WHEREAS, said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;

2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;

3. The amount assessed against each lot;

4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;

5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, IT IS RESOLVED, the 6th day of October, 2014, at the hour of 7:00 p.m. in the City Hall Council Chambers 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixing as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the nuisance abatement.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to

2010 Legal and Public Notices

the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 2nd day of September 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By John E. (Jack) Powell, Mayor ATTEST:

By Michael D. Carlson, Finance Officer Published once at the approximate cost of \$78.11. Published: Sept. 26, 2014

Unapproved Minutes Council Special Session September 15, 2014 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, September 15, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Holland, Clarene Meins, Holly Meins (arrived at 12:08), Price, Ward, Willson, Mayor Powell

Absent: Erickson

2. Liquor Store Management proposals - John Prescott

John Prescott, City Manager, handed out a worksheet that listed the two proposals along with the effects on income and expenses for the items that could be determined along with a listing of issues that may need to be addressed with each proposal. John stated that both individuals have submitted additional information for their proposal that has been forwarded to the Council members.

Holly Meins arrived at 12:08 p.m.

Mayor Powell asked Council members for comments and discussion with Thomas Slattery and Gregg Peters answering questions of the City Council on their proposals.

Hearing no further discussion, Mayor Powell thanked the two individuals for submitting proposals and stated that the next step would be for the City Council to direct staff to negotiate a contract with one of the individuals for consideration at a future Council meeting. Discussion followed with the consensus of the City Council to direct the City Manager to negotiate a liquor store management contract and building lease with Gregg and Nikki Peters based on the items discussed for consideration at a future City Council meeting.

3. Briefing on the September 15, 2014 City Council Regular Meeting

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

5. Adjourn

322-14 Alderman Ward moved to adjourn the Council special session at 12:52 p.m. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15th day of September, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA BY John E. (Jack) Powell, Mayor ATTEST:

BY Michael D. Carlson, Finance Officer

Unapproved Minutes City Council Regular Session September 15, 2014 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on September 15, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell, Student Representative Clausen

2. Pledge of Allegiance

3. Minutes

A. Minutes of September 2, 2014 Special Session; September 2, 2014 Regular Session.

323-14 Alderman Collier-Wise moved approval of the September 2, 2014 Special Session and September 2, 2014 Regular Session minutes. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda John Prescott requested that New

2010 Legal and Public Notices

Business Item A. Ambulance Billing Service Agreement be removed from the agenda.

324-14

Alderman Collier-Wise moved approval of the agenda with the removal of New Business Item A. Ambulance Billing Service Agreement. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Swimming Pool Committee

Shane Nordyke, Chairman of the Swimming Pool Committee, introduced other committee members present and provided an update on the work being done with the consultant on the Prentis Park project. She stated that the pool design is being reviewed in a fiscally responsible manner to meet the needs of the community while considering all options including the reuse of portions of the old pool. Alderman Ward, who is a member of the committee, encouraged the community to become involved in the pool discussions.

B. Public Power Week Proclamation

Alderman Clarene Meins read the proclamation recognizing Public Power Week of October 5-11 in Vermillion. Mayor Powell presented the proclamation to John Prescott on behalf of the Light Department.

Mayor Powell introduced Student Representative Lyndsay Clausen

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance No. 1320 - Amending Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, and adding Section 155.059 entitled Community Oriented Healthcare Planned Development District, rezoning lots 1-4, Hospital Addition to the City of Vermillion, Clay County, South Dakota, from the R-2 Residential District to the Community Oriented Healthcare Planned Development District; and lots 1-15, Kahl's Addition and lots 11-20, block 3, Eastside Addition, to the City of Vermillion, Clay County, South Dakota from the NC Neighborhood Commercial District to the Community Oriented Healthcare Planned Development District, and adopting regulations therefore.

Andy Colvin, Assistant to the City Manager, stated that the ordinance will create a Community Oriented Healthcare Planned Development District. The uses to be permitted in the district are those that would typically be related to healthcare facilities and currently are allowed in this area. This district will allow the medical facilities to grow and expand in the area. Andy reported that the Planning Commission recommended approval of the planned development district regulations and initial development plan. Andy reported that no comments were received since first reading of the ordinance. Discussion followed with the question of whether a large drug store with other merchandise would be allowed in this district. Jim McCulloch, City Attorney, stated that drug stores are allowed but that retail services and trade are not included.

Tim Tracy, with Sanford Vermillion, stated that drug stores were included as an allowed use as the hospital has a retail pharmacy and that drug stores are an allowed use in the current neighborhood commercial zone that the hospital is located in now.

325-14 Second reading of title to Ordinance No. 1320, entitled An Ordinance Amending Chapter 155, zoning regulations, of the revised ordinances of the City of Vermillion, South Dakota, section 155.026 entitled adoption of official zoning map and adding section 155.059 entitled Community Oriented Healthcare Planned Development District, rezoning lots 1-4, Hospital Addition to the City of Vermillion from the R-2 Residential District to the Community Oriented Healthcare Planned Development District; and lots 1-15, Kahl's Addition and lots 11-20, block 3, Eastside Addition from the NC Neighborhood Commercial District to the Community Oriented Healthcare Planned Development District, and adopting regulations therefore, of the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Alderman Ward moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1320 entitled An Ordinance Amending Chapter 155, zoning regulations, of the revised ordinances of the City of Vermillion, South Dakota, section 155.026 entitled adoption of official zoning map and adding section 155.059 entitled Community Oriented Healthcare Planned Development District, rezoning lots 1-4, Hospital Addition to the City of Vermillion from the R-2 Residential District to the Community Oriented Healthcare Planned Development District; and lots 1-15, Kahl's

2010 Legal and Public Notices

Addition and lots 11-20, block 3, Eastside Addition from the NC Neighborhood Commercial District to the Community Oriented Healthcare Planned Development District, and adopting regulations therefore, of the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 2nd day of September, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 15th day of September, 2014 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1320 AN ORDINANCE AMENDING CHAPTER 155, zoning REGULATIONS, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, SECTION 155.026 ENTITLED ADOPTION OF OFFICIAL ZONING MAP AND ADDING SECTION 155.059 ENTITLED COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT, rezoning LOTS 1-4, HOSPITAL ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, FROM THE R-2 RESIDENTIAL DISTRICT TO THE COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT; AND LOTS 1-15, KAHL'S ADDITION AND LOTS 11-20, BLOCK 3, EASTSIDE ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FROM THE NC NEIGHBORHOOD COMMERCIAL DISTRICT TO THE COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT, AND ADOPTING regulations therefore.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

SECTION 1. That Section 155.026, Adoption of Official Zoning Map, is hereby amended as follows:

THAT LOTS 1-4, HOSPITAL ADDITION, LOTS 1-15, KAHL'S ADDITION AND LOTS 11-20, BLOCK 3, EASTSIDE ADDITION, TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA ARE HEREBY INCLUDED IN THE COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT.

SECTION 2. That a new Section entitled 155.059 Community Oriented Healthcare Planned Development District be added and shall include the following regulations: 155.059 COMMUNITY ORIENTED HEALTHCARE PLANNED DEVELOPMENT DISTRICT. (A) Purpose. The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Community Oriented Healthcare Planned Development District. The purpose of this district is to provide for well planned mixed use community oriented healthcare areas within the Planned Development District. All city ordinances apply to the Planned Development District except for those modified below.

(B) Permitted uses. Permitted Uses Applicable Standards Hospital/clinic, §§ 155.070, 155.072, 155.073, 155.077 Office, §§ 155.070, 155.072, 155.073, 155.077 Assisted living facility, §§155.070, 155.072, 155.077 Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply. Nursing Home, §§155.070, 155.072, 155.077 Applicant must provide copy of South Dakota Department of Health license. Accessory use (such as, garage, shed), §§ 155.071, 155.082(A) (see definition) Group Home, Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077 Drug store, §§ 155.070, 155.072, 155.073, 155.077 Medical and dental clinics, §§ 155.070, 155.072, 155.073, 155.077 Day care center, Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077 Fences, § 155.074 Off-premise parking lots, § 155.070, 155.072, 155.077

(C) Conditional uses. Dwellings Dwellings shall be limited to the basement of any permitted primary uses within the district. §§ 155.070, 155.072, 155.073, 155.077, 155.095 (D) Lot and yard regulations. All measurements shall be taken from

2010 Legal and Public Notices

the lot line to the building line (see definitions). Lot Area, Frontage, Building Line, Front Yard, Side Yard, Rear Yard, Maximum Height All uses, 6000 square feet, 50 feet 50 feet, 25 feet, 8 feet, 25 feet, 35 feet Off-premise parking lots, § 155.072, NA, NA, 10 feet, 2 feet, 10 feet, NA Exceptions:

#1 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.

#2 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of lots.

#3 Parking lot setbacks will only be required when abutting or across from a residential zone.

#4 See adjustments to yard regulations (§ 155.082) for other specific exceptions.

(E) Property re-division. All future property re-division shall require a re-plating of the affected parcels. Planned Development District may be required to be amended depending on property re-division.

(F) Visibility at Intersections and Driveways. Safety zones shall comply with § 155.070.

(G) Off Street Loading Requirements shall comply with § 155.073.

(H) Landscaping standards (1) Within any zoning district, at least 90% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).

(2) One (1) tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.

(3) Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

(4) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental trees shall be 1 1/4-inch caliper.

(I) Adjustments to Yard Regulations shall comply with § 155.082.

(J) Non-conforming Uses and Structures shall comply with § 155.083.

(K) Lighting (1) When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:

(a) The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).

(b) The maximum height of light luminaries shall be 20 feet above the ground.

(c) Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

(d) The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3= Maximum No. of Luminaries lamp wattage

(2) All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

(3) The following structures or uses are exempt from these lighting standards: parks, pedestrian walkways, and illuminated flags or statues.

(4) Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(L) Sign regulations. Signs shall be regulated by Chapter 152. Regulations shall be those used in the NC District.

(M) Fence regulations. Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

(N) Accessory Uses. Accessory uses and structures may be placed within this district without the need of a primary structure being located within the same lot. The use of the accessory building shall still be related to the allowed use within the Planned Development District. Dated at Vermillion, South Dakota this 15th day of September, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By John E. (Jack) Powell, Mayor ATTEST:

By Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-Y, Holly Meins-Y, Price-Y, Ward-Y, Willson-Y, Mayor Powell-Y

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.