

Unapproved Minutes  
Council Special Session  
July 19, 2010  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 19, 2010 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Willson, Zimmerman

Absent: French, Ward, Mayor Powell

2. Informational Session - Perpetuity of Beauty of Bluff View Cemetery - Edis Anderson, Shawn Anderson and Bob Sutton

John Prescott, City Manager, stated that he was contacted by Edis Anderson about addressing the City Council with her concerns and plan for the perpetuity of beauty of Bluff View Cemetery. John noted that the cemetery is not under the control of the City and introduced Edis Anderson, Shawn Anderson and Bob Sutton.

Edis Anderson thanked the City Council for the opportunity to speak on the topic of the beauty of Bluff View Cemetery. She was concerned about the plant encroachment, upkeep needed for the wrought iron fence, mole damage and the change in ownership of the plots from deed to easement.

Shawn Anderson reviewed that the cemetery is people and place, noting that his mother feels strongly about the perpetuity of the beauty for the cemetery. As such, through the SD Community Foundation, an endowed trust fund for the perpetuity of the beauty has been established.

Bob Sutton, SD Community Foundation, reviewed his organization reporting on the Edis Anderson endowment for the perpetuity of Beauty of Bluff View Cemetery. He noted that the endowment of \$100,000 was created so that it would be available to the cemetery if guidelines 1-12 of the trust agreement are met and another \$100,000 will be added if items 1-26 are met. In items 13-26, there is the requirement to raise \$800,000 for the Perpetuity of Beauty Fund. Bob stated that this information was presented to the Cemetery Association and they have declined to comply with the requirements. He noted that this endowment is available to any organization that would step up and meet the trust requirements. Bob thanked the City

Council for making the time for the presentation and provided handouts of the trust information.

3. Educational Session - City Council discussion of facilities to tour

John Prescott, City Manager, reported that, while City Hall was under construction, we did not have a place for the noon meeting so the City Council went to other City facilities for tours and conducting the meeting. He wanted to know if there were City facilities that the Council wanted to tour. Discussion followed on the desire to review all the facilities with priority to those that are being considered for improvements such as the library and pool.

4. Briefing on the July 19, 2010 City Council Regular Meeting Agenda

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

5. Adjourn

229-10

Alderman Willson moved to adjourn the Council special session at 1:05 p.m. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of July, 2010.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA  
BY \_\_\_\_\_  
Kent Osborne, President

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Unapproved Minutes  
City Council Regular Session  
July 19, 2010  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 19, 2010 at 7:00 p.m. by President Osborne.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Willson, Zimmerman

Absent: French, Ward, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. July 6, 2010 Special Session; July 6, 2010 Regular Session

230-10

Alderman Zimmerman moved approval of the July 6, 2010 special session minutes and the July 6, 2010 regular session minutes. Alderman Meins seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

4. Adoption of Agenda

231-10

Alderman Davies moved approval of the agenda with the addition of "no" before more on Item 6B. Alderman Meins seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

5. Visitors to be Heard

President Osborne reported that Mayor Powell is absent tonight to attend a Public Power Committee meeting in Washington, D.C.

A. National Night Out proclamation

Alderman Meins read the National Night Out 2010 Proclamation designating August 3, 2010 as "National Night Out 2010" in Vermillion and encouraged all citizens to participate in the activities at Prentis Park. Crystal Brady, representing the Vermillion Police Department, reported on activities planned for August 3<sup>rd</sup> from 5:00 pm to 8:00 pm in Prentis Park.

B. Bob Sutton - Perpetuation of the Beauty of Bluff View Cemetery

Bob Sutton, representing the SD Community Foundation, thanked the City Council for allowing the presentation. He stated that there was an opportunity for the community for the perpetuation of beauty of Bluff View cemetery. The Edis Anderson family has created an endowed trust fund with \$100,000 for the perpetuation of beauty for the cemetery. Any organization, by complying with the conditions of the trust, can access the funds for the cemetery. A provision for an additional \$100,000 from the Anderson family is also available if additional conditions are met. Bob stated that they have talked to the Cemetery Association concerning the trust and the Association has declined to comply with the conditions of the trust fund. He encouraged any organization that was interested in the opportunity to access \$200,000 for the perpetuation of the beauty of Bluff View Cemetery to contact him as the deadline is July 1, 2011.

## 6. Public Hearings

A. Special daily malt beverage and wine license for Vermillion Area Chamber & Development Company for Thursdays on the Plaza on or about July 29, 2010 and August 26, 2010 at Ratingen Platz (public plaza at the corner of West Main Street and Market Street)

John Prescott, City Manager, reported that the Chamber of Commerce and the Thursdays on the Plaza group are working together on these events to bring the community downtown on Thursday, July 29<sup>th</sup> and August 26<sup>th</sup> with music and activities. A ribbon cutting for the naming of the plaza "Ratingen Platz" is planned for July 29<sup>th</sup>. There are three items on the agenda dealing with this topic: the special license, permit to exceed allowable noise levels and the street closing.

The application was from the Vermillion Chamber of Commerce and Development Company for the special daily malt beverage and wine license for July 29<sup>th</sup> and August 26<sup>th</sup> at the Ratingen Platz. As with other special licenses on City property, the City has applied conditions such as:

A Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability.

A Release and Indemnification releasing the City from liability for the event.

Require the applicant identify and utilize a fenced area where alcoholic beverages may be sold and consumed, as well as a plan to monitor the entrances and exits from this area.

Require a plan for the cleanup and disposal of the cups and other materials after the event each day.

Restroom facilities. Some groups have used port-a-potties for a similar event. The duration of the event may minimize the need for specific restroom facilities.

Require a list of those individuals selling alcohol and checking IDs be provided to the City Manager 24 hours before the event. All individuals on the list were required to be at least 21 years of age.

Hours of sale may be limited. The noise permit states the hours will be from 5:00 pm to 8:00 pm and, as such, the hours could be restricted to that time period.

Michelle Maloney, representing the group, stated that the sale of alcoholic beverages is just to enhance the event and they will also have non-alcoholic beverages. They will have TAM certified individuals checking ID's, will use wrist bands and marking the band to allow no more than six to any individual as they want to make this a family friendly event. As to the restrooms, the event is scheduled for 5:00 pm to 8:00 pm and they have made arrangements with local businesses to allow the use of their bathrooms for this time period. Discussion followed.

232-10

Alderman Davies moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 29<sup>th</sup> and August 26<sup>th</sup> on Ratingen Platz and the portion of Market Street abutting the platz, contingent upon certificate of insurance naming the City as additional insured, a release and indemnification releasing the City from liability for the event, to utilize a fenced area where alcoholic beverages may be sold and consumed, a plan for the cleanup and disposal of materials, require a list of the individuals selling and checking IDs be provided to the City Manager 24 hours before the event and the alcohol sales are between 5:00 and 8:00 pm. Alderman Willson seconded the motion. Discussion followed. Motion carried 6 to 0. President Osborne declared the motion adopted.

B. Permit to exceed permissible sound levels by no more than 50% for Vermillion Area Chamber & Development Company for Thursdays on the Plaza on or about July 29, 2010 and August 26, 2010 for a public gathering at Ratingen Platz (public plaza at the corner of West Main Street and Market Street)

Andy Colvin, Assistant City Manager, reported that an application was received from the Thursdays on the Plaza group to exceed the permissible sound levels by no more than 50% for the live concert and public gathering on July 29<sup>th</sup> and August 26<sup>th</sup> from 5:00 pm to 8:00 pm at the corner of Market Street and Main Street. This event is free to the public and City staff recommends approval of the application.

233-10

Alderman Davies moved approval of the permit to exceed permissible sound levels by no more than 50% for the Thursday on the Plaza events on or about July 29<sup>th</sup> and August 26<sup>th</sup> from 5:00 pm to 8:00 pm. Alderman Willson seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

C. Resolution of Necessity for concrete construction along Mickelson Street and East Main Street to 550 feet south of East Main Street

Jose Dominguez, City Engineer, stated that on June 21<sup>st</sup> the City Council adopted a resolution setting the public hearing date and notice was sent to the property owners. Jose reported the project consisted of paving, improvements to storm water and water main extension. He noted that this project will be assessed based upon benefit with The Latter Day Saints Church contributing additional funds with the balance assessed to the remaining property owners. Discussion followed.

234-10

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

RESOLUTION ADOPTING RESOLUTION OF NECESSITY  
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 19th day of July 2010, that the convenience and necessity has arisen for the construction of concrete surfacing on the portion of the public streets and in front or abutting the lot or parcel of land hereinafter named:

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

in the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 21<sup>st</sup> day of June, 2010 is approved and that the Engineer shall proceed with the work in the manner provided by law.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of July, 2010.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Kent Osborne, President

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. 6 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

7. Old Business - None

8. New Business

A. Final Plat of Fertilizer Tract 1

Jose Dominguez, City Engineer, reported on the location of the property being platted noting that a number of lots are being combined into one tract. Jose stated that the Planning Commission reviewed the plat and recommended approval.

235-10

After reading the same once, Alderman Willson 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: Fertilizer Tract 1 in the part of Lots 1, 2, 3, 4, 5, 6, and 7, Block 21, lying south of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railway Company, and Lots 1, 2, and 3, Block 5, all of Van Meter's Addition, and that portion of vacated Morse Street, all to the 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 Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

B. Final Plat of Lots 2A, 2B, 3A and 3B of Block 3 of Brooks Industrial Park Addition

Jose Dominguez, City Engineer, reported on the location of the property being platted. Jose stated that the Planning Commission reviewed the plat and recommended approval.

236-10

After reading the same once, Alderman Zimmerman 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: Lots 2A, 2B, 3A and 3B, Block 3, Brooks Industrial Park Addition to the 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 Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

C. Street Closure Request - Market Street from West Main Street to the south edge of Ratingen Platz from 4:00 p.m. to 9:00 p.m. on July 29, 2010 and August 26, 2010 for Thursdays on the Plaza

Andy Colvin, Assistant City Manager, reported that the Thursdays on the Plaza group requested the closing of Market Street just east of Ratingen Platz to provide additional space for the event on July 29<sup>th</sup> and August 26<sup>th</sup> from 4:00 pm to 9:00 pm.

237-10

Alderman Davies moved approval of the closing of a portion of Market Street east of Ratingen Platz on July 29<sup>th</sup> and August 26<sup>th</sup> from 4:00 pm to 9:00 pm for the Thursdays on the Plaza events. Alderman Willson seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

D. Parking Stall Closure - Request from Coyote Twin Theater and Hollywood Video to close four parking stalls on Thursday, July 29, 2010 from 7:00 am to 5:00 pm

Andy Colvin, Assistant City Manager, reported that this is an annual request to close the parking stalls in front of the Coyote Twin Theatre and Hollywood Video at 10 E Main Street to display and sell merchandise. Andy noted that the street would not be closed, just four to five parking stalls from 7:00 am to 5:00 pm on July 29<sup>th</sup>. Discussion followed.

238-10

Alderman Willson moved approval of the closing of four to five parking stalls at 10 E Main Street on July 29<sup>th</sup> from 7:00 am to 5:00 pm. Alderman Meins seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

E. Easements for Hike/Bike trail

Dave Nelson, Parks & Recreation Director, reported that the City of Vermillion was allocated \$750,000 under Federal Highway Bill #4921 for bike and pedestrian paths. A committee was formed that developed a priority list of projects and assisted in the hiring of an architect. The first phase is extension along the Vermillion River to Dawson Bridge that is currently under construction. The second phase which is along Highway 50 required easements from Polaris, Prairie Eye Clinic and Holiday Inn Express. The City Attorney has reviewed the easements and the owners have signed with the cost being \$1 each. City Staff recommends approval. Discussion followed.

239-10

Alderman Davies moved approval of the easements for the hike/bike trail with Polaris, Prairie Eye Clinic and Holiday Inn Express and authorized President Osborne to sign on behalf of the City. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

F. Declaration of two surplus substation transformers and regulators

Harold Holoch, Utility Engineer, reported that there are two surplus substation transformers and six regulators. The substations and regulators will no longer be needed due to the change in voltage with the transmission line project. He recommended that they be declared surplus and appraised by the Surplus Property Committee for sale by sealed bids. Discussion followed.

240-10

Alderman Grayson moved approval of the declaration of the 1975 Westinghouse 12 MVA transformer, 1986 Westinghouse 10 MVA transformer, three 1973 General Electric 333 KVA regulators and three 1994 Siemens 333 KVA regulators as surplus to be appraised by the Surplus Property Committee for sale by sealed bids. Alderman Willson seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported on the raffle notification request from Junior Achievement that was included in the packet. Tickets are \$5 each with first prize being a Gateway laptop and the second prize is a \$50 Wal-Mart gift card with the drawing to be held on October 28, 2010.

B. John reported that postcards are being mailed to curbside recycling customers as a reminder of materials collected. Some customers will also be notified of a change in collection date in an effort to balance out the routes. The new collection date will start in August.

PAYROLL ADDITIONS AND CHANGES

City Council: Thomas Davies \$216.30/biweekly, John Grayson \$216.30/biweekly, Dennis Zimmerman \$216.30/biweekly; Mayor: John (Jack) Powell \$373.61/biweekly; Police: Brandon Hansen \$16.84/hr; Pool: Stacie Kjelden \$7.75/hr, Zachary Talaga \$7.75/hr, Mark Wilcox \$7.75/hr; Landfill: Mark Milbrodt \$15.21/hr

11. Invoices Payable

241-10

Alderman Willson moved approval of the following bills:

A.A.A. COLLECTIONS, INC	GARNISHMENT	903.05
AVERA QUEEN OF PEACE HEALT	TESTING	205.50
B & L COMMUNICATIONS	RADIOS (16)	5,465.50
BROADCASTER PRESS	ADVERTISING	892.27
BRUNICKS SERVICE INC	PROPANE	90.00
BUREAU OF ADMINISTRATION	TELEPHONE	408.66
CITY OF VERMILLION	LANDFILL VOUCHERS	910.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	3,137.87
D & D PEST CONTROL	INSPECTION/TREATMENT	20.00
DAKOTA PC WAREHOUSE	REPAIRS	39.99
DAVIS PHARMACY	BATTERY	2.03
DEPT OF VETERANS AFFAIRS	AMBULANCE OVERPAYMENT-BRADY	997.00
DEPT. ENVIR NATL RES	LANDFILL OPERATIONS FEE	3,697.43
EAST RIVER ELECTRIC POWER	WHEELING OF POWER	5,375.00
FULLERTON LUMBER CO	SUPPLIES	107.83
GREGG PETERS	MANAGERS PROFITS/MANAGER FEE	20,307.37
HOLCOMB FREIGHTLINER, INC	PARTS	100.60
INTERNATIONAL PUBLIC MGMT	TESTING MATERIALS	271.00
JOHNSON CONTROLS	REPAIRS	515.61
KEN LESLEIN	REFUND DEPOSIT	203.93

KOLLY FOSTVEDT	WATER HEATER REBATE	255.00
LINWELD	CYLINDER RENTAL	303.27
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MIDAMERICAN	GAS USAGE	688.33
MIDCONTINENT COMMUNICATONS	INTERNET SERVICE	91.75
PESKA CONSTRUCTION	FINAL PAYMENT CITY HALL PROJECT	25,000.00
QWEST	TELEPHONE	1,498.34
R P & H, INC	BIKE TRAIL PROJECT	3,393.67
RESERVE ACCOUNT	POSTAGE FOR METER	900.00
SD DEPT OF LABOR	UNEMPLOYMENT BENEFITS	7,026.40
SPRINT	CELL PHONE	954.55
STERN OIL CO.	FUEL	15,795.86
UNITED PARCEL SERVICE	SHIPPING	13.65
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VISA/FIRST BANK & TRUST	TRAVEL/FUEL/SUPPLIES	826.00

Alderman Meins seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

## 12. Consensus Agenda

A. Set a bid opening date of August 11, 2010 for sale of two surplus substation transformers and regulators

B. Set a bid opening date of August 12, 2010 at 2:00 pm for South Mickelson Street paving from East Main Street to 550 feet south of East Main Street

242-10

Alderman Willson moved approval of the consensus agenda. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

## 13. Adjourn

243-10

Alderman Meins moved to adjourn the Council Meeting at 7:49 p.m. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. President Osborne declared the motion adopted.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of July, 2010.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
Kent Osborne, President

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.