

Unapproved Minutes
Council Special Session
August 20, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 20, 2012 at 12:00 noon at the Vermillion Public Library Community Room.

1. Roll Call

Present: Collier-Wise, Davies, Meins, Osborne, Ward (arrived at 12:02 p.m.), Willson, Zimmerman, Mayor Powell

Absent: Grayson

Mayor Powell stated that, as the Architect was not present, the session would start with the briefing on the August 20th Council meeting agenda followed by the tour of the Library construction project.

2. Briefing on the August 20, 2012 City Council Regular Meeting Agenda

Alderman Ward arrived at 12:02 p.m.

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

3. Tour of Library Construction Project

Jane Larson, Librarian, stated that the architect and the contactor foreman were present to take the City Council and Library Board members on a tour on the construction site.

Mayor Powell asked for a motion to adjourn as some members would be leaving.

4. Adjourn

302-12

Alderman Meins moved to adjourn the Council special session at 12:06 p.m. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of August, 2012.

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 20, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 20, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. August 6, 2012 Special Session; August 6, 2012 Regular Session; August 15, 2012 Special Session; August 16, 2012 Special Session

303-12

Alderman Meins moved approval of the August 6, 2012 special session minutes, August 6, 2012 regular session minutes, August 15, 2012 special session minutes, and August 16, 2012 special session minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

304-12

Alderman Meins moved approval of the agenda with the amendment to remove the United Way Proclamation noting that it will be considered at a future meeting. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Special Permit to exceed allowable sound levels by no more than 50% for Gamma Alpha Alumni Corporation for an alumni event with live band at 429 N. Plum on Friday, October 5, 2012 from 6:00 p.m. to 11:00 p.m.

Bob Starr, representing the Gamma Alpha Alumni Corporation and Beta Theta Pi, stated that their organizations will be celebrating 100 years on the USD campus. Bob explained the events planned for the celebration that include a barbeque and live bands on Friday, October 5th from 6:00 p.m. to 11:00 p.m. at their house at 429 N. Plum. He stated that a large number of alumni have registered to attend the events planned for the weekend and requested City Council approval of the special permit to exceed the allowable noise levels for the event.

305-12

Alderman Davies moved approval of the special permit to exceed allowable sound levels by no more than 50% for Gamma Alpha Alumni Corporation/Beta Theta Pi for an alumni event with live band at 429 N. Plum on Friday, October 5, 2012 from 6:00 p.m. to 11:00 p.m. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about Sunday, September 2, 2012 in the north side of Prentis Park for a Back to School Bash (Application withdrawn by applicant).

Mike Carlson, Finance Officer, reported that a special daily application was received from the Fraternal Order of Eagles and the notice of public hearing was published. Following that the Fraternal Order of Eagles requested to withdraw the application. As the public hearing was published for tonight, the Council will need to open the hearing, take any public input, then close the hearing without any action.

306-12

Alderman Ward moved to open the public hearing and upon hearing no public comment close the hearing with no action as the application had been withdrawn. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1284 - Rezone the South 140 feet of Lot 3 Blk 1 Park Avenue Addition, addressed as 2409 E. Main Street,

from the NRC Natural Resource Conservation District to the R-1 Residential District.

Farrel Christensen, Building Official, reported that a rezoning application was received for the south 140 feet of Lot 3 Blk 1 Park Avenue Addition located at 2409 East Main Street. Farrel noted that this property was recently annexed and, as such, enters the city in the most restrictive zone being Natural Resource Conservation (NRC). The owner plans to construct a single family home on this property and is requesting the zoning change to Residential. Farrel stated that, as the zone change request is within one year of the annexation, the signature requirements were not required. Farrel reported that the Planning Commission considered the zone change request and recommended approval. The zone change request and the map of the area are included in the packet and the property owner is present to answer any questions.

307-12

Mayor Powell read the title to the above mentioned Ordinance and Alderman Ward moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1284 entitled An Ordinance Amending Title 15, Chapter 155, Section 155.026, Official Zoning Map, for the City of Vermillion, South Dakota, by rezoning certain real property from the NRC, Natural Resource Conservation, District to the R-1 Residential District has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 20th day of August, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Davies. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Resolution Approving the Sale of surplus Property - North ½ of the Vacated Alley Adjacent to Lots 8, 9 and 10, Block 12, Van Meters Addition to the City of Vermillion.

Andy Colvin, Assistant to the City Manager, reported on the location of the half vacated alley adjacent to the property at 713 West Chestnut. Andy noted that the adjoining property owner had requested to obtain

title to this property as the house encroaches into the vacated alley. The City Council at the July 2nd meeting declared the property surplus and the Surplus Property Committee appraised the property at \$250. Since the appraised value was less than \$500 the City can sell the property at private sale without sealed bids. An offer of \$250 was received from US Bank National Association, as Trustee for the Banc of America Funding 2007-6 Trust to purchase the property. Administration recommends approval of the resolution to sell the surplus property.

308-12

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

RESOLUTION FOR THE SALE OF REAL PROPERTY

WHEREAS, on the 2nd day of July 2012, the governing body of the City of Vermillion (hereinafter, "the City"), acting pursuant to SDCL 6-13-1, by resolution, determined that the following described real property of the City of Vermillion, viz:

North ½ of the Vacated Alley Adjacent to Lots
8, 9 and 10, Block 12, Van Meters Addition to
the City of Vermillion

as surplus property and ought to be sold in the manner provided by law;
and

WHEREAS, the City caused said property to be appraised as provided by SDCL 6-13-2; and

WHEREAS, the appraised value was determined to be less than \$500 and the surplus property may be sold by the City at private or public sale without notice as provided by SDCL 6-13-4; and

WHEREAS, pursuant SDCL 6-13-4, the City offered said property for sale to a private party; and

WHEREAS, the City has received an offer from US Bank National Association, as Trustee for the Banc of America Funding 2007-6 Trust, to purchase the surplus real property for the sum of \$250 and said offer is 100 percent (100%) of the appraised value;

NOW, THEREFORE, BE IT RESOLVED, that the amount offered by US Bank National Association, as Trustee for the Banc of America Funding 2007-6 Trust, is accepted as the purchase price for the said surplus real property and they are declared to be the purchaser thereof.

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer of the City are hereby authorized and directed to execute and deliver to the purchaser of said property a good and sufficient deed vesting in the purchaser all the right, title and interest of the City of Vermillion in that real property so sold to said purchaser, and every part thereof, in exchange for payment of the purchase price, all in accordance with the terms of the offering.

Dated at Vermillion, South Dakota this 20th day of August 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. 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

A. Water Tower

Jason Anderson, Assistant City Engineer, reported that on August 14, 2012 bids were opened for a 500,000 gallon water tower. The bid provided for two alternatives - a spheroid style and composite style towers. Jason explained the differences in the two styles noting that in comparing the bids a 50 year life cycle cost analysis was used. Jason stated that diagrams were included in the packet along with the bid tabulation and consulting engineer's recommendation. He stated that this project is to be funded by a State Revolving Loan and final approval should be contingent upon the SD Department of Environment and Natural Resources (DENR) approval. Based upon the life cycle cost analysis, the low bidder is Maguire Iron, Inc with a life cycle cost of \$3.441/gallon of storage. Administration and the consulting engineer recommend the approval of the low bid of Maguire Iron, Inc of \$1,248,700 on Bid Schedule 2 with the Alternate #1 of \$10,000 for painting the logo.

Bids Received:

Caldwell Tanks, Inc schedule #1 \$1,600,000 lifecycle cost per gallon of storage \$3.662, schedule #2 \$1,570,000 lifecycle cost per gallon of storage \$4.151, alternative #1 \$5,000, alternative #2 \$10,000; CB & I, Inc schedule #2 \$1,511,900 lifecycle cost per gallon of storage \$3.963, alternative #1 \$7,000; Phoenix Fab. & Erectors bid not accepted due to insufficient bid security; Landmark Structures, Inc schedule #1 \$1,687,000 lifecycle cost per gallon of storage \$4.357, alternative #1 \$10,500, alternative #2 \$16,000; Maguire Iron, Inc schedule #2 \$1,248,700 lifecycle cost per gallon of storage \$3.441, alternative #2 \$10,000

309-12

Alderman Grayson moved approval of the low bid of Maguire Iron, Inc of \$1,248,700 with the city name, not the pictorial logo, contingent upon approval by the SD DENR. Alderman Ward seconded the motion. Discussion followed on the logo noting that over time logo's change. Discussion followed on the proposal.

310-12

Alderman Willson moved a substitute motion to approve the low bid of Maguire Iron, Inc of \$1,248,700 with the alternate #1 of \$10,000 for the pictorial logo contingent upon approval by the SD DENR. Alderman Osborne seconded the motion. Discussion followed on the timing for repainting and if this action was needed now or if it could wait to allow further review. Lance Weatherly of Banner Associates stated that their projection is that the water tower would need to be repainted in 20 years and noted that the logo was included as an alternate but if the Council wanted it could be passed at this time and negotiated with the contractor as a change order in the future. Discussion followed.

A roll call vote of the Governing Body on the substitute motion was as follows: Collier-Wise-No, Davies-Yes, Grayson-No, Meins-Yes, Osborne-Yes, Ward-No, Willson-Yes, Zimmerman-Yes, Mayor Powell-Yes. Substitute motion carried 6 to 3. Mayor Powell declared the substitute motion adopted and the original motion 309-12 replaced.

B. Annual supply of liquefied propane for solid waste and wastewater treatment

Jason Anderson, Assistant City Engineer, reported that bids were opened today for the annual supply of liquefied propane for the Solid Waste and Wastewater Departments. The bid was for a per gallon price for actual quantity used up to 35,000 gallons. The low bid was from Long's Propane, Inc for \$1.045 per gallon.

Bids received:

Butch's Propane \$1.159/gallon; Long's Propane, Inc. \$1.045/gallon

311-12

Alderman Davies moved approval of the low bid of Long's Propane, Inc. of \$1.045 per gallon for the annual supply of liquefied propane used not to exceed 35,000 gallons. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the swimming pool closes for the season on Tuesday, August 21st. The Doggy Plunge is on Wednesday, August 22nd before the pool is drained for the year.

B. John reported on the receipt of a raffle notification from the United Way selling tickets at 1 for \$5 or 5 for \$20 from September 1st to September 24th for two prizes. One is USD theater season tickets while the second is USD skybox tickets for the November 10th football game against Northern Iowa. Prize is valued at \$350. Proceeds go to the United Way campaign.

C. John reported that the Curbside Recycling Program is including boxboard with the collection of cardboard on the weekly collections. Boxboard includes cereal boxes, pop and beer cartons. John noted that boxboard may also be dropped off at the recycling center for those residents not served by the curbside system. For questions, please contact the Recycling Center.

D. John reported that last week during the budget sessions it was reported that mosquito control might be misting the community this week. John noted that he has not been updated on the mosquito counts and if misting is to start, announcements will be made.

11. Invoices Payable

312-12

Alderman Grayson moved approval of the following invoices:

ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	50.77
ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,715.00
BROADCASTER PRESS	ADVERTISING	1,249.20
BUREAU OF ADMINISTRATION	TELEPHONE	270.43
CENTURYLINK	TELEPHONE	1,490.07
CITY OF VERMILLION	LANDFILL VOUCHERS	192.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,129.31
CULLIGAN WATER	COOLER/BOTTLED WATER	199.50
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,109.55

GEOTEK ENGINEERING	PROFESSIONAL SERVICES	853.50
GREGG PETERS	MANAGERS FEE	5,375.00
JOHN A CONKLING DIST.	MERCHANDISE	115.50
KNOLOGY	DIAL UP SERVICE	49.95
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	SUPPLIES	229.11
MIDAMERICAN	GAS USAGE	428.62
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
McLAURY FLANNERY ENGINEERING	PROFESSIONAL SERVICES	1,762.00
NEBRASKA JOURNAL-LEADER	ADVERTISING	558.72
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
RIBS, RODS & ROCK N' ROLL	CONTRIBUTION	5,000.00
SPRINT	CELL PHONES	1,270.65
STERN OIL CO.	FUEL	33,554.74
THE EQUALIZER	ADVERTISING	319.80
UNITED PARCEL SERVICE	SHIPPING	53.01
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
VERMILLION ROTARY CLUB	DUES/MEALS	114.25
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	212.00
WATER'S EDGE AQUATIC DESIGN	PROFESSIONAL SERVICES	3,100.00
JOHN STEELE	BRIGHT ENERGY REBATE	10.00

Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

Set a bid opening date of September 11, 2012 for Solid Waste Bale Bags.

313-12

Alderman Willson moved approval of the consensus agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

314-12

Alderman Osborne moved to adjourn the Council Meeting at 7:29 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of August, 2012.

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 _____.