

Unapproved Minutes
Council Special Session
June 21, 2010
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 21, 2010 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Hofman (arrived at 12:05 pm), Meins, Osborne, Powell, Willson, Mayor Christopherson

Absent: Edelen, French, Ward

2. Informational Session - Ribs, Rods & Rock'n Roll funding request - John Storm

Scott Druecker, Director/Treasurer, and John Storm, President of Ribs, Rods & Rock'n Roll, reported that the organization incorporated as a nonprofit corporation last year. Scott reviewed the organizational chart noting the officers and committee chairman. He stated that following last year's event it was noted that there was a need for more kid's activities and to continue into Saturday evening, which the committee is planning with bands on Saturday night. As to funding, last year they received a onetime \$7,000 matching grant from the State for promotion and this year they will request \$5,000 from the City for promotion of the event. Scott and John answered questions of the City Council on the activities planned for this year. Mayor Christopherson noted that this item is on the agenda tonight for Council consideration.

3. Educational Session - City Council review of Committee assignments and appointments

John Prescott, City Manager, handed out the current listing of City Council committees and other appointments that will need to be made at the first meeting in July. John reviewed the duties of the committees and appointments. Jack Powell requested Council members rank which committees and appointments they would want to serve on to assist with the assignments.

4. Briefing on the June 21, 2010 City Council Regular Meeting Agenda

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

5. Adjourn

177-10

Alderman Hofman moved to adjourn the Council special session at 1:02 p.m. Alderman Osborne seconded the motion. Motion carried 6 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of June, 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
June 21, 2010
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 21, 2010 at 7:00 p.m. by Mayor Christopherson.

1. Roll Call

Present: Edelen (arrived at 7:01 pm), Hofman, Meins, Osborne, Powell, Ward, Willson, Mayor Christopherson

Absent: French

2. Pledge of Allegiance

3. Minutes

Alderman Edelen arrived at 7:01.

A. June 7, 2010 Special Session; June 7, 2010 Regular Session; June 14, 2010 Special Session

178-10

Alderman Edelen moved approval of the June 7, 2010 special session minutes, June 7, 2010 regular session minutes, and the June 14, 2010 special session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

4. Adoption of Agenda

179-10

Alderman Willson moved approval of the agenda with the addition of the following three items to the consensus agenda:

- C. Set a public hearing date of July 6, 2010 for the transfer of the package off sale malt beverage license from Rite Way Oil & Gas Co. Inc for Speedee Mart to OMA SHREE, LLC for Speedee Mart at 802 East Cherry.
- D. Set a public hearing date of July 6, 2010 for retail on-off sale malt beverage license with video lottery for OMA SHREE, LLC for Speedee Mart at 802 East Cherry.
- E. Set a public hearing date of July 6, 2010 for special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 23 thru August 1, 2010 at the Prentis Park baseball field.

Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

5. Visitors to be Heard

A. Presentation to Jack Marsh

Mayor Christopherson presented Jack Marsh, Executive Director of Al Neuharth Freedom Forum, the Honorary Corp of Discovery Membership in recognition of the City using the Al Neuharth Media Center for over four years for Council meetings until the new City Hall was completed. Jack Marsh wanted to thank the City Council for making City Council meetings accessible to the citizens.

B. Harlow Hatle

Harlow Hatle, 2022 Augusta, addressed the City Council on a number of issues that he felt were constricting growth and economic development in the city.

C. Justin McGregor, 807 Cottage Lot 28, stated that he was out of the country and when he returned found that there was a list of items that needed to be completed for the renewal of the Cottage Villa Trailer Park license. John Prescott, City Manager, stated that the property was inspected today as the due date for completion of the improvements was Sunday, June 20th. A list of items that were not completed has been forwarded to the court owner and City Attorney.

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1233 to amend section 155.008 to add a new definition, to amend section 155.074 to add a provision for temporary snow fences

Jen Wippert, Intern to the City Manager, reported that this is second reading of an ordinance to define temporary snow fences and restrict the usage between April 1st and November 1st of each year. Discussion followed.

180-10

Second reading of title to Ordinance No 1233, entitled AN ORDINANCE AMENDING section 155.008 to add a new definition, to amend section 155.074 to add a provision for temporary snow fences for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1233 entitled an ordinance amending section 155.008 to add a new definition, to amend section 155.074 to add a provision for temporary snow fences 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 7th day of June, 2010 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of June, 2010 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. 1233

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, CHAPTER 155, TO AMEND SECTION 155.008 TO ADD A NEW DEFINITION, TO AMEND SECTION 155.074 TO ADD A PROVISION FOR TEMPORARY SNOW FENCES.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Section 155.008 be amended to add a new definition to (B) as set forth below:

(B) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SNOW FENCE. Temporary fencing constructed of wood and wire and/or plastic that does not enclose a portion of the yard.

BE IT FURTHER ORDAINED, that Section 155.074 be amended to add (H) as set forth below:

§ 155.074 FENCES.

(H) Snow fencing not exceeding four (4') feet in height shall be permitted in all districts provided it is removed between April 1 and November 1 of each year. No snow fence shall extend into the street right-of-way line unless installed by the City or a contractor having a permit from the City.

Dated at Vermillion, South Dakota this 21st day of June, 2010

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Dan Christopherson, Mayor

ATTEST

BY: _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Hofman. 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: Edelen-Y, Hofman-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Mayor Christopherson-Y.

Motion carried 8 to 0. Mayor Christopherson declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second Reading of Ordinance 1234 to amend section 114.02 to add further requirements for application, to amend section 114.04 to update requirements for taxicab owner's license, amend section 114.05 to require the display of taxicab driver's license and update requirements for taxicab driver's license

Jen Wippert, Intern to the City Manager, reported that this is second reading of an ordinance to remove outdated language and require taxicab drivers' background checks and vehicle inspections. She noted that there were some corrections to the grammar in section 114.08 B6, B7, and B8 since first reading. Discussion followed.

181-10

Second reading of title to Ordinance No 1234, entitled AN ORDINANCE AMENDING section 114.02 to add further requirements for application, to amend section 114.04 to update requirements for taxicab owner's license, amend section 114.05 to require the display of taxicab driver's license and update requirements for taxicab driver's license for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1234 entitled an ordinance amending section 114.02 to add further requirements for application, to amend section 114.04 to update requirements for taxicab owner's license, amend section 114.05 to require the display of taxicab driver's license and update requirements for taxicab driver's license 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 7th day of June, 2010 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of June, 2010 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. 1234

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 114, TO AMEND SECTION 114.02 TO ADD FURTHER REQUIREMENTS

FOR APPLICATION, TO AMEND SECTION 114.04 TO UPDATE REQUIREMENTS FOR TAXICAB OWNER'S LICENSE, AMEND SECTION 114.05 TO REQUIRE THE DISPLAY OF TAXICAB DRIVER'S LICENSE, TO UPDATE REQUIREMENTS FOR TAXICAB DRIVER'S LICENSE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Section 114.02 be amended to change 114.02(B)(2) and (3) and add (4) to update requirements as set forth below:

§ 114.02 LICENSE REQUIRED TO OPERATE BUSINESS; APPLICATION.

- (1) Name of the taxicab service, the operator, and owner(s) of the taxicab(s);
- (2) Description of the taxicab(s) by make, model, VIN number, and license number, and a completed vehicle inspection form for each taxicab; and
- (3) Statement of previous experience in the business, if the applicant has not been licensed by the city before;

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Section 114.04 be amended to revise license requirements in 114.04(B)(2) and (3) as set forth below:

§ 114.04 LICENSE; ISSUANCE.

- (1) The taxicab to be used has been inspected by a certified mechanic to show taxicab is thoroughly and carefully tested, inspected, and found to be in safe condition for transportation of passengers, is in good, clean condition, and is in compliance with all other applicable state and federal motor vehicle laws and standards.
- (2) The applicant has indemnity and public liability insurance covering the operation of each vehicle, to protect the operator against liability to passengers and third persons for personal injury suffered or sustained by them as a result of the operation of the vehicle, the policies to be in an amount as prescribed by State law, but in no event less than \$100,000 for damage to any one person and not less than \$300,000 for damage to more than 1 person, injured as the result of any one accident, and not less than \$50,000 for property damage resulting from any one accident. The policies shall be maintained during the term of the license. A copy of said

policy shall be attached to application and updated if policy is revoked or changed.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Section 114.05 be amended to require display of taxicab driver's license as set forth below:

§ 114.05 DISPLAY OF BUSINESS LICENSE.

Every operator of any taxicab licensed under this chapter shall exhibit a copy of the business license in the vehicle and have it available for inspection upon request.

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Section 114.08 be amended to add updated requirements for a taxicab driver's license as set forth below:

§ 114.08 APPLICATION FOR DRIVER'S LICENSE; QUALIFICATIONS OF APPLICANT; APPEAL FROM DECISION.

(A) Each applicant must submit to a background check to determine applicant's suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant also must submit to, pay for and provide a FBI and DCI criminal background check. The applicant may be given a conditional license pending the results of the background check.

(B) The City Manager shall have discretion to approve or disapprove the application depending on whether the City Manager deems the applicant a suitable person to hold the license. The City Manager may issue the license if the City Manager is satisfied that the applicant:

- (1) Is at least 18 years of age;
- (2) Is not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his or her ability to properly and safely drive a taxicab;
- (3) Is a resident of Clay County for at least 1 month prior to the date of the application;
- (4) Has not been convicted of a felony, as defined by state law, within 3 years of the date of the application;

(5) Has been fingerprinted and photographed by the Police Department;

(6) Has not been convicted of a moving traffic violation within 180 days prior to the date of the application;

(7) Has not been convicted of driving a motor vehicle while under the influence of an alcoholic beverage within 3 years, nor has had more than 1 prior offense of driving a motor vehicle while under the influence of an alcoholic beverage in the past 10 years prior to the date of the application;

(8) Has not been convicted of using any controlled drug or substance within 3 years prior to the date of application;

(9) Has not been convicted of any charge of possession of marijuana or any controlled drug or substance or possession with intent to distribute marijuana or any controlled drug or substance within 3 years prior to date of the application; and,

(10) Is of good moral character.

(C) The applicant may appeal the decision of the City Manager to the governing body.

Dated at Vermillion, South Dakota this 21st day of June, 2010

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Dan Christopherson, 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: Edelen-Y, Hofman-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Mayor Christopherson-Y.

Motion carried 8 to 0. Mayor Christopherson declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Final Plat of Heikes Tract 2, Tract 3 and Tract 4 (NW corner of N. Crawford Road and 317th St)

Jose Dominguez, City Engineer, reported on the location of the property noting that the request is to subdivide the property into three tracts. Jose noted that utility easements are included to provide for future utility extensions. He stated that the Planning Commission has recommended approval of the plat.

182-10

After reading the same once, Alderman Osborne moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Heikes Tract 2, Tract 3, and Tract 4 (NW corner of N. Crawford Road and 317th Street) City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Powell. Alderman Hofman requested to abstain as the property is in the extraterritorial area. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

B. Final Plat of Lot 11 and 12 of Block 2 of Riverview Subdivision

Jose Dominguez, City Engineer, reported on the location of the property being platted noting that it is in the extraterritorial area. He reported that the plat is for lots 11 and 12 of Block 2 of Riverview subdivision. Jose stated that the Planning Commission recommended approval of the plat.

183-10

After reading the same once, Alderman Edelen moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot 11 and 12 of Block 2 of Riverview subdivision City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Meins. Alderman Hofman requested to abstain as the plat is in the extraterritorial area. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

C. Resolution to remove parking along Rose Street adjacent to the Newman Center

Jose Dominguez, City Engineer, reported that the University of South Dakota (USD) requested that the City eliminate parking spaces along Rose Street. The University's concern is due to the fact that the University's new residence hall, Coyote Village, is located along Rose Street north of this location, creating heavier pedestrian traffic along with the relocation of 200 parking spaces from the South side of Cherry Street to the parking lot on the north by the

Coyote Village.

Jose noted that Rose Street poses several challenges that typical "local" streets lack, such as the large volume of pedestrians crossing at Cherry Street, the proximity of the parking along Rose Street to the intersection and the high usage of the parking at certain times of the year. Of these challenges, only the high volume of pedestrians and the proximity to the intersection poses safety risks. These challenges will be addressed, either with the help of the South Dakota Department of Transportation (traffic signal for the purpose of helping pedestrians cross Cherry Street) or with the removal of several parking stalls that are close to the intersection.

With regard to the parking stalls close to the intersection, he recommended removing approximately 60-feet of parking (or four parking stalls) from the south end of Rose Street. The removal of these stalls will greatly reduce the chances of an accident occurring at the intersection by minimizing the probability of a parked vehicle backing into the intersection or into a pedestrian using the crosswalk. The no parking zone will be striped and signed accordingly. In addition, the City will stripe the remaining parking stalls to better delineate the parking in the area. Jose noted that the proposed implementation date is August 2, 2010.

Mayor Christopherson reported that he has talked to University President Abbott and agreed to form a committee to review the parking along Rose Street. Discussion followed.

184-10

After reading the same once, Alderman Ward moved adoption of the following:

RESOLUTION TO REMOVE PARKING ON THE SOUTH END OF ROSE STREET (NORTH OF CHERRY STREET)

WHEREAS, pursuant to City of Vermillion Code of Ordinance section 70.071, the City Council may establish, and cause to be designated and marked, streets and parts thereof where vehicles may be parked for limited periods only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along City streets; and

WHEREAS, parking along this portion of Rose Street could cause safety concerns with the flow of traffic and pedestrians; and

WHEREAS, the removal of parking along the south end of Rose Street would help alleviate the safety concerns and issues with traffic flow.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that parking is prohibited on the east side of Rose Street from the intersection with Cherry Street to a point 60-feet north of said intersection.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Governing Body that effective August 2, 2010 all parking will be prohibited on the East side of Rose Street from the intersection with Cherry Street to a point 60-feet North of said intersection. Signs shall be installed to notify the public that there is no parking in the above-described area.

Dated at Vermillion, South Dakota this 21st day of June, 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: Dan Christopherson, Mayor

Attest:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Powell. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

D. Resolution to name the Public Plaza at Market and Main Street Ratingen Plaza

Jen Wippert, Intern to the City Manager, reported that there is a proposal to rename Ratingen Strasse to University Street next on the agenda. To continue to honor our sister city relationship with Ratingen, Germany, we are proposing to name the public plaza located at the intersection of Market and Main Street "Ratingen Platz". Discussion followed.

185-10

After reading the same once, Alderman Powell moved adoption of the following:

RESOLUTION
TO NAME THE PUBLIC PLAZA
RATINGEN PLATZ

Whereas, the City of Vermillion, South Dakota in the United States of America and the City of Ratingen of the German Federal Republic are sister cities through the continuing efforts of officials and the citizens of both cities; and,

Whereas, the cities of Ratingen and Vermillion have been sister cities since the declaration in 1982; and,

Whereas, the City of Vermillion, in recognition of the years of friendship and cooperation, would like to name the public plaza located on the corner of Main Street and Market Street "Ratingen Platz".

Be It Resolved, that the Governing Body of the City of Vermillion does hereby recognize and honor their sister city located in Ratingen, Germany by naming the public plaza at the corner of Main Street and Market Street

Ratingen Platz.

Dated at Vermillion, South Dakota this 21st day of June 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

E. Request from the University of South Dakota to rename Ratingen Strasse to University Street between Cherry Street and Highway 50

Jen Wippert, City Manager Intern, reported that the University of South Dakota has requested that the City rename Ratingen Strasse to University Street. She stated that the street name was changed in 1985 to recognize our sister city, Ratingen, Germany. The changing of the name will provide for consistency in north south streets which was an item recommended in the 2004 Transportation Study completed by Ulteg Engineering. Jen noted that the University has considerable property along this street that they want to showcase to prospective students as an entrance to the City.

Roberta Amber, USD Vice President, provided a map of the area noting that the new facilities along the street are increasing the activity related to the University and respectfully requested the name change to University Street.

John Prescott, City Manager, reported that he had contacted the postmaster about the name change and the resolution has an effective date of August 1st to assist in the transition.

186-10

After reading the same once, Alderman Powell moved adoption of the following:

RESOLUTION
TO CHANGE THE NAME OF
RATINGEN STRASSE TO UNIVERSITY STREET

Whereas, Ratingen Strasse is platted and lies between Cherry Street and East South Dakota Highway 50; and,

Whereas, Ratingen Strasse is a valuable corridor for visitors and current and prospective students of the University of South Dakota, who are entering the City of Vermillion to attend a visit day at the campus; and,

Whereas, the renaming of Ratingen Strasse to University Street would alleviate much confusion felt by individuals coming to a University event; and,

Whereas, having consistency in the North-South naming of city streets assists the understanding of the general public; and,

Whereas, State Statute 9-45-2 (1) grants municipalities the power to change the name of streets.

Now, Therefore, Be It Resolved that the Governing Body of the City of Vermillion does hereby change the name of Ratingen Strasse to University Street effective August 1, 2010.

Dated at Vermillion, South Dakota this 21st day of June 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman Ward. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

F. Release of two overhang easements and approval of two permanent easements for the Electric Transmission Line (Merrigan property north of 2224 N University Road)

Harold Holoch, Utility Engineer, reported that the City Council had previously approved the overhang easement at the February 16th meeting. During the staking of the property, Nick and Mary Merrigan and Wayne and Mary Merrigan have determined that they want the poles closer to their fence which is off of the right of way. They have signed permanent easements to replace the overhang easements at the same cost to the City. Discussion followed.

187-10

Alderman Powell moved approval of the release of the overhang easement and approval of permanent easement for the electric transmission line with Nick and Mary Merrigan and Wayne and Mary Merrigan at 2224 N University. Alderman Edelen seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

G. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing on South Mickelson from East Main Street to 550-feet south of East Main Street

Jose Dominguez, City Engineer, reported that the property owners along South Mickelson Street have requested the paving of the street. Jose reported the property owners will be assessed based upon benefit whereby the church will assume a larger amount with the remaining cost divided among the remaining property owners. The resolution will set a public hearing date of July 19, 2010.

188-10

After reading the same once, Alderman Willson moved adoption of the following:

RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION OF
CONCRETE SURFACING ON SOUTH MICKELSON STREET FROM EAST MAIN STREET
TO 525-FEET SOUTH OF EAST MAIN STREET
IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City at 7:00 p.m. on the 21st day of June 2010, that the convenience and necessity has arisen for the construction of concrete surfacing and streetlights on the portion of the public streets hereinafter named, and in front or abutting the several lots or parcels of land hereinafter named, viz.:

S MICKELSON STREET from E Main Street to 525-feet south of E Main Street

- Lot 4, Block 2, Dahl Addition
- Lot 5, Block 2, Dahl Addition
- Lot 4, Block 1, Dahl Addition
- Lot 1, Block 1, French East Addition
- Lot 2, Block 1, French East Addition
- French East Addition except Lots 1 and 2, Block 1 and part of street

BE IT FURTHER RESOLVED, that the general nature of the improvements shall be as follows:

The concrete surfacing shall be a maximum of 28-feet wide and 6-inches thick.

BE IT FURTHER RESOLVED, that the materials to be used in the construction of said improvements shall be according to the specifications adopted by the City.

BE IT FURTHER RESOLVED, that the benefit of the improvement to each lot or tract is as follows:

Any costs incurred, but not covered by the following benefits, will be paid for with City funds.

Lot: Lot 4, Block 2, Dahl Addition

Owner: Bob and Karen Fuller

Benefit: If the project cost is less than \$105,426.90, then the property owner will be assessed the amount calculated as follows: the product of 28.46% (frontage owned by the Church) and the project cost will be subtracted from \$30,000. This new amount would then be multiplied by 24.53% (frontage owned by property owner, excluding the Church frontage). After this, the new amount would be subtracted from the product of 17.55% (frontage owned by property owner, including the Church frontage) and the project cost. If the project cost is more than \$105,426.90, then the property owner will be assessed 17.55% of the project cost.

Lot: Lot 5, Block 2, Dahl Addition

Owner: Church of Jesus Christ of Latter-Day Saints

Benefit: If the project cost is less than \$105,426.90, then the property owner will be assessed \$30,000. If the project cost is more than \$105,426.90, then the property owner will be assessed 28.46% of the project cost.

Lot: Lot 4, Block 1, Dahl Addition

Owner: Dennis and Robin Iverson

Benefit: If the project cost is less than \$105,426.90, then the property owner will be assessed the amount calculated as follows: the product of 28.46% (frontage owned by the Church) and the project cost will be subtracted from \$30,000. This new amount would then be multiplied by 24.53% (frontage owned by property owner excluding the Church frontage). After this, the new amount would be subtracted from the product of 17.55% (frontage owned by property owner including the Church frontage) and the project cost. If the project cost is more than \$105,426.90, then the property owner will be assessed 17.55% of the project cost.

Lot: Lot 1, Block 1, French East Addition

Owner: Kevin and Rosann Weiss

Benefit: If the project cost is less than \$105,426.90, then the property owner will be assessed the amount calculated as follows: the product of 28.46% (frontage owned by the Church) and the project cost will be subtracted from \$30,000. This new amount would then be multiplied by 17.05% (frontage owned by property owner excluding the Church frontage). After this, the new amount would be subtracted from the product of 12.20%

(frontage owned by property owner including the Church frontage) and the project cost. If the project cost is more than \$105,426.90, then the property owner will be assessed 12.20% of the project cost.

Lot: Lot 2, Block 1, French East Addition

Owner: French Investment LLC

Benefit: If the project cost is less than \$105,426.90, then the property owner will be assessed the amount calculated as follows: the product of 28.46% (frontage owned by the Church) and the project cost will be subtracted from \$30,000. This new amount would then be multiplied by 19.43% (frontage owned by property owner excluding the Church frontage). After this, the new amount would be subtracted from the product of 13.90% (frontage owned by property owner including the Church frontage) and the project cost. If the project cost is more than \$105,426.90, then the property owner will be assessed 13.90% of the project cost.

Lot: French East Addition except Lots 1 and 2, Block 1 and part of street

Owner: French Investment LLC

Benefit: If the project cost is less than \$105,426.90, then the property owner will be assessed the amount calculated as follows: the product of 28.46% (frontage owned by the Church) and the project cost will be subtracted from \$30,000. This new amount would then be multiplied by 14.47% (frontage owned by property owner excluding the Church frontage). After this, the new amount would be subtracted from the product of 10.35% (frontage owned by property owner including the Church frontage) and the project cost. If the project cost is more than \$105,426.90, then the property owner will be assessed 10.35% of the project cost.

The estimated benefit is based on 2010 estimated costs.

BE IT FURTHER RESOLVED, that the benefit shall be divided into ten (10) equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in 1967 SDCL 9-43-30 etc. e.g., and that all deferred installments shall bear interest at the rate of not more than ten (10%) percent per annum.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction, herein provided for, shall be paid, in cash, from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00 p.m. on the 19th day of July, 2010 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 21st day of June 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman Hofman. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

H. Instrument of Gift - Transfer of Mayor and City Manager portraits to USD Library Collections

Andy Colvin, Assistant to the City Manager, reported the City owns several photographs of past Mayors and City Managers that are in the possession of USD. There are twenty-eight photographic prints representing the Mayors of Vermillion from the year 1877 to the current Mayor and four photographic prints of the first four City Managers. As the old City Hall was being cleaned out prior to demolition and in preparation for the Sesquicentennial project, the Mayor took the photos for storage and had copies made. The new copies now hang in the City Council Chambers and in the Administration area. The Mayor gave the original photos to the USD Library. As Mayor Dan Christopherson has given these prints as a conditional gift, the USD Library requires all donors to sign an "Instrument of Gift" in order to donate items. Administration recommends the donation of photographs of former Mayors and City Managers to the Library at the University of South Dakota noting that if the University should choose to dispose of the photos the city be notified. Discussion followed.

189-10

Alderman Edelen moved approval of the execution of the Instrument of Gift with the USD Library of the Mayor and City Manager photos with the stipulation that should the library choose to dispose of the photos that the City be notified. Alderman Hofman seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

I. Ribs, Rods, & Rock 'n Roll request for funding

John Prescott, City Manager, reported that the Ribs, Rods, & Rock 'n Roll event has been growing each year. Last year the Governor's Office provided one time matching funding to promote the event to which the City contributed \$1,000.

Scott Drucker, 1421 E Main, Director/Treasurer of Ribs, Rods, & Rock 'n Roll, reported that the community has a rich history of barbeque which this event has expanded upon. He reviewed the organizational chart that included nine committees with each committee chairman being a director of the organization. He reported that last year there were 43 barbeque teams and it was estimated that 10,000 people attended the event. He stated that the request is for \$5,000 to assist in filling the marketing gap left by the onetime \$7,000 State grant for advertising and promotion. Scott answered question of the City Council on the event.

190-10

Alderman Osborne moved approval of up to \$5,000 to Ribs, Rods & Rock 'n Roll for advertising and promotion of the event in the community from the BBB Sales Tax fund. Alderman Ward seconded the motion. Discussion followed noting that the City will provide the funding and the organization will provide documentation of the expenditures after the event. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

9. Bid Openings

A. Landfill Leachate System Improvements

Jose Dominguez, City Engineer, reported that the SD DENR requested the City conduct an investigation of the leachate holding manholes located at the landfill. Following the investigation, the City developed plans that were approved by DENR to install a tank and plumb thru the manholes. A bid opening date was set for May 26th but no bids were received. The bid opening was rescheduled for June 16th and only one bid was received from Welfl Construction of \$137,886 and it exceeds the engineer's estimate of \$114,000. Jose stated that

the SD DENR was notified of the bidding difficulties and they are willing to extend the completion date of the project until next spring. Jose recommended that the only bid received be rejected and the project be rebid closer to year end with a spring completion date.

191-10

Alderman Edelen moved to reject the only bid of Welfl Construction of \$137,886 as it is in excess of the engineer's estimate of \$114,000 and to authorize the rebidding later with a spring completion date. Alderman Powell seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

10. City Manager's Report

A. John reminded citizens that garage sale signs are not to be attached to traffic control devices such as traffic signal poles or stop sign poles. All temporary signage is to be removed following the garage sale.

B. John reported that the downtown mill and asphalt overlay project is underway. This week the downtown streets will be milled and next week the new asphalt overly will take place weather permitting.

C. John reported that the next Council meeting will be on Tuesday, July 6th as July 4th is on a Sunday so Monday is observed as the holiday.

PAYROLL ADDITIONS AND CHANGES

Recreation: Alisha Brown \$7.50/hr; Pool: Dawn Bergeson \$10.75/hr, Dayton Bender \$7.75/hr, Sara Kjose \$7.75/hr, Ashley Ouellette \$8.25/hr, Erin Rasmussen \$8.25/hr, Alex Rosheim \$7.75/hr, Miranda Townsend \$8.25/hr; Parks: Jason Gault \$7.50/hr; Library: Bobbi Greenfield \$7.25/hr; Clubhouse: Jennifer (Jenna) Hatfield \$7.50/hr, Nick Hovden \$8.00/hr; Water: Jeff Anglin \$8.75/hr; Recycling: Jim Zimmerman \$14.38/hr

11. Invoices Payable

192-10

Alderman Powell moved approval of the following bills:

ALLTEL	POLICE COMMUNICATION	211.20
BROADCASTER PRESS	ADVERTISING	1,199.34
BUREAU OF ADMINISTRATION	TELEPHONE	382.57

CANON FINANCIAL SERVICES	COPIER LEASE	56.16
CITY OF VERMILLION	LANDFILL VOUCHERS	600.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	848.17
DENNIS & BETH JOHNSON	WATER HEATER REBATE	156.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPER FEE	3,066.17
EAST RIVER ELECTRIC POWER	WHEELING OF POWER	4,875.00
GCSA OF SD	DUES	80.00
GCSAA	MEMBERSHIP DUES	320.00
GREGG PETERS	MANAGERS FEE	5,375.00
KATHY HELES	TREE REIMBURSEMENT	42.39
LINWELD	SUPPL/CYLINDER RENT	188.90
LOREN FISCHER DISPOSAL	HAULING	140.00
MIDAMERICAN	GAS USAGE	996.94
MIDCONTINENT COMMUNICATONS	CABLE/INTERNET SERV	89.65
QWEST	TELEPHONE	1,500.08
QWEST BUSINESS SERVICES	911 RELAY SERVICES	5.00
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SLOWEY CONSTRUCTION, INC	REFUND HYDRANT DEP	166.30
SPRINT	CELL PHONES	958.20
STERN	FUEL	16,880.14
THE EQUALIZER	ADVERTISING	694.00
US POSTMASTER	POSTAGE UTIL BILLS	1,025.00

Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of July 6, 2010 for special daily malt beverage and wine license for Ribs Rods & Rock'n Roll, Inc on or about September 10 & 11, 2010 on Main Street between High and Prospect Streets and Market Street from Main to Kidder Street

B. Set a public hearing date of July 6, 2010 for a permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll on September 10, 2010 from 8:00 p.m. to 1:00 a.m. and September 11, 2010 from 5:00 p.m. to 1:00 a.m. for a street dance in the 200 block of West Main Street

C. Set a public hearing date of July 6, 2010 for the transfer of the package off sale malt beverage license from Rite Way Oil & Gas Co. Inc for Speedee Mart to OMA SHREE, LLC for Speedee Mart at 802 East Cherry

D. Set a public hearing date of July 6, 2010 for retail on-off sale malt beverage license with video lottery for OMA SHREE, LLC for Speede Mart at 802 E Cherry

E. Set a public hearing date of July 6, 2010 for special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 23 thru August 1, 2010 at the Prentis Park baseball field

193-10

Alderman Osborne moved approval of the consensus agenda. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

13. Adjourn

194-10

Alderman Hofman moved to adjourn the Council Meeting at 8:24 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of June, 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.