

Unapproved Minutes  
Council Special Session  
September 27, 2013  
Friday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was called to order by Mayor Powell on Friday, September 27, 2013 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

Absent: Collier-Wise

2. Adoption of Agenda

303-13

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

3. Public Hearings

A. Resolution adopting Resolution of Necessity for Construction of Concrete Surfacing on Kennedy Street from West Cherry Street to Cornell Street.

Jose Dominguez, City Engineer, reported that Kennedy Street immediately south of W. Cherry Street is currently one of the few gravel streets in the City. Jose noted that paving will eliminate maintaining the gravel road along with the spread of gravel onto W. Cherry Street. Kennedy Street will serve as one of the entrances to the Bliss Pointe Addition and the increased traffic will require the road to be paved. Jose stated the City Council adopted the resolution of necessity on September 3<sup>rd</sup> setting the public hearing date of September 27<sup>th</sup>. The notice of hearing was published and mailed to the property owners.

Jose stated the original resolution of necessity allocated the costs based upon the benefit to each property. Jose stated that the property owners have met and the Vermillion Chamber of Commerce and Development Company (VCDC) has agreed to pay a larger portion of the project costs. Jose stated a revised resolution was prepared to reflect the benefit of the new cost allocation. Jose reviewed the resolution noting that if the total project cost is below \$37,926.82 the VCDC would pay all the project cost and the City would be responsible for project costs in

excess of \$75,853.65, the upper limit. Jose reviewed the cost allocation between the upper and lower limits.

Tracye Sherrill, property owner, wanted to know if the upper limit on the new resolution is the same as what was sent earlier. Jose stated that the upper limit amount remained the same. Tracye stated she has not had time to review the new resolution and asked if it was not correct if it could be changed. It was reported that if the resolution was in error an amended resolution could be adopted. Discussion followed on the resolution and the development. Alderman Willson expressed his concerns about the need to complete Olive Street in addition to Kennedy Street to provide another access point to the Bliss Pointe Development.

304-13

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

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR CONSTRUCTION OF  
CONCRETE SURFACING ON KENNEDY STREET FROM WEST CHERRY STREET TO  
CORNELL STREET IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a special called meeting thereof, in the Council Chambers of said City, at 12:00 p.m. on the 27<sup>th</sup> day of September 2013, that the convenience and necessity has arisen for the construction of concrete surfacing on the portion of the public street and in front or abutting the lot or parcel of land hereinafter named:

- Lot 1, 2, & 3, Block 1, O'Connor Addition
- Lot 4, Block 1, O'Connor Addition
- Lot 5, Exc. W. 10', Block 1, O'Connor Addition
- Block 1, Bliss Pointe Addition
- Block 3, Bliss Pointe Addition

BE IT FURTHER RESOLVED, that the benefit of the improvement to each lot or tract has been changed from the amount found in the Resolution of Necessity adopted by the Governing Body on the 3<sup>rd</sup> day of September 2013 to the following amounts:

- Lot: Lot 1, 2 & 3, Block 1, O'Connor Addition
- Owner: Vermillion's Congregation of Jehovah's Witnesses
- Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be \$0. If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65, then the cost will be the subtraction between the product of the project cost and

the 8% fiscal fee, and 28.88% (which is the percentage to be paid by the owner of Lot 1, 2, & 3, Block 1, O'Connor Addition) and \$10,953.36. The City will pay for all project costs over the \$75,853.65.

Lot: Lot 4, Block 1, O'Connor Addition  
Owner: Tracye Sherrill & Debra Adams  
Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be \$0. If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65, then the cost will be the subtraction between the product of the project cost and the 8% fiscal fee, and 11.90% (which is the percentage to be paid by the owner of Lot 4, Block 1, O'Connor Addition) and \$4,514.56. The City will pay for all project costs over the \$75,853.65.

Lot: Lot 5, Exec. W. 10', Block 1, O'Connor Addition  
Owner: Tagney Walters  
Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be \$0. If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65, then the cost will be the subtraction between the product of the project cost and the 8% fiscal fee, and 14.65% (which is the percentage to be paid by the owner of Lot 5, Exec. W. 10', Block 1, O'Connor Addition) and \$5,555.04. The City will pay for all project costs over the \$75,853.65.

Lot: Block 1, Bliss Pointe Addition  
Owner: Vermillion Chamber of Commerce and Development Company  
Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be the product of the project cost and the 8% fiscal fee, and 50.01% (which is the percentage of the frontage for Block 1, Bliss Pointe Addition, out of the two properties owned by the Vermillion Chamber of Commerce and Development Company). If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65 then the cost will be the addition between the product of the project cost and the 8% fiscal fee, and 22.29% (which is the percentage to be paid by the owner of Block 1, Bliss Pointe Addition) and the product of \$21,022.96 and 50.01%. The City will pay for all project costs over the \$75,853.65.

Lot: Block 3, Bliss Pointe Addition  
Owner: Vermillion Chamber of Commerce and Development Company

Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be the product of the project cost and the 8% fiscal fee, and 49.99% (which is the percentage of the frontage for Block 3, Bliss Pointe Addition, out of the two properties owned by the Vermillion Chamber of Commerce and Development Company). If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65 then the cost will be the addition between the product of the project cost and the 8% fiscal fee, and 22.28% (which is the percentage to be paid by the owner of Block 3, Bliss Pointe Addition) and the product of \$21,022.96 and 49.99%. The City will pay for all project costs over the \$75,853.65.

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 3<sup>rd</sup> day of September 2013 is approved and that the Engineer shall proceed with the work in the manner provided by law.

Dated at Vermillion, South Dakota this 27<sup>th</sup> day of September 2013.

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. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

4. New Business

A. Declaration of surplus digger derrick truck.

Jason Anderson, Assistant City Engineer, reported the new digger derrick truck has been delivered and placed into service. The 1998 Terex Commander C5048 Digger derrick truck can be declared surplus and sold. Jason stated the Council will need to declare the truck as surplus and authorize the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Discussion followed.

305-13

Alderman Willson moved to declare the 1998 Terex Commander C5048 digger derrick truck as surplus and authorize the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

6. Adjourn

306-13

Alderman Osborne moved to adjourn the Council Meeting at 12:20 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 27<sup>th</sup> day of September, 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 \_\_\_\_\_.