

Unapproved Minutes
Council Special Session
August 19, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 19, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Zimmerman, Mayor Powell

Absent: Willson

2. Informational Session - Prentis Park Swimming Pool Discussion Follow-Up - Jim Goblirsch

John Prescott, City Manager, stated that during the budget process there was some discussion on the pool project which was continued until this noon meeting. John noted that to issue a General Obligation Bond will require an election. To be included on the June Primary election ballot would require adoption of a bond resolution by the end of March so the ballot language can be delivered to the County Auditor for ballot printing. Another option would be to schedule the vote for the November General election. John noted that a General Obligation bond requires 60% voter approval. He stated that if a General Obligation bond for a pool is placed before the voters a public education campaign should be in place prior to adoption of the bond resolution. John stated that it had been previously reported that a combination of general fund reserves, second penny sales tax and private contributions would be used to reduce the amount of the bond issue. He stated that a mix of second penny sales tax, BBB and general funds are being considered to help make the annual bond payments. John stated that another idea of a revenue source may be the implementation of the malt beverage mark up. He noted that it was estimated that this fee would generate \$116,000 in 2007. If this funding source was to be used for the swimming pool, citizen education would be needed. John stated that the pool project has been discussed with Jim Goblirsch, Director of Parks and Recreation, who noted that there is no master plan for Prentis Park and a new pool will have a major impact on the park. John noted that the Swimming Pool Committee did a great job in soliciting community feedback in developing their plan, but will this pool meet the financial resources of the City. John also noted that for other projects the City has built up funding to reduce or

eliminate the need for a bond such as City Hall and the Library. John asked Jim Goblirsch, Director of Parks and Recreation, for his input.

Jim Goblirsch stated that a new pool with an estimated life of 50 years will be a big change to Prentis Park. Jim noted that with a new pool there should also be the consideration of off street parking for safety of those using the pool facilities. He stated that in planning for the future of Prentis Park a master plan should be developed to maximize the use of the property. Jim stated that, in addition to the baseball field, band shell and water tower, there are horse shoe pits, 5 basketball courts, 3 disc golf courses in addition to the picnic shelters. Jim stated that he has talked to consultants that would be able to develop a master plan for the park. As to the pool plan, Jim stated that there could be changes to the plan to reduce the building costs as well as reducing the annual operating costs. Discussion followed on the project and the timing for an election and master planning for the park to better meet the needs of all users. The goal was to develop a time line to report to the City Council. Jim stated that he could report at the next meeting, being September 3rd, on the cost and time involved for master planning.

3. Wrap-up items related to 2014 proposed budget - John Prescott

John Prescott, City Manager, handed out information on the 211 Help Line that was presented jointly to the City and County. John reported that the 211 Help Line program is currently in use in the counties surrounding Sioux Falls and Rapid City, but they are looking to expand the coverage. John stated that the cost for Clay County was \$8,430, noting that this included the City of Vermillion. John reported that in contacting the County they did not include any funding for this program in their budget. Alderman Collier-Wise stated that the Sioux Empire United Way funds a portion of the program costs for the Sioux Falls area, while the local organization included limited funding for the program in their budget as the program is not in existence. Discussion followed with no action.

4. Briefing on the August 19, 2013 City Council Regular Meeting

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

5. Adjourn

257-13

Alderman Ward moved to adjourn the Council special session at 12:49 p.m. Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of August, 2013.

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
August 19, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, August 19, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Zimmerman, Mayor Powell, Student Representative Muckey

Absent: Willson

2. Pledge of Allegiance

3. Minutes

A. Minutes of August 5, 2013, Special Session, August 5, 2013, Regular Session, August 13, 2013, Special Budget Session and August 14, 2013, Special Budget Session

258-13

Alderman Osborne moved approval of the August 5, 2013 special session, August 5, 2013 regular session, August 13, 2013 special

budget session and August 14, 2013 special budget session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

259-13

Alderman Zimmerman moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Jim Goblirsch, Director of Parks and Recreation, wanted to publicly thank the USD Community Advisors for their assistance with the cleanup of the vegetation around the Prentis Park baseball field. Jim stated that there were about 60 USD Community Advisors that volunteered to assist the City with this community project. A representative of the USD Community Advisors stated that they wanted to do a project for the community and had a lot of fun doing it.

6. Public Hearings

A. Addition of South Dakota Farm Wine to the retail on-off sale malt beverage license for the Varsity Pub, LLC for the Varsity Pub at 113 E Main Street

Mike Carlson, Finance Officer, stated that an application was received to add South Dakota Farm Wine to the retail on-off sale malt beverage license for the Varsity Pub, LLC for the Varsity Pub at 113 E Main Street. The notice of hearing and the Police Chief's report are included in the packet. The Varsity Pub, LLC currently has a retail on-off sale malt beverage license and the request is to add South Dakota Farm Wine for the period ending June 30, 2014. The license fee for the South Dakota Farm wine is \$25 of which half is retained by the City.

260-13

Alderman Zimmerman moved approval of the addition of South Dakota Farm Wine to the retail on-off sale malt beverage license for the Varsity Pub, LLC for the Varsity at 113 E. Main Street. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Special permit to exceed permissible sound levels by no more than 50% for Pi Kappa Alpha on August 24, 2013 in the open lot in the southwest corner of Cherry and Pine Street from 9:00 p.m. to

midnight for a student welcoming concert. (Note change in location to East of Dakota Dome)

Mike Carlson, Finance Officer, reported that an application was received from Pi Kappa Alpha for a special permit to exceed permissible sound levels by no more than 50% for a student welcoming concert on Saturday, August 24, 2013 from 9:00 p.m. to midnight in the vacant lot in the southwest corner of Cherry and Pine Streets. After receipt of the original application, the location was changed last week to the parking lot east of the Dakota Dome and this morning the location was changed back to the corner of Pine and Cherry Streets. The application was included in the packet and a diagram for the Pine and Cherry Streets location was handed out. Mike noted that a representative of USD has stated that they have approved the concert.

Brent Olinger, representing Pi Kappa Alpha, stated that the location changes were at the request of the University and requested approval of the permit. Discussion followed asking if the adjoining neighbors had been notified of the event.

261-13

Alderman Ward moved approval of the special permit to exceed permissible sound levels by no more than 50% for Pi Kappa Alpha on August 24, 2013 in the open lot in the southwest corner of Cherry and Pine Street from 9:00 p.m. to midnight for a student welcoming concert. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Special permit to exceed permissible sound levels by no more than 50% for St. Agnes Catholic Church and School on September 11, 2013 in the parking lot east of the school building from 6:00 p.m. to 8:30 p.m. for a celebration of the St. Agnes campaign

Mike Carlson, Finance Officer, reported that an application was received from St. Agnes Catholic Church and School for a special permit to exceed permissible sound levels by no more than 50% for celebration of the St. Agnes campaign on Wednesday, September 11, 2013 in the parking lot east of the school building from 6:00 p.m. to 8:30 p.m. The application and diagram for the event were included in the packet. Ray Hofman, representing St. Agnes Campaign, explained the event and invited the Council.

262-13

Alderman Grayson moved approval of the special permit to exceed permissible sound levels by no more than 50% for St. Agnes Catholic Church and School on September 11, 2013 in the parking lot east of

the school building from 6:00 p.m. to 8:30 p.m. for a celebration of the St. Agnes campaign. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Landfill Baler Building Bid Opening

Jose Dominguez, City Engineer, reported that the landfill baler building was destroyed by fire on October 22, 2012. Since then, the City has been working to replace the building. The insurance carrier valued the replacement cost of the building at \$663,788 for a new building of equal size. Plans and specifications were completed for a new building that was slightly larger with bids opened on August 1, 2013. Two bids were received with the low bid from Peska Construction in the amount of \$1,060,000. Jose noted that the engineer's estimate for the building was \$850,000. The City Council tabled action on the bid opening at the August 5th meeting until August 14th to allow time to negotiate a more acceptable contract with the low bidder. On August 14th, action was again tabled to allow time to negotiate. Jose reported that the low bidder would only be able to reduce the original bid by \$50,524 by eliminating four unit heaters, the insides of the annex building and reducing the fire alarm addressable points. However, all these items will need to be added at a later date and probably at a higher cost. Jose stated that the DENR had indicated that projects through the State have been running close to 20% over the engineer's estimates. Jose stated that he would recommend the rejection of the bids and rebid the project later this fall with a completion date in 2014. This will allow the bidders the option to start yet this year and work over the winter if they want or start next spring which might attract lower bids. Jose stated that there is also the possibility that the bids could come in higher. Jose noted that the City has applied to the DENR for a \$400,000 grant for the project that we will be notified about in late September. Discussion followed on the low bid and the project.

263-13

Alderman Zimmerman moved to reject the landfill baler building bids and authorize the project to be rebid with a completion date in 2014. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

8. New Business

A. Resolution to approve a Project Plan for TIF #6 (Infrastructure development in Bliss Pointe Addition)

John Prescott, City Manager, reported that the City Council approved the boundaries of Tax Incremental District Number 6 on July 15, 2013. The boundaries include Blocks 1-6 Bliss Pointe Addition located west of Stanford Street between W. Main Street and W. Cherry Street. John stated that the Vermillion Chamber of Commerce and Development Company is the owner of the property and plans to develop the property to market the lots for a variety of housing types and price points to meet the need for additional housing in Vermillion. John noted that in order for the area to develop for housing or any other use, infrastructure such as water, sanitary sewer, storm sewer, paving, street lights, natural gas and electrical need to be installed. The VCDC has limited funds to purchase the property and develop the land. The Bliss family contributed significantly in advancing the community by allowing the VCDC to purchase the land over time.

John stated that, while the City contributes to any development by paying for over sizing or items that benefit the entire community, the bulk of the infrastructure development costs are the responsibility of the developer. The Tax Incremental District was created to assist the VCDC with the infrastructure development. The City, by resolution, will issue a Private Placement Tax Increment Bond. The VCDC and City have been in discussion with several local entities which will be bond holders. The bonds will be issued by the City and the proceeds provided as grants to the VCDC to fund the improvements. Property taxes generated by the development within the TIF district will be collected by the County and transferred to the City who will make the payments to the bond holders.

John stated that the bond is a little different in comparison to some other City issued bonds as the TIF plan proposes that the City Council annually consider, during the budget process, making advances to the TIF fund for interest only payment to the bond holders until the TIF revenues are sufficient to make the payments. The City is not guaranteeing the bonds. John stated that, should the tax revenue not be generated or be insufficient to fully repay the bond holders, the City is not responsible for the difference.

John reported that State Statutes require a Project Plan be prepared for each TIF District. The attached plan provides information on the existing conditions of the TIF District and what is anticipated to be diverted from the City, County, School, and Water District in property taxes over the next 20 years. The Plan provides information on the overall project costs and uses of the TIF funds. The numbers are all estimates at this point as the project has not been placed

out for bid yet and the actual assessed value and corresponding tax rates are unknown.

John reported that the Project Plan has been reviewed by the Planning Commission with a recommendation for adoption. John stated the other taxing entities have been notified about the creation of the tax increment district.

Discussion followed on the tax incremental project plan.

264-13

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

RESOLUTION
ADOPTING PROJECT PLAN FOR TAX INCREMENTAL
DISTRICT NUMBER SIX
BLISS POINTE DEVELOPMENT PHASE 1

WHEREAS, the City Council and Planning Commission of the City of Vermillion, South Dakota (the "City") in pursuing housing development efforts has here to fore created Tax Incremental District Number Six; and

WHEREAS, this Tax Incremental District was created on July 15, 2013 to aid infrastructure funding for the Bliss Pointe Development Phase 1 in the City of Vermillion; and

WHEREAS, the City of Vermillion's Planning Commission has considered and approved the Project Plan for Tax Incremental District Number Six; and

WHEREAS, the Project Plan for Tax Incremental District Number Six is hereby found to be feasible and in conformity with the City's Master Plan.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Vermillion that the Project Plan for Tax Incremental District Number Six is hereby approved.

Dated at Vermillion, South Dakota this 19th day of August, 2013.

FOR 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 Zimmerman. 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 Powell declared that the Resolution was adopted.

B. Permit for consumption of alcohol in the meeting room at the Edith B. Siegrist Vermillion Public Library on August 28, 2013 for Osher Lifelong Learning Institute (OLLI) open house

Mike Carlson, Finance Officer, reported on receipt of a request from Osher Lifelong Learning Institute (OLLI) for a permit to consume alcoholic beverages on public property for a fall kickoff open house at the Edith B. Siegrist Vermillion Public Library community room on Wednesday, August 28, 2013 from 5:00 p.m. to 6:30 p.m. A copy of the request is included in the packet. Mike stated that SDCL 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. The Governing Body may attach conditions and shall state the hours that consumption will be allowed. In the past, some of the special conditions required by the City Council for other entities that have used City property for consumption of alcoholic beverages have been:

- Require a Release and Indemnification to hold the City harmless from claims.
- Certificate of insurance naming the City as an additional insured for the event. (Since the event will be held for such a limited amount of time and will be solely indoors, staff would recommend waving the insurance requirement. At the very least, the City Council may require OLLI to sign a waiver for the use of the room, similar to the use of the City Hall conference rooms.)
- The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees.

Mike stated that administration would recommend approval of the special permit to allow the consumption, but not sale, of alcoholic beverages in the Edith B. Siegrist Vermillion Public Library community meeting room from 5:00 p.m. to 6:30 p.m. on Wednesday, August 28, 2013, contingent upon Osher Lifelong Learning Institute complying with the conditions as stipulated by the City Council.

Discussion followed on if the organization would be able to provide a certificate of insurance.

265-13

Alderman Collier-Wise moved approval of the permit to allow the consumption, but not sale, of alcoholic beverages in the Edith B. Siegrist Vermillion Public Library community meeting room from 5:00 p.m. to 6:30 p.m. on Wednesday, August 28, 2013 for the Osher Lifelong Learning Institute contingent upon receipt of a release and indemnification to hold the City harmless for claims from the event and, if possible, a certificate of insurance naming the City as an additional insured for the event. Alderman Osborne seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. 2013 Sidewalk Assessment Project

Jose Dominguez, City Engineer, reported that last year the City inspected sidewalks in the quadrant north of Main Street and west of Dakota Street. Jose stated that, following inspection, property owners were notified of the sidewalk deficiencies along with the requirement to have the permit for repairs returned to the city by June 2013. Jose reported that approximately 50% of the property owners have chosen to complete the repairs themselves. For the remaining repairs, bid specifications were developed and sent to five potential bidders. Bids were opened on August 14, 2013 with only one bid received for \$184,222.40 from Walker Construction. Jose noted that the only bid exceeded the engineer's estimate of \$110,000. Jose stated that SDCL 5-18B-5 allows the City to negotiate with the low bidder if the bid exceeds the estimated cost of the project. Jose reported that through negotiations the contractor agreed to lower the bid to \$113,101.56 if the deadline for the project completion was extended to June 1, 2014. Jose stated that the new deadline requires the contractor to complete a portion of the project this year and the balance by June 1, 2014. Jose recommended approval of the sidewalk assessment contract for \$113,101.56 with Walker Construction. Discussion followed on the bids and timeline for work completion.

Bids: Walker Construction \$184,222.40

266-13

Alderman Grayson moved approval of the negotiated bid amount, as the original bid exceeded the engineer's estimate, for the sidewalk assessment contract with Walker Construction in the amount of

\$113,101.56 with the change in completion date to June 1, 2014. Alderman Davies seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that a Thursdays on the Platz event is scheduled for Thursday, August 22nd and, as such, Market Street will be closed from Main Street south one half block from 5:30 p.m. to 8:00 p.m. for the event.

B. John reported that Plum Street will be closed on Friday, August 23rd from Cherry Street to SD HWY 50 to assist with USD student move in.

C. John reported on the following raffle requests:

- United Way is selling tickets at \$5 each or 5 for \$20 from August 19 to October 4, 2013. Prizes are two season tickets to the 2013 USD Theatre season or a skybox for ten people with refreshments for the November 2nd USD football game. All proceeds to the United Way.
- Vermillion Girls High School Soccer is selling \$10 tickets from August 13 to October 3, 2013. A \$20 prize winner will be drawn at half-time of their August 24 and September 7, 19 and 24th home games. A \$100 prize winner will be drawn at half-time of the October 3rd game. Proceeds go to help with soccer team expenses.
- Vermillion Rotary is selling up to 100 books at \$25 per book. During the 18 weeks of Monday Night football, one person will win \$25 each week based on the score of the game. Proceeds go the Vermillion Rotary Club.
- St Agnes Knights of Columbus are selling up to 100 books at \$20 per book. During the 18 weeks of Monday Night football, one person will win \$50 each week based on the score of the game. Proceeds go to the Knights for their charitable purposes.

D. John reported that during the 2014 budget the Prentis Park swimming pool was reviewed. John noted that steps are being evaluated to develop a master plan for Prentis Park. This is to include a review of the conceptual pool plan to see if we can tweak the plan to lower the cost, but still meet the community needs. John noted that currently there is no funding allocated in the 2014 budget for the project, but the Council is discussing a resolution to allocate some funding for the project. John stated that an update on the project timeline will be made at the September 3rd Council meeting.

E. John reported that Vermillion was the fourth city in the State to adopt a texting while driving ban earlier this year. He noted that, at this point, a few warnings have been issued for violations of the ordinance. John reported that signs have started to be installed at community access points. John wanted to remind citizens that they can be ticketed for texting while driving.

PAYROLL ADDITIONS AND CHANGES

Police: Chet Moser \$18.08/hr, Ben Nelsen \$24.12/hr; Ambulance: Alex Sherlock \$35.00/1st-\$22.00/2nd; Library: Linda Calleja \$13.91/hr, Misi Kayl \$14.97/hr; Jane Larson \$29.07/hr, Joyce Moore \$17.83/hr; Golf Clubhouse: John Benson \$7.25/hr, Abby Leach \$7.25/hr, Paul Schwasinger \$7.25/hr; Volunteer Fire: Chris Puckett, Pham Minh

11. Invoices Payable

267-13

Alderman Davies moved approval of the following invoices:

BUREAU OF ADMINISTRATION	TELEPHONE	273.23
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,548.94
CITY OF VERMILLION	LANDFILL VOUCHERS	432.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	378.19
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,350.88
DIVISION OF MOTOR VEHICLE	TITLE/PLATES	13.00
GREGG PETERS	MANAGERS FEE	5,375.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MIDAMERICAN	GAS USAGE	949.31
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.55
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SDWWA	REGISTRATION	120.00
SPRINT	CELL PHONES	1,281.85
STERN OIL CO.	FUEL	34,667.31
THE EQUALIZER	ADVERTISING	379.95
TREASURER-STATE	UNCLAIMED PROPERTY	822.73
US POSTMASTER	POSTAGE FOR UTILITY BILLS	850.00
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	614.15
WALKER CONSTRUCTION	CONCRETE WORK	1192.99

Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda - None

13. Adjourn

268-13

Alderman Osborne moved to adjourn the Council Meeting at 7:53 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of August, 2013.

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 _____.