

Unapproved Minutes  
Council Special Session  
November 16, 2015  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 16, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Price, Ward, Willson, Mayor Powell

Absent: Holly Meins

2. Educational Session Park pool plans - Park and Recreation Director Jim Goblirsch

Jim Goblirsch, Parks and Recreation Director, reported on the improvements made in Prentis Park consisting a new bathroom for the baseball field and park, new maintenance building, fencing around the baseball field, the park house has been removed and trees and bushes have been cleared. Jim noted that in planning for the pool project the Electric Department has rerouted electrical service in the park to be outside of the construction area. Jim stated that staff has been working with Burbach Aquatics on the design and features for the new pool with the goal of having the final plans for City Council consideration on the December 7<sup>th</sup> meeting agenda. Jim reviewed the project plans for the pool project including the individual features. Jim answered questions of the City Council on the pool plans.

3. Educational Session Changes to ambulance billing prices and categories - Matt Callahan

Matt Callahan, EMS Division Chief, updated the City Council on proposed changes to the ambulance charges that will be presented at the December 7<sup>th</sup> meeting. Matt reported that ambulance rates were last changed in January 2013 with fees established for each individual item or service provided. Matt noted that Medicare and other insurance carriers are declining to reimburse some of the individual services that are billed and the industry is moving to a bundled billing for ambulance service plus the loaded mile fee. Matt reviewed the rates that are being proposed noting that the bundled rate now includes the individual fees that would have been billed separately in the past. Matt reported on the rates as they compared to other ambulance services in the state.

Matt answered questions of the City Council on the ambulance rates being proposed.

4. Briefing on the November 16, 2015 City Council Regular Meeting

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

5. Adjourn

341-15

Alderman Ward moved to adjourn the Council special session at 12:39 p.m. Alderman Price seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of November, 2015.

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  
November 16, 2015  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on November 16, 2015 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 Ireland

2. Pledge of Allegiance

3. Minutes

A. Minutes of November 2, 2015 Special Meeting, November 2, 2015 Regular Meeting

342-15

Alderman Price moved approval of the November 2, 2015 Special Meeting and November 2, 2015 Regular Meeting minutes. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

343-15

Alderman Willson moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Resolution Adopting a Resolution of Necessity for Sidewalk Repairs (Northeast Quadrant)

Jose Dominguez, City Engineer, reported that the City instituted a sidewalk inspection program in 2010 which is meant to bring deficient portions of sidewalks up to a proficient standard. Jose stated that the program divides the city into four quadrants with the northeast (north of Main Street and east of Dakota Street) quadrant being inspected this year. Jose explained the inspection process used to determine deficient sidewalks. Jose stated that property owners were mailed a notice of the public hearing and the resolution was published twice. Jose stated that the property owners will be given until June 30, 2016 to demonstrate they have the work under contract to be completed by the end of 2016. Jose noted that, if the property owners do not demonstrate that they either have the work under contract or that the work has been completed, the work will be completed by the City. Jose noted that, following the completion of repairs completed by a City-hired contractor, the City Council will adopt a resolution approving the special assessment roll with any added adjustments in the amounts. Jose stated that some property owners have already responded to the notification mailing that they prefer to have the City hire the contractor and assess them for repairs. Discussion followed.

344-15

After reading the same once, Alderman Collier-Wise moved adoption of the following:

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR SIDEWALK REPAIRS 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 Hall at 7:00 p.m. on the 16<sup>th</sup> day of November, 2015, that the necessity has arisen for sidewalk repairs along the parcels of land hereinafter named, viz:

VIOLATION ADDRESS	VIOLATION LEGAL DESCRIPTION	VIOLATION PARCEL NUMBER
447 N. PLUM	LOT D & E & S 20' OF E 280' OF LOT C, LOT 1 OF NE 1/4 SW 1/4 18-92-5~1 EXC PLUM ST MISC	15880-09251-183-08
419 ADAMS	LOT 10 THRU 13 EXC S 33' OF LOT 10 BLK 2 REPLAT OF BLESSING	15080-00200-100-03
519 ADAMS	LOTS 7 & 8 BLK 2 REPLAT OF SAMMELSONS 2ND ADDN	15690-00200-080-00
520 PRENTIS	LOTS 1 & 2 BLK 2 REPLAT OF SAMMELSONS 2ND ADDN	15690-00200-020-00
502 PRENTIS	S 8' OF LOT 3 & N 44' OF LOT 4 BLK 2 REPLAT OF SAMMELSONS 2ND	15690-00200-040-00
438 PRENTIS	LOT 1 EXC S 13' OF 1 BLK 2 REPLAT OF BLESSING	15080-00200-010-00
422 PRENTIS	LOT 3 BLK 2 REPLAT OF BLESSING	15080-00200-030-00
416 PRENTIS	LOT 4 BLK 2 REPLAT OF BLESSING	15080-00200-040-00
410 PRENTIS	LOT 5 BLK 2 REPLAT OF BLESSING	15080-00200-050-00
918 MADISON	W 72' OF 8 & S 15' OF 9 BLK 2 REPLAT OF BLESSING	15080-00200-090-00
922 CLARK	E 50' OF LOT HM-1 SW 1/4 18-92-51 MISC	15880-09251-182-43
206 N. PLUM	LOTS 5, 6 & 7 BLK 9 BIGELOW'S UNIVERSITY	15060-00900-070-00
214 N. PLUM	LOTS 3 & 4 BLK 9 BIGELOW'S UNIVERSITY ADDN	15060-00900-040-00
701 E. CLARK	LOT 14 BLK 9 BIGELOW'S UNIVERSITY	15060-00900-140-00
323 N. PINE	LOT 17 & S 1/2 OF 18 BLK 10 BIGELOW'S UNIVERSITY	15060-01000-180-00
334 N. PLUM	LOT 3 & N 1/2 OF 4 BLK 10 BIGELOW'S UNIVERSITY ADDN	15060-01000-040-00
338 N. PLUM	LOTS 1 & 2 BLK 10 BIGELOW'S UNIVERSITY	15060-01000-020-00
326 N. PLUM	S 1/2 OF 4 & ALL OF 5 BLK 10 BIGELOW'S UNIVERSITY ADDN	15060-01000-050-00
320 N. PLUM	LOT 6 & N 1/2 OF LOT 7 BLK 10 BIGELOW'S UNIVERSITY	15060-01000-070-00
314 N. PLUM	S 1/2 OF 7 & ALL OF 8 BLK 10 BIGELOW'S UNIVERSITY	15060-01000-080-00
720 E. CLARK	E 1/2 OF 9 & 10 & 11 BLK 10 BIGELOW'S UNIVERSITY	15060-01000-110-03
430 N. PLUM	S 1/2 OF 4 & ALL OF 5 BLK 13 BIGELOW'S UNIVERSITY	15060-01300-050-00
423 N. PINE	LOT 18 & 19 BLK 13 BIGELOW'S UNIVERSITY	15060-01300-190-00
723 E. CHERRY	E 92' OF LOTS 1 & 2 BLK 16 BIGELOW'S UNIVERSITY W 203' OF LOTS A & B OF LOT 1 SW 1/4 18-92-51 EXC CHERRY & PLUM ST & ~EXC S 2' OF N 35' OF W 42' OF LOT A GOV LOT 1 & EXC LOT HI NE 1/4~SW 1/4 MISC~	15060-01600-020-00
801 E. CHERRY	LOT 1 BLK 1 EXC E 2' ARNOLD ADDN	15880-09251-183-02
825 E. CHERRY	LOT 1 BLK 1 EXC E 2' ARNOLD ADDN	15013-00100-010-00
929 E. CHERRY	E 100' OF LOT B-1 NE 1/4 SW 1/4 18-92-51 MISC	15880-09251-183-10
440 ADAMS	LOT 2 MICHELS	15440-00000-020-00
856 MADISON	LOT 3A MICHELS	15440-00000-030-00
403 N. PLUM	LOT L-1 IN NE 1/4 SW 1/4 MISC	15880-09251-183-19
407 N. PLUM	S 2' OF 5 & ALL OF 6 BLK 1 LARSONS	15380-00100-060-00
19 N. HARVARD	LOT 7 & S 1/2 OF LOT 8 BLK 62 BIGELOW'S ADDN	15050-06200-080-00
23 N. HARVARD	W 71' OF N 1/2 OF LOT 8 & W 71' OF LOT 9 BLK 62 BIGELOW'S ADDN	15050-06200-090-00
210 E. MAIN	LOT 5 BLK 61 BIGELOW'S ADDN	15050-06100-050-00
17 N. DAKOTA	W 107' OF LOT 8 & W 107' OF S 10' OF LOT 9 BLK 61 BIGELOW'S ADDN	15050-06100-090-03
222 N. YALE	LOTS 8 & 9 BLK 68 BIGELOW'S	15050-06800-090-00

110 N. YALE	LOT 12 BLK 65 BIGELOW'S ADDN	15050-06500-120-00
105 N. YALE	LOTS 1 & 2 BLK 64 BIGELOW'S	15050-06400-020-00
124 N. UNIVERSITY	E 120' OF LOTS 8 & 9 BLK 64 BIGELOW'S	15050-06400-090-00
114 N. UNIVERSITY	LOTS 10,11& N 1/2 OF 12 BLK 64 BIGELOW'S	15050-06400-120-00
26 N. UNIVERSITY	E 165' OF 11 & E 165' OF N 37' OF LOT 12 BLK 63 BIGELOW'S	15050-06300-120-03
18 N. UNIVERSITY	E 165' OF S 10' OF 12 & E 170' OF LOT 13 BLK 63 BIGELOW'S	15050-06300-130-03
424 E. MAIN	LOT 1 & E 10' OF 2 BLK 63 BIGELOW'S ADDN	15050-06300-020-00
408 E. MAIN	LOT 5 & E 1/2 OF LOT 6 & W 1/2 VAC ALLEY BLK 63 BIGELOW'S ADDN	15050-06300-060-00
21 N. YALE	LOT 8 & S 12' OF LOT 9 & W 1/2 VAC ALLEY BLK 63 BIGELOW'S ADDN	15050-06300-090-00
204 N. UNIVERSITY	E 125' OF LOTS 13 & 14 BLK 69 BIGELOW'S	15050-06900-140-06
411 E. CLARK	LOT A REPLAT OF 6 & 7 BLK 69 BIGELOW'S	15050-06900-070-00
219 N. YALE	N 1/2 OF 4 & ALL OF 5 BLK 69 BIGELOW'S	15050-06900-050-00
209 N. YALE	LOT 3 & S 1/2 OF LOT 4 BLK 69 BIGELOW'S	15050-06900-040-00
201 N. YALE	W 100' OF 1 & 2 BLK 69 BIGELOW'S	15050-06900-020-00
412 E. CEDAR	W 50' OF LOTS 13 & 14 BLK 69 BIGELOW'S	15050-06900-140-00
520 E. MAIN	E 104' OF S 126' OF 1 BLK 1 BIGELOW'S UNIVERSITY AUD TRACT C OF LOT 2 SW 1/4 18-92-51 AUD TRACT BIGELOW'S UNIVERSITY	15060-00100-010-03
5 N. UNIVERSITY		15070-09251-180-03
100 WILLOW	S 10' OF 6 & ALL OF 7 BLK 6 BIGELOW'S UNIVERSITY	15060-00600-070-00
110 WILLOW	S 1/2 OF 5 & N 34' OF 6 BLK 6 BIGELOW'S UNIVERSITY	15060-00600-060-00
124 WILLOW	LOTS 1 & 2 BLK 6 BIGELOW'S UNIVERSITY ADDN	15060-00600-020-00
206 WILLOW	LOT 6 BLK 7 BIGELOW'S UNIVERSITY	15060-00700-060-00
210 WILLOW	LOTS 4 & 5 BLK 7 BIGELOW'S UNIVERSITY	15060-00700-050-00
225 N. UNIVERSITY	W 86' OF LOTS 13 & 14 BLK 7 BIGELOW'S UNIVERSITY	15060-00700-140-00
217 N. UNIVERSITY	LOTS 11 & 12 BLK 7 BIGELOW'S UNIVERSITY	15060-00700-120-00
208 N. PINE	LOT 5 & N 1/2 OF 6 BLK 8 BIGELOW'S UNIVERSITY	15060-00800-060-00
222 N. PINE	LOTS 1, 2 & N 1/2 OF 3 BLK 8 BIGELOW'S UNIVERSITY	15060-00800-030-00
216 N. PINE	S 1/2 OF 3 & ALL OF LOT 4 BLK 8 BIGELOW'S UNIVERSITY	15060-00800-040-00
708 E. MAIN	LOT 7 & E 25' OF LOT 8 BLK 3 BIGELOW'S UNIVERSITY	15060-00300-080-00
20 N. PLUM	S 34' OF E 103' OF LOT 2 & ALL OF LOT 3 BLK 3 BIGELOW'S UNIVERSITY	15060-00300-030-00
102 N. PLUM	LOTS 6 & 7 BLK 4 BIGELOW'S UNIVERSITY	15060-00400-070-00
118 N. PLUM	LOTS 1, 2 & 3 BLK 4 BIGELOW'S UNIVERSITY	15060-00400-030-00
1317 MADISON	LOT 9A BLK 2 DAKOTA ADDN	15206-00200-090-00
1309 MADISON	LOT 8A BLK 2 DAKOTA ADDN	15206-00200-080-00
1301 MADISON	LOT 7A BLK 2 DAKOTA ADDN	15206-00200-070-00
1326 MADISON	LOT 13A BLK 1 DAKOTA ADDN	15206-00100-130-00
1321 ROOSEVELT	LOT 15 BLK 1 DAKOTA ADDN	15206-00100-150-00
1305 LINCOLN	LOT B BLK 2 OUELLETES ADDN	15540-00200-130-00
1115 LINCOLN	LOTS 12 THRU 19 BLK 2 OUELLETES	15540-00200-130-17
507 JEFFERSON	S 275' OF LOT 2-S NE 1/4 SW 1/4 18-92-51 MISC	15880-09251-183-29
1320 LINCOLN	LOT 15 BLK 1 OUELLETES	15540-00100-150-00
1326 LINCOLN	LOT 16 BLK 1 OUELLETES	15540-00100-160-00
612 N. NORBECK	S 90' OF E 173.2' OF LOT 17 BLK 1 OUELLETES	15540-00100-170-03
1325 E. CHERRY	E 173.2' OF LOT 17 BLK 1 EXC S 90' & EXC LOT H1 OUELLETES	15540-00100-170-02
1407 E. CHERRY	LOT 12 BLK 1 MEISENHOLDER EAST	15450-00100-120-00
427 PRENTIS	LOT 2 BLK 1 REPLAT OF BLESSING	15080-00100-020-00
503 PRENTIS	LOT 1 BLK 1 REPLAT OF SAMMELSONS 2ND	15690-00100-010-00
515 PRENTIS	LOT 3 BLK 1 REPLAT OF SAMMELSONS 2ND	15690-00100-030-00
1011 LINCOLN	LOT 3-S EXC S 144' NE 1/4 SW 1/4 18-92-51 MISC	15880-09251-183-35
506 JEFFERSON	S 144' OF LOT 3-S NE 1/4 SW 1/4 18-92-51 MISC	15880-09251-183-38

432 JEFFERSON	N 66.26' OF LOT 10 BLK 1 BRECHTELS	15100-00100-100-00
426 JEFFERSON	N 47' OF LOT 9 & S 19' OF LOT 10 BLK 1 BRECHTELS	15100-00100-100-02
420 JEFFERSON	N 33' OF LOT 8 & S 33' OF LOT 9 BLK 1 BRECHTELS	15100-00100-090-00
314 JEFFERSON	S 78' OF LOT 3 BLK 1 BRECHTELS	15100-00100-030-00
139 PRENTIS	LOT 2 BLK 1 SAMMELSONS	15680-00100-020-00
11 PRENTIS	S 1/2 OF LOT 4 & LOT 5 BLK 2 SAMMELSONS	15680-00200-050-00
954 E. MAIN	E 102' OF W 198' OF LOT HD-1 IN SE 1/4 SW 1/4 18-92-51 MISC	15880-09251-183-72
105 ANDERSON	LOT 4 BLK 2 POTTERS	15580-00200-040-00
1120 E. MAIN	LOT 1A BLK 1 POTTERS ADDN	15580-00100-010-00
1209 MADISON	LOT 6 BLK 2 DAKOTA ADDN	15206-00200-060-00
1117 MADISON	LOT 5 BLK 2 DAKOTA ADDN	15206-00200-050-00
333 JEFFERSON	LOT 4 BLK 2 DAKOTA ADDN	15206-00200-040-00
1106 E. CLARK	LOT 1 BLK 5 POTTERS	15580-00500-010-00
1116 E. CLARK	LOT 2 BLK 5 POTTERS	15580-00500-020-00
1202 E. CLARK	LOTS 3 & 4 BLK 5 POTTERS	15580-00500-030-00
1214 E. CLARK	LOT 5 BLK 5 POTTERS	15580-00500-050-00
1220 E. CLARK	LOT 6 BLK 5 POTTERS	15580-00500-060-00
1322 E. CLARK	LOT 1 BLK 2 MEHLHAF ADDN	15435-00200-010-00
928 E. CHERRY	E 20' OF LOT A & W 75' OF LOT B OF GOVT LOT 1 NW 1/4 18-92-51 MISC	15880-09251-182-20
713 N. PLUM	URUP TRACT A OF LOT 2 GOV'T LOT 1 SE 1/4 NW 1/4 18-92-51 MISC	15880-09251-182-01
1110 E. CHERRY	LOT 2A FIRST DAKOTA ADDN	15291-00000-020-00
1122 E. CHERRY	W 150' OF LOT 1 W 1/2 SW 1/4 NE 1/4 18-92-51 MISC	15880-09251-181-11
720 N. UNIVERSITY	BLK 1 URUPS UNIVERSITY ADDN	15790-00100-000-00
440 E. CHERRY	E 81.3' OF S 213' OF SE 1/4 NE 1/4 13-92-52 MISC	15880-09252-131-26
320 E. CHERRY	LOTS T-1, W-1, W-2 & W-3 IN NE 1/4 EXC LOT H1 13-92-52 MISC	15880-09252-131-08
202 E. CHERRY	LOT 13 EXC LOT H1 & H2 MCKELLARS	15430-00000-130-00
833 E. DUKE	URUP TRACT C OF LOT 2 OF GOV'T LOT 1 SE 1/4 NW 1/4 18-92-51 MISC	15880-09251-182-05
833 E. DUKE	URUP TRACT C OF LOT 2 OF GOV'T LOT 1 SE 1/4 NW 1/4 18-92-51 MISC	15880-09251-182-05
911 E. DUKE	LOT 2 BLK 1 EXC N 56' OF E 95.5 OF LOT 2 & EXC W 8' OF S 99.7' OF LOT 2 SUMMERSET	15750-00100-020-00
911 E. DUKE	LOT 2 BLK 1 EXC N 56' OF E 95.5 OF LOT 2 & EXC W 8' OF S 99.7' OF LOT 2 SUMMERSET	15750-00100-020-00
816 JEFFERSON	N 56' OF E 95.5 OF LOT 2 BLK 1 SUMMERSET	15750-00100-020-05
816 E. CLARK	LOTS SL-1 & SL-2 SW 1/4 18-92-51 MISC	15880-09251-183-20

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 19<sup>th</sup> day of October, 2015 was approved and that the Engineer shall proceed with the work in the manner provided by law.

BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be under contract by the 30<sup>th</sup> day of June 2016 for completion by December 31, 2016.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of November, 2015.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, 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. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

7. Old Business

A. Second reading of Ordinance 1333 amending Chapter 90, Trees, Plants, and Shrubs, Section 90.75 and adding Section 90.86.

Jim Goblirsch, Parks and Recreation Director, reported that in May 2014 the Tree Board recommended several changes to the tree ordinance section that were adopted by the City Council. Jim noted that it became apparent that the changes adopted in the ordinance prevented plantings from taking place in the public right-of-way in the downtown area which was not the intent of the revised ordinance. Jim stated that the suggestion was to revise Section 90.75 - Distance from Curb and Sidewalk and add section 90.86 to allow the City Tree specialist to interpret and, if in the best interest of the community, make exceptions based on certain circumstances if the distance from the sidewalk to the curb is less than seven feet. Jim noted that at first reading he had reported the width should be reduced to five feet from curb to sidewalk but after review request maintaining the seven foot curb to sidewalk width. Jim stated that section 90.75 has had new language inserted to clarify right-of-way. Jim noted that section 90.86 permits the Tree Specialist to reduce or extend the minimum width if circumstances warrant, based on policies identified in the tree manual. Jim noted that this ordinance will allow flexibility to look at some special circumstances, while at the same time outlining a solid policy of tree planting, care and maintenance. Jim recommended approval of second reading of the ordinance. Discussion followed noting that the ordinance provided an appeal process.

345-15

Second reading of title to Ordinance No. 1333 entitled An Ordinance Amending Chapter 90, Trees, Plants and Shrubs, Section 90.75 and adding Section 90.86 interpretations and exemptions 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. 1333 entitled An Ordinance Amending Chapter 90, Trees, Plants and Shrubs, Section 90.75 and adding Section 90.86 interpretations and exemptions 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 2<sup>nd</sup> day of November, 2015 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16<sup>th</sup> day of November, 2015 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 1333

AN ORDINANCE AMENDING TITLE IX GENERAL REGULATIONS CHAPTER 90 TREES, PLANTS AND SHRUBS SECTION 90.75, DISTANCE FROM CURB AND SIDEWALK, AND ADDING SECTION 90.86, INTERPRETATION, EXCEPTIONS, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Title IX, Chapter 90 be amended as follows:

§ 90.75 DISTANCE FROM CURB AND SIDEWALK.  
In general, no tree shall be planted in a right-of-way where the distance between the curb and sidewalk is less than seven (7) feet.

§ 90.86 INTERPRETATION; EXCEPTIONS.  
The City Tree Specialist of designated official may interpret and if necessary make exception to these regulations if in the interest of the public.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of November, 2015.

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 Erickson. 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.

## 8. New Business

### A. Business Improvement District #1 reappointments

Mayor Powell reported that the City Council on September 16, 2013 adopted a resolution establishing the Board of Directors for Business Improvement District #1 that would be comprised of five people. Mayor Powell noted that the terms of office are for three years. The initial appointment of a Board in 2013 was two members appointed to a one-year term expiring in 2014, two members appointed to a two-year term expiring in 2015, and one member to be appointed to a three-year term expiring in 2016. Mayor Powell stated that the current members of the BID Board and term expiration year are: Dan Kenton (2017), Jim Peterson (2017), Amy Christensen (2015), David Herbster (2015), and Joe Eckert (2016). Mayor Powell reported that Amy Christensen and David Herbster have agreed to serve a three year term and recommended their reappointment.

346-15

Alderman Willson moved approval of the reappointment of Amy Christensen and David Herbster to three year terms on the Business Improvement District #1 Board expiring in 2018. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

### B. Resolution relating to the issuance of refunding certificates of participation - City Hall certificates of participation

Mike Carlson, Finance Officer, reported that Tom Grimmond with Dougherty & Company, LLC presented information at the November 2<sup>nd</sup> noon meeting on projected savings by advance refunding of the 2007 Certificates used to finance the City Hall project. Mike stated that the advance refunding projections would issue \$2,700,000 of new certificates that will be held in escrow to pay the outstanding principal on the original certificates at the call date of December 15, 2017 of \$2,565,000, the interest on the refunding certificates until the call date net of interest earned and costs if issuance for new certificates. Mike reported that Tom projected the new certificates are estimated to have an interest rate of 1.25% to 2.65% and would mature

on December 2026 like the original issue. Mike stated that the lower interest rate is projected to save \$137,550 over the remaining nine years of the issue life or just over \$15,000 per year. Mike reported at the November 2<sup>nd</sup> evening meeting that the information was reviewed by the City Council at which time staff was authorized to work with bond counsel to develop a resolution to authorize the advance refunding of the City hall certificates. Mike stated that the resolution included in the packet was prepared by Dorsey & Whitney, LLC bond counsel. Discussion followed.

347-15

After reading the same once, Alderman Collier-Wise moved adoption of the following:

RESOLUTION RELATING TO THE ISSUANCE OF REFUNDING CERTIFICATES OF PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LEASE-PURCHASE AGREEMENT AND FIRST SUPPLEMENTAL DECLARATION OF TRUST AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

BE IT RESOLVED by the City Council of the City of Vermillion, South Dakota (the City), as follows:

Section 1. Recitals and Authorization.

1.01. The City is a political subdivision of the State of South Dakota and a body corporate and politic. Under the laws of the State of South Dakota, the City is possessed of all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all rights and powers that now or hereafter may be granted to municipalities by the laws of the State of South Dakota.

1.02. The City is authorized by Chapter 10-52, South Dakota Codified Laws (the Act) to levy a "non-ad valorem tax" (as defined by the Act) on the sale, use, storage and consumption of items taxed under Sections 10-45 and 10-46, South Dakota Codified Laws, subject to certain exceptions; and the City has adopted and enacted Chapter 34 , Title III, Vermillion Code of Ordinances (the Ordinance) pursuant to the Act imposing the sales taxes authorized by the Act within the City (the Sales Tax).

1.03. The City is authorized by South Dakota Codified Laws, Chapters 9-12, 9-38 and 9-40, as amended, to acquire real and personal property by lease or purchase that the governing body finds it is necessary and appropriate to carry out its governmental and proprietary functions.

1.04. The City has previously entered into a Ground Lease and Easement Agreement with The First National Bank of Sioux Falls, South Dakota (the Trustee), dated as of September 15, 2007 (the Ground Lease),

whereby the Trustee acquired certain interests in real property (the Land) from the City and the Trustee has leased its interest in the Land and has leased and agreed to sell the Facilities (as hereafter defined) acquired, renovated, constructed and equipped thereon to the City pursuant to a Lease-Purchase Agreement, dated as of September 15, 2007 (the Original Lease).

1.05. The Trustee has executed and delivered a Declaration of Trust, dated as of September 15, 2007 (the Original Trust Agreement), joined in by the City, pursuant to which the Trustee has (i) issued Certificates of Participation in the lease payments to be made by the City under the Original Lease (the Series 2007 Certificates) for the purpose of financing the construction and equipping of improvements on the Land, consisting of a new city hall (the Facilities) described in the Lease (as hereinafter defined).

1.06. The City has determined it to be advantageous to refinance the lease payments payable under the Original Lease by refunding in advance of maturity the Series 2007 Certificates maturing in years 2021 and later (the Refunded Certificates), currently outstanding in the aggregate principal amount of \$2,565,000, in an advance crossover refunding (the Refunding).

1.07. The City and the Trustee, acting in the capacity of escrow agent (the Escrow Agent), will execute and deliver an escrow agreement, to be dated as of the date of closing (the Escrow Agreement), under which the Escrow Agent will receive, hold and disburse that portion of the proceeds of the Series 2015 Certificates, as hereinafter defined, to be used for payment of the interest on the Series 2015 Certificates through and including December 15, 2017 (the Crossover Date) and principal of the Refunded Certificates on the Crossover Date.

1.08. The City will accomplish the Refunding by entering into a First Amendment to Lease-Purchase Agreement (the First Amendment to Lease, together with the Original Lease, the Lease) and a First Supplemental Declaration of Trust (the First Supplemental Trust Agreement, together with the Original Trust Agreement, the Trust Agreement) with the Trustee, pursuant to which the Trustee will issue Certificates of Participation, Series 2015 (the Series 2015 Certificates) in the Lease and the payments to be made by the City thereunder. The Series 2015 Certificates shall be issued in the principal amount not to exceed the sum of (i) the amount necessary to refund the Series 2007 Certificates, (ii) an amount necessary to pay the costs of issuance of the Series 2015 Certificates, including underwriter's discount and (iii) original issue discount (not to exceed 2% of the principal amount of the Series 2015 Certificates) on the Series 2015 Certificates.

1.09. The City has determined that the issuance of Series 2015 Certificates complies with the terms and conditions for the issuance of refunding Obligations set forth in Section 11.2 of the Original Lease.

## Section 2. Approvals.

2.01. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The Mayor and Finance Officer are authorized to approve the execution and delivery of the First Amendment to Lease and the Series 2015 Certificates, in a principal amount not to exceed the amount determined in Section 1.08, the Series 2015 Certificates to be dated as of the date of delivery, to bear interest at an average yield not to exceed 2.72% and to mature no later than December 15, 2026. The Mayor and Finance Officer are directed to enter into a purchase agreement (the Certificate Purchase Agreement) with Dougherty & Company LLC (the Underwriter) whereby the Underwriter will agree to purchase the Series 2015 Certificates; the execution of the Certificate Purchase Agreement by the Mayor and Finance Officer shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The Mayor, Finance Officer and City Attorney are authorized to approve the final forms of the First Amendment to Lease, the First Supplemental Trust Agreement, the Certificate Purchase Agreement, the Escrow Agreement and the Official Statement by which the Underwriter will offer the Series 2015 Certificates for sale to the public (collectively, the Documents) and the Mayor and Finance Officer are directed to execute the Documents. Copies of all Documents shall be delivered, filed and recorded as provided therein. The Mayor, Finance Officer and City Attorney are also authorized and directed to execute such other instruments as may be required to give effect to the transactions herein contemplated. The City will cooperate in the issuance of the Series 2015 Certificates and the Mayor, Finance Officer and the City Attorney shall execute such other instruments as are necessary to the issuance of the Series 2015 Certificates.

2.02. Appointment of Bond Counsel. The law firm of Dorsey & Whitney LLP, Minneapolis, Minnesota, is hereby appointed as bond counsel and disclosure counsel with respect to the issuance of the Series 2015 Certificates.

2.03. Additional Obligations. The City acknowledges that the Lease will contain provisions limiting the City's ability to issue or incur Additional Obligations (as defined in the Lease) while the Lease is in force and the Series 2007 Certificates, the Series 2015 Certificates and any additional certificates prepared and delivered by the Trustee pursuant to the Trust Agreement (the Certificates) are Outstanding. The City will not approve or participate in the issuance of any Additional Obligations unless the conditions set forth in the Lease for issuance of Additional Obligations have been satisfied.

2.04. Reserve Account. The Reserve Account has previously been established as a separate account within the Trust Fund (as defined in the Trust Agreement). If the balance on hand in the Lease Payment Account (as defined in the Trust Agreement) is not sufficient to pay principal and interest on the Series 2007 Certificates, Series 2015

Certificates and any additional parity certificates payable therefrom, the Trustee shall transfer from the Reserve Account to the Lease Payment Account an amount equal to such deficiency. Moneys credited to the Reserve Account may be used only for the payment of principal of and interest on the outstanding Certificates and shall be used only in the event that there are insufficient moneys on hand to meet such principal and interest payments promptly when due. The interest from any investment of the Reserve Account shall be transferred from time to time to the Lease Payment Account, provided that no transfer of investment income shall be made from the Reserve Account at any time when the balance therein is less than the Reserve Requirement. Such investments shall be subject to the limitations of South Dakota law.

2.05. Pledged Revenues. So long as the Lease is in effect, the amount of Sales Tax received in excess of the first 1% (the Pledged Revenues) are (subject to any subsequent pledge to Additional Obligations) expected to be applied to Lease Payments.

Section 3. Modifications, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City Attorney prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Mayor or the Finance Officer, any of the Documents authorized by this resolution to be executed may be executed by such officers as, in the opinion of the City Attorney, may execute documents in their stead, including the acting Mayor, City Manager or acting Finance Officer.

Section 4. Payment of Lease Payments. The City will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the City will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the City under the Lease from sources of the City lawfully available for this purpose. The agreements of the City in this section are subject to the provisions for termination set forth in the Lease, which shall provide that the Lease will be subject to termination by the City, without penalty, at the end of any fiscal year of the City, if the City Council notifies the Trustee, not later than July 1 of that fiscal year that it will not budget or appropriate money for the payment of the City's obligations under the Lease for the succeeding fiscal year.

Section 5. Tax and Arbitrage Matters.

5.01. Covenant. The City covenants and agrees with the owners from time to time of the Series 2015 Certificates, that it will not take, or permit to be taken by any of its officers, employees or agents, any action which would cause the interest component of the Lease Payment to become subject to taxation under the Internal Revenue Code of 1986, as amended (the Code) and any regulations issued thereunder (the Treasury Regulations), in effect at the time of such action, and that it will take, or it will cause its officers, employees or agents to take, all affirmative actions within its powers which may be necessary to insure that the interest component of the Lease Payment will not become subject to taxation under the Code and the Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Series 2015 Certificates. The City represents and covenants that the City is or will be the owner of the Facilities and uses them for its municipal functions. So long as the Series 2015 Certificates are outstanding, the City will not enter into any lease, use agreement or other contract or agreement respecting the Facilities which would cause the Lease or the Series 2015 Certificates to be considered "private activity bonds" or "private loan bonds" pursuant to the provisions of Section 141 of the Code.

5.02. Arbitrage Certification. The Mayor and Finance Officer being the officers of the City charged with the responsibility for issuing the Series 2015 Certificates pursuant to this resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Treasury Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2015 Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Lease and the Series 2015 Certificates to be arbitrage bonds within the meaning of the Code and Treasury Regulations.

5.03. Arbitrage Rebate Exemption. (a) It is hereby found that the City has general taxing powers, that no Certificate is a "private activity bond" within the meaning of Section 141 of the Code, that 95% or more of the net proceeds of the Series 2015 Certificates are to be used for local governmental activities of the City, and that the aggregate face amount of all tax-exempt obligations (other than private activity bonds) issued by the City and all subordinate entities thereof during the year 2015 is not reasonably expected to exceed \$5,000,000. Therefore, pursuant to Section 148(f)(4)(D) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

(b) Notwithstanding the provisions of paragraph (a) of this Section 5.03, if the arbitrage rebate provisions of Section 148(f) of the Code apply to the Series 2015 Certificates, the City hereby covenants and

agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f) and applicable Regulations.

Section 6. Continuing Disclosure. The City acknowledges that the Series 2015 Certificates are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (as in effect and interpreted from time to time, the "Rule"). The Rule governs the obligations of certain underwriters to require that issuers of municipal obligations enter into agreements for the benefit of the holders of the obligations to provide continuing disclosure with respect to the obligations. To provide for the public availability of certain information relating to the Series 2015 Certificates and the security therefore and to permit participating underwriters in the primary offering of the Series 2015 Certificates to comply with the Rule, which will enhance the marketability of the Series 2015 Certificates, the Mayor and the Finance Officer are hereby authorized and directed to execute a Continuing Disclosure Undertaking, by which the City agrees to provide such information, either directly or through a disclosure agent, and the City hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof, for the benefit of the registered owners or beneficial owners from time to time of the Outstanding Certificates as therein provided.

Section 7. Qualified Tax-Exempt Obligations. The City hereby designates the Series 2015 Certificates as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of qualified tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the City and all subordinate entities during calendar year 2015 does not exceed \$10,000,000.

Section 8. Redemption of Series 2007 Certificates. The Finance Officer is hereby authorized and directed forthwith to call, or to cause the Escrow Agent to call, for redemption on the Crossover Date all Refunded Certificates. Notice of redemption of the Refunded Certificates shall be given in accordance with the terms of the Trust Agreement.

Section 9. Amendment. This resolution may be amended from time to time, prior to the issuance of the Series 2015 Certificates, by an administrative resolution adopted by this Council.

Adopted this 16<sup>th</sup> day of November, 2015.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

The motion was seconded by Alderman Erickson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that City offices will be closed on Thursday, November 26th for Thanksgiving Day. John noted that the curbside recycling pickup scheduled for Thursday, November 26th will be on Monday, November 30th.

B. John reminded citizens that Main Street will be closed on Friday, December 4th from 6:15 p.m. to 7:00 p.m. for the Parade of Lights.

C. John reported that the final pool plans and the City fee schedule will be part of the December 7th agenda.

PAYROLL ADDITIONS AND CHANGES

Engineering: Shane Griese \$22.27/hr; Police: Isaac Voss \$22.68/hr;  
Code: Jim Balleweg \$20.01/hr

11. Invoices Payable

348-15

Alderman Willson moved approval of the following invoices:

Broadcaster Press	advertising	391.50
Bureau Of Administration	long distance	251.00
Centurylink	telephone	1,494.51
City Of Vermillion	landfill vouchers	300.00
Clay Rural Water System	water usage	58.50
Clay-Union Electric Corp	electricity	1,572.12
Clerk Of Courts	refund parking ticket	45.00

Dakota Rock Farms	wastewater sludge hauling	14,546.86
Dept Of Environment & Natural Res	loan payments	66,031.47
Dept. Environment Natl Res	landfill operations fee	3,248.49
Graham Tire Co.	tires	518.76
Gregg Peters	managers fee	6,000.00
Independence Waste	waste hauling-extra pickups	31.50
John C. Prescott	travel reimbursements	144.00
Loren Fischer Disposal	haul cardboard	210.00
MidAmerican	gas usage	915.18
Midcontinent Communication	internet/cable service	118.68
Noridian	ambulance refund	100.00
Republic National Distributing	merchandise	26,020.52
Reserve Account	postage for meter	950.00
SD Dept Of Revenue	transporter license	25.00
Stern Oil Co.	fuel	13,174.27
The Equalizer	advertising	1,598.31
United Parcel Service	shipping	45.91
Us Postmaster	postage for utility bills	1,100.00
Vermillion Taekwondo	online registration	160.61
Kalins Indoor Comfort	Bright Energy Rebate	500.00
Troy Gregoire	Bright Energy Rebate	3,570.00
Masaba	Bright Energy Rebate	683.59

Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 12. Consensus Agenda

A. Set a public hearing date of December 7, 2015 for annual liquor and wine license renewals

349-15

Alderman Collier-Wise moved approval of the consensus agenda. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 13. Adjourn

350-15

Alderman Ward moved to adjourn the Council Meeting at 7:19 p.m. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of November, 2015.

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 \_\_\_\_\_.