



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Monday, November 17, 2014  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
  - a. November 3, 2014 Special Session; November 3, 2014 Regular Session; November 6, 2014 Special Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
7. **Old Business**
8. **New Business**
  - a. Business Improvement District #1 reappointments.
  - b. Vermillion Now 2 Governance Council appointment.
  - c. Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Sidewalk Repairs.
  - d. Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for PCC Paving, Alley in Block 68, Bigelow's Addition.
9. **Bid Openings**
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
  - a. Set a public hearing date of December 1, 2014 for annual liquor and wine license renewals.
  - b. Set a public hearing date of December 1, 2014 for a site transfer of the City of Vermillion Liquor Store municipal off-sale package liquor license from 826 Cottage to 820 Cottage on or about January 6, 2015.
  - c. Set a public hearing date of December 1, 2014 for a retail on-off sale malt beverage license for the City of Vermillion Liquor Store at 820 Cottage for video lottery room.
13. **Adjourn**

**Access the City Council Agenda on the web – [www.vermillion.us](http://www.vermillion.us)**

**Addressing the Council:** Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.

**a. Items Not on the Agenda** Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

**b. Agenda Items:** Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

**Meeting Assistance:** The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

**Council Meetings:** City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

**Live Broadcasts of Council Meetings on Cable Channel:** Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.

***Vermillion City Council's Values and Vision***

*This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.*





**Special Meeting Agenda  
City Council**

12:00 p.m. (noon) Special Meeting  
Monday, November 17, 2014  
Conference Room-Water Treatment Plant  
118 Church Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Briefing on the November 17, 2014 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
3. **Education Session – Tour of Water Treatment Plant.**
4. **Adjourn**

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**Addressing the Council:** Persons addressing the Council shall use the microphone at the podium. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

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Unapproved Minutes  
Council Special Session  
November 3, 2014  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 3, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise (arrived 12:20 p.m.), Holland, Clarene Meins, Price, Ward, Willson, Mayor Powell

Absent: Erickson, Holly Meins

2. Education Session - Discussion of proposed daycare registration - John Prescott/Shannon Draper

John Prescott, City Manager, reported that during the budget session the City Council discussed the registration and inspection of daycare businesses in the city and requested more information on this topic at a future meeting. John stated that he had provided a one page listing of requirements that other cities within the state have required of daycare providers and requested City Council input on items to be included in a proposed ordinance. John asked Shannon Draper, Fire Chief, to review requirements of fire inspection of daycare facilities. Shannon Draper, Fire Chief, stated that there are two parts to this issue. The first is the registration of all daycare facilities so that the Fire Department would know when responding that there is a daycare at this location. Shannon suggested the registration of all businesses within the city to assist with compliance with the building and fire codes, compliance with proper zoning, education on fire safety and knowledge of any special items at each location. Shannon reviewed the Daycare Fire and Safety Code requirements as contained in the 2012 International Fire Code. Shannon answered questions of the City Council on the daycare fire safety requirements.

John Prescott, City Manager, reviewed a sample daycare ordinance prepared from input received from the budget hearings. John noted that the City Council can add or remove items to the ordinance. John stated that this is just a draft and that if more information is requested it can be provided at a future meeting. John reported that the City Attorney has not reviewed the draft ordinance. John stated that if the City Council wanted to proceed with a daycare ordinance steps will need to be taken to gather input from daycare providers and others involved. Discussion followed on the registration process as well as the state

registration requirements. John asked the City Council for direction on items to include or not include in a proposed ordinance. Discussion followed on options to request public input on the requirements for a daycare registration ordinance. The consensus was to continue the discussions at a future noon information session.

3. Briefing on the November 3, 2014 City Council Regular Meeting

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

4. Adjourn

370-14

Alderman Holland moved to adjourn the Council special session at 12:58 p.m. Alderman Clarene Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3<sup>rd</sup> day of November, 2014.

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 3, 2014  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, November 3, 2014 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 Claussen

2. Pledge of Allegiance

### 3. Minutes

#### A. Minutes of October 20, 2014 Special Session; October 20, 2014 Regular Session

371-14

Alderman Willson moved approval of the October 20, 2014 Special Session and October 20, 2014 Regular Session minutes. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 4. Adoption of Agenda

372-14

Alderman Holland 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

##### A. Morgan Appley - Dakota Rural Action

Morgan Appley, Member of Dakota Rural Action, reported that the group is reviewing alternative energy options for southeastern South Dakota. She invited the City Council and Community to a public information meeting to be held November 18<sup>th</sup> at 7:00 p.m. at the Vermillion Public Library.

#### 6. Public Hearings

##### A. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about November 15, 2014 at 202 Washington Street.

Mike Carlson, Finance Officer, reported that an application was received from the Vermillion Area Arts Council for a special daily malt beverage and wine license on or about November 15, 2014 at 202 Washington Street for their Chili Blues event. Mike stated that the notice of hearing and Police Chief's reports are included in the packet.

373-14

Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about November 15, 2014 at 202 Washington Street. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 7. Old Business

A. Second Reading of Ordinance 1321 - Amending Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, rezoning Lots 1 and 2 Blk 7 (addressed as 12 Shriner Street and 30 Shriner Street, respectively), and Lot 3 Blk 5 (addressed as 1129 Cottage), Partridge Addition to the City of Vermillion, Clay County, South Dakota from the GB General Business District to the R-2 Residential District

Andy Colvin, Assistant to the City Manager, reported on the location of the property that is being requested to change the zoning from General Business to R-2 Residential District. Andy stated that this property currently adjoins the R-2 Residential Zone. Andy noted that no comments have been received since first reading and recommended approval of the ordinance.

374-14

Second reading of title to Ordinance No 1321, entitled AN ORDINANCE AMENDING Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, rezoning Lots 1 and 2 Blk 7 (addressed as 12 Shriner Street and 30 Shriner Street, respectively), and Lot 3 Blk 5 (addressed as 1129 Cottage), Partridge Addition to the City of Vermillion, Clay County, South Dakota from the GB General Business District to the R-2 Residential District.

Mayor Powell read the title to the above named Ordinance, and Alderman Collier-Wise moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1321 entitled an ordinance amending Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, rezoning Lots 1 and 2 Blk 7 (addressed as 12 Shriner Street and 30 Shriner Street, respectively), and Lot 3 Blk 5 (addressed as 1129 Cottage), Partridge Addition to the City of Vermillion, Clay County, South Dakota from the GB General Business District to the R-2 Residential District 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 19<sup>th</sup> day of October, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 3<sup>rd</sup> day of November, 2014 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 NO. 1321

AN ORDINANCE AMENDING CHAPTER 155, ZONING REGULATIONS, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, SECTION 155.026 ENTITLED ADOPTION OF OFFICIAL ZONING MAP, AMENDING CHAPTER 155, ZONING REGULATIONS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, SECTION 155.026, ENTITLED ADOPTION OF OFFICIAL ZONING MAP, REZONING LOTS 1 AND 2 BLK 7 (ADDRESSED AS 12 SHRINER STREET AND 30 SHRINER STREET, RESPECTIVELY), AND LOT 3 BLK 5 (ADDRESSED AS 1129 COTTAGE), PARTRIDGE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FROM THE GB GENERAL BUSINESS DISTRICT TO THE R-2 RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA: SECTION 1. That Section 155.026, Adoption of Official Zoning Map, is hereby amended as follows:

THAT LOTS 1 AND 2 BLK 7 (ADDRESSED AS 12 SHRINER STREET AND 30 SHRINER STREET, RESPECTIVELY), AND LOT 3 BLK 5 (ADDRESSED AS 1129 COTTAGE), PARTRIDGE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, ARE HEREBY EXCLUDED FROM THE GB GENERAL BUSINESS DISTRICT AND INCLUDED IN THE R-2 RESIDENTIAL DISTRICT, AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE R-2 RESIDENTIAL DISTRICT.

Dated at Vermillion, South Dakota this 3<sup>rd</sup> day of November, 2014.

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 Holland. 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. Food pantry request for funding

John Prescott, City Manager, reported that a funding request was received from the Food Pantry as the City Council was adopting the 2015 budget. John noted that the City Council reviewed the funding request at the October 20<sup>th</sup> noon meeting with the consensus to bring forward the request to the next City Council meeting for funding of \$2,500. John stated that funding would be from the General Fund and require a revision to the 2015 budget to be done at revised time. Discussion followed.

375-14

Alderman Collier-Wise moved approval of funding for the Vermillion Food Pantry of \$2,500 from the 2015 General Fund Budget to be included in a future budget amendment. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Street Closure Request for Main Street from Elm Street to High Street on Friday, December 5, 2014 from 6:15 p.m. to 7:00 p.m. for the Parade of Lights parade

John Prescott, City Manager, reported that the Vermillion Chamber and Development Company, in planning for their annual Parade of Lights, is requesting a street closure for the event. The Parade of Lights will take place on Friday, December 5<sup>th</sup> from 6:30 p.m. to 6:45 p.m. The request is to close Main Street from Elm Street to High Street on December 5, 2014 from 6:15 p.m. to 7:00 p.m. City staff will open intersections as the parade passes, similar to what has been done in prior years.

376-14

Alderman Willson moved approval of the closing of Main Street from Elm Street to High Street on December 5, 2014 from 6:15 p.m. to 7:00 p.m. for the VCDC Parade of Lights event. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Participation Agreement with Sculpture Walk Sioux Falls for sculptures in downtown Vermillion

John Prescott, City Manager, reported that during the preparation of the 2015 budget, Larry Schou made a presentation to the City Council about an opportunity to bring four public sculptures to Vermillion in August 2015. John noted that USD has six sculptures on campus that were part of a partnership with USD and Sioux Falls Sculpture Walk. Larry Schou proposed a community public art sculpture program be coordinated

with the USD program. John stated that the City Council included \$10,000 of BBB funding to support bringing four sculptures to off-campus locations in Vermillion. John reported that the University and City have been working with Sculpture Walk Sioux Falls to bring four public art sculptures to Downtown Vermillion. John stated that the attached Participation Agreement indicates that the City will contribute funding for the initiative and cover the insurance for the sculptures. John noted that, while the exact amount of funding needed for insurance is based on the value of the sculptures that are ultimately placed in Vermillion, we anticipate that \$1,000 per year to pay the premium should be sufficient. John stated that the Vermillion Sculpture Team will be responsible for securing the balance of the funding for the project. The sculptures would be in Vermillion from approximately August 2015 to August 2017. John stated that the participation agreement has been reviewed by the City Attorney. Discussion followed.

377-14

Alderman Holland moved approval of the Participation Agreement with Sioux Falls Sculpture Walk as presented and authorized the Mayor to sign the agreement. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. First Reading of Ordinance 1322 - Rezoning certain real property, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District

Andy Colvin, Assistant to the City Manager, reported on the location of the property noting that it was just north of the city limits in the Joint Jurisdictional Zoning Area adjoining 317<sup>th</sup> Street. Andy stated that the property is currently zoned A-1 Agricultural District and the owners are requesting to change the zoning to LI Light Industrial for their contractors shop and office. Andy stated that the zoning to the south in the city limits is Heavy Industrial. Andy reported that City and County Planning Commissions met jointly on October 27<sup>th</sup> and recommended approval of the zone change. Andy stated that, as this is in the Joint Jurisdictional Area, the City and County will approve first reading of the ordinance and then advertize the public hearing for second reading of the ordinance when both bodies will meet and consider second reading of the ordinance. Discussion followed.

378-14

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1322 entitled An Ordinance Rezoning certain real property, located within the City of Vermillion and Clay County Joint Jurisdictional Zoning Area, from the A-1, Agricultural District, District to the LI, Light Industrial District of the City of Vermillion, South Dakota 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 3<sup>rd</sup> day of November, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Price. 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.

E. Resolution Approving Option to Lease and Site Lease Agreement with Brookings Municipal Utilities d/b/a Swiftel Communications for the construction and maintenance of wireless communications facilities in Lions Park

Andy Colvin, Assistant to the City Manager, reported that Swiftel Communications, a division of Brookings Municipal Utilities, currently leases space on the Market Street Water Tower for their wireless communications antennas. Andy stated that the City provided them notice of plans to abandon the Market Street Tower in the coming months as the new water tower north of the Service Center is complete. Andy reported that staff worked with Swiftel to find a new location for their communications facilities. Andy noted that Swiftel obtained a variance and Conditional Use Permit from the City in July 2014 for the location of a proposed tower in Lions Park (Clay County Fairgrounds) near the demolition derby arena. Andy stated that staff began working on a land lease agreement in August 2014 once the Variance and Conditional Use Permit were approved. Andy stated that the City owns the property where the tower is to be built. A lease agreement is necessary to provide for the construction and ongoing maintenance of the premises. Andy noted that the agreement outlines all of the parties' respective responsibilities, conditions for termination of the agreement, access easements and liability. The agreement provides for an initial term of five (5) years with five (5) renewals of five (5) years each. Andy stated that the agreement is worded so that there is an option on the land until March 31, 2015. Andy stated that, upon exercising the option between now and March 31st, the agreement will become a lease for the land. Andy noted that once the agreement is approved and executed, Swiftel will begin installing the necessary underground utilities to serve the premises. Discussion followed.

379-14

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

RESOLUTION  
APPROVING OPTION TO LEASE AND SITE LEASE AGREEMENT

WHEREAS, the City of Vermillion wishes to lease land in Lions Park to Brookings Municipal Utilities d/b/a Swiftel Communications for the purposes of constructing a wireless communications tower; and

WHEREAS, a Conditional Use Permit and Variance was approved by the Vermillion Planning Commission and Board of Adjustment, respectively, for the location and construction of the proposed Tower; and

WHEREAS, the proposed tower will ensure continued wireless service for the community; and

WHEREAS, City staff and Swiftel Communications have negotiated the terms of the land lease in good faith.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA:

1. That the Option to Lease and Site Lease Agreement and accompanying exhibits, copies of which are attached and made a part hereof, be approved both as to form and content.
2. That the City Manager is authorized to sign and execute said Agreement for and on behalf of the City of Vermillion.
3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

Dated at Vermillion, South Dakota this 3<sup>rd</sup> Day of November, 2014.

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 Holland. 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.

F. Annual write off of old accounts receivable

Mike Carlson, Finance Officer, reported that annually the City Council needs to remove the old accounts receivable from the accounting records with collection efforts to continue on these accounts. Mike stated that the request is to remove 107 utility accounts totaling \$30,910.49, 9 general accounts receivable totaling \$2,600.42 and 134 ambulance accounts totaling \$76,290.96 from the accounting records. Discussion followed.

380-14

Alderman Ward moved approval of the removal from the accounting records of utility accounts totaling \$30,910.49, general accounts totaling \$2,600.42 and ambulance accounts totaling \$76,290.96. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Set special meeting date to canvas election results

Mike Carlson, Finance Officer, reported that State law requires the canvass of the election results by the Governing Body within seven days of the election. Mike noted that there is not a regular scheduled meeting during these seven days so a special meeting date and time will need to be set. The County will be canvassing the general election results on November 6<sup>th</sup> so a special meeting will need to be set following the County canvass. Discussion followed.

Mayor Powell polled the members with the consensus to have the special meeting to canvass the November 4<sup>th</sup> City Bond election results at 5:00 p.m. on Thursday, November 6<sup>th</sup> at 5:00 p.m.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all three items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.7058, Brunick's Service \$2.75; Item 2 - 3,000 gal No. 1 & 2 Diesel fuel dyed: Stern Oil \$3.3346, Brunick's Service \$3.35; Item 3 - 1,000 gal No. 1 & 2 diesel fuel-clear: Stern Oil \$3.5846, Brunick's Service \$3.60

381-14

Alderman Clarene Meins moved approval of the low quote of Stern Oil on all three items. Alderman Willson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 10. City Manager's Report

A. John reported that the City Engineer has approved the following three plats:

1. A plat of Tract 1, Millette Addition in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 22, T92N, R51W of the 5th P.M., Clay County, South Dakota
2. A plat of Lots 8, 10 and 11 in Block 1; and Lots 1 & 13 in Block 6 of Bliss Pointe Addition to the City of Vermillion, Clay County, South Dakota.
3. A plat of Lot 2A of First Dakota Addition, City of Vermillion, Clay County, South Dakota.

B. John stated that two public input meetings were held on the Main/Center/Court intersection and another public input meeting has been scheduled for November 13<sup>th</sup> at the Public Library Kozak Room at 7:00 p.m.

C. John reported that City offices will be closed on Tuesday, November 11<sup>th</sup> for Veterans Day. The recycling pickup scheduled for that Tuesday will be on Monday, November 17<sup>th</sup>.

D. John reported that the City information page will be in the Tuesday, November 4<sup>th</sup> Equalizer. He noted we publish one page each quarter.

E. John reported that the special meeting of the City Council and County Commission to consider a rezoning for property on the north side of 317th Street will be November 25<sup>th</sup> at 11:15 a.m. in the large conference room of City Hall.

F. John reminded citizens that the polls will be open from 7:00 a.m. to 7:00 p.m. Tuesday, November 4<sup>th</sup> with all registered voters in the city voting at the National Guard Armory.

#### PAYROLL ADDITIONS AND CHANGES

Landfill: Jennifer Holthe \$12.03/hr, TJ Johnson \$10.00/hr; Code Jim Balleweg \$19.09/hr

#### 11. Invoices Payable

282-14

Alderman Holland moved approval of the following invoice:

University Cleaners	Professional Services	40.00
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Alderman Collier-Wise seconded the motion. Alderman Clarene Meins requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

383-14

Alderman Willson moved approval of the following invoices:

4Imprint	Open House Supplies	1,028.31
A-Ox Welding Supply Co	Bulk CO2	821.00
AGK Electric	Norbeck Lighting Project	6,950.70
Appeara	Supplies	52.85
Aqua-Pure Inc	Chemicals	8,360.00
Aramark Uniform Services	Uniform Cleaning	223.00
Argus Leader Media #1085	Subscription	48.00
Avera Queen Of Peace Health	Testing	419.40
Baker & Taylor Books	Books	817.86
Banner Associates, Inc	Professional Services	2,428.82
Barb Ernst	Underground Reimbursement	730.00
Barkley Asphalt	Asphalt	2,406.42
Best Western Ramkota Inn	Lodging	545.94
BHSW Inc	Books	52.92
Blackstone Audio Inc	Books	297.99
Blick Art Materials	Books	30.61
Border States Elec Supply	Supplies	13,450.33
Bound Tree Medical, Llc	Supplies	1,328.47
Broadcaster Press	Advertising	101.00
Brock White Co	Supplies	100.76
Brookings Arts Council	Books	15.00
Brunick Furniture & Flooring	Supplies	120.00
Butler Machinery Co.	Parts	836.36
Campbell Supply	Supplies	1,500.90
Cannon Technologies, Inc	Software Support	900.00
Cask & Cork	Merchandise	1,785.20
Century Business Leasing	Copier Contract	138.25
Century Business Products	Copies	219.55
Centurylink	Telephone	742.86
Chemco, Inc	Supplies	372.52
Cherry Street Grille	Rolls	49.50
Chesterman Co	Supplies	243.00

City Of Vermillion	Copies/Postage	1,218.26
City Of Vermillion	Utility Bills	38,377.48
Class C Solutions Group	Supplies	125.94
Classic Industrial Supplies	Uniforms	230.95
Coffee King, Inc	Supplies	62.75
Colonial Life Acc Ins.	Insurance	3,326.49
Cory Moore	Safety Boots Reimbursement	100.00
Coyote Convenience	Fuel	13.93
Coyote Rentals	Water Heater/Wiring Rebate	170.00
Cutter & Buck	Merchandise	855.31
D-P Tools	Supplies	188.55
Dakota Beverage	Merchandise	14,595.57
Dakota Pc Warehouse	Repairs/Supplies	219.96
Dakota Rock Farms	Sludge Hauling	12,279.04
Delta Dental Plan	Insurance	6,429.58
Demco	Supplies	104.74
Dennis Martens	Maintenance	833.34
Dept Of Revenue	Testing	143.00
Derry D. Hochhalter	Water Heater Rebate	600.00
Detco	Chemicals	111.20
DGR Engineering	Professional Services	2,264.50
Doug Tuve	Water Heater/Wiring Rebate	200.00
Dust Tex	Entry Mats	80.00
E.A Sween Company	Supplies	109.88
Earthgrains Baking Co's Inc	Merchandise	59.88
Echo Electric Supply	Supplies	1,856.72
Electronic Engineering	Repairs	526.50
Emergency Services Marketing	Professional Services	24.28
Energy Laboratories	Testing	344.50
Environmental Products & Assoc	Parts	18.60
Eric McPherson	Safety Boots Reimbursement	100.00
Farmer Brothers Co.	Supplies	113.80
Fast Auto Glass	Repairs	230.00
Fedex.	Shipping	23.56
Filftertec	Filter Material	174.28
First National Bank	City Hall Debt Service	273,557.69
Foot-Joy	Merchandise	92.21
Foreman Media	Council Mtg	100.00
Galls Incorporated	Uniforms	135.94
Girton Adams Company	Supplies	450.00
Global Equipment Company	Supplies	374.49
Grace Property Mgmt	Water Heater/Wiring Rebate	200.00
Graham Tire Co.	Tires	1,190.16

Graybar Electric	Parts	95.11
Graymont Capital Inc	Chemicals	4,004.95
Gregg Peters	Freight	1,771.25
Gregg Peters	Rent	937.50
Guarantee Oil Co Inc	Supplies	99.11
Hach Co	Supplies	55.95
Hander Inc. Plumbing & Htg	Boiler Project	79,007.40
Harland Technology Service	Supplies	113.70
Hauger Yard/Snow Service	Mowing	96.00
Hawkins Inc	Chemicals	1,014.44
HD Supply Waterworks	Supplies	1,648.40
HDR Engineering, Inc	Professional Services	5,150.94
Henderson Exhaust Plus	Repairs	15.00
Hercules Industries, Inc	Supplies	1,485.43
Herren-Schempp Building	Supplies	73.25
Higman Sand & Gravel	Ice Sand	2,275.34
Hy Vee Food Store	Supplies	149.22
Id Cards Unlimited	Patron Id Cards	659.85
In Control, Inc	Repairs	6,432.29
Independence Waste	Waste Hauling/Rental	1,643.95
Ingram	Books	3,495.11
Istate Truck Center	Parts	129.73
Jacks Uniform & Eqpt	Uniforms	537.00
Jane Larson	Mileage/Meal Reimbursement	107.05
Jerry's Chevrolet Buick Gm	Parts	38.07
John A Conkling Dist.	Merchandise	8,083.73
John E Miller	Books	30.00
Johnson Brothers Famous Brands	Merchandise	26,831.46
Johnson Electric	Install Load Controllers	475.00
Johnson Feed, Inc	Repairs	348.36
Jones Food Center	Supplies	1,116.90
Jose Dominguez	Meals Reimbursement	24.00
Karsten Mfg Corp	Merchandise	260.88
Leggette, Brashears & Graham	Professional Services	3,167.01
Leisure Lawn Care	Treatment	35.75
Lessard Contracting	Landfill Cell 5	225,213.26
Lessman Elec. Supply Co	Supplies	40.00
Lincoln Republic Insurance	Insurance	479.46
Locators And Supplies, Inc	Supplies	3,510.40
Malloy Electric	Repairs	1,681.02
Marks Machinery	Parts	861.33
Mart Auto Body	Towing	525.00
Matheson Tri-Gas, Inc	Supplies	276.45

Matthew Bender & Co, Inc	Books	118.48
MC2, Inc	Repairs	161.25
McCulloch Law Office	Professional Services	2,214.00
Medical Waste Transport, Inc	Haul Medical Waste	93.50
Michaels Fence	Supplies	89.12
Micro Marketing LLC	Books	204.92
MidAmerican	Gas Usage	1,289.20
Midwest Alarm Co	Alarm Monitoring	126.00
Midwest Building Maintenance	Mat Svc	540.90
Midwest Ready Mix & Equipment	Flowable Fill	214.50
Midwest Turf & Irrigation	Parts	41.78
Mills & Miller, Inc	Deicing Salt	3,007.32
Minn Municipal Utility Assoc	4th Qtr Safety Mgmt Program	5,925.00
Missouri River Energy Service	Infrared Inspection	667.50
Missouri River Energy Service	Testing	364.85
Moore Welding & Mfg	Supplies	4,663.92
Mr. Golf Car, Inc	Repairs	76.99
Netsys+	Repairs/Professional Svcs	1,687.48
New York Life	Insurance	84.02
Newman Traffic Signs	Supplies	812.46
Nike Inc	Merchandise	60.07
Northland	Supplies	514.50
Office Systems Co	Copier Contract/Copies	423.70
PCC, Inc	Commission	3,444.22
Pomps Tire Service, Inc.	Tires	1,708.74
Positive Promotions	Open House Supplies	53.95
Print Source	Supplies	133.00
Psi Power Washers, Inc	Repairs	168.25
Pump N Pak	Fuel	107.61
Quality Motors	Repairs	77.25
Queen City Wholesale	Merchandise	283.21
Quill	Supplies	1,398.55
Racom Corporation	Contract Coverage	395.50
Random House, Inc	Books	165.00
Recorded Books, Inc	Books	2,904.60
Reliable Towing & Roadside	Towing	250.00
Republic National Dist.	Merchandise	11,562.73
Resco	Supplies	169.80
Rockmount Research & Alloy	Supplies	136.13
Roger & Mary Turner	Water Heater Rebate	600.00
Salt Fort Inc	Supplies	425.37
Sanford Health Plan	Participation Fee	66.00
Sanitation Products	Part	82.17

SD Assoc. Of Rural Wtr Systems	Usage/Maintenance Fee	150.00
SD Dept Of Revenue	Food Service License	275.00
SD DENR	Landfill Permit Renewal	500.00
SD Dept Of Transportation	Testing	775.00
SD Electrical Council	Membership Dues	40.00
SD Lottery	Application Fee	50.00
SD One Call	Locates	418.95
SD Public Assurance Alliance	Property Coverage	1,616.00
SD Retirement System	Contributions	51,584.27
SD State Historical Society	Books	128.96
Security Shredding Service	Document Shredding	35.00
Servall Towel & Linen	Shop Towels	29.40
Sioux City Insulation	Repairs	550.00
Sioux Falls Two Way Radio	Batteries	142.97
Sioux Valley Environmental	Supplies	119.85
Siouxland Humane Society	Fees	74.00
Sooland Bobcat	Repairs	302.10
Stan Houston Eqpt Co	Generator	1,499.00
Stern Oil Co.	Supplies	372.25
Stewart Oil-Tire Co	Repairs	465.90
STT Enviro Corp	Filter Cartridges	1,505.20
Stuart C. Irby Co.	Supplies	379.56
Sturdevants Auto Parts	Parts	1,589.06
Taylor Made	Merchandise	900.69
Tenelle Choal	Membership Reimbursement	175.00
Thatcher Company	Soda Ash	19,745.28
The Equalizer	Subscription	139.88
Thorstad Companies	Recycling Center Paving	12,906.57
Titan Access Account	Supplies	1,447.04
Total Tool Supply, Inc	Supplies	1,484.09
Tri County Oil & Propane	Repairs	675.30
Tri Tech Sales	Parts	260.68
True Value	Supplies	646.30
Turner Plumbing	Cottage Ave Water Main	31,215.30
Twin City Hardware	Supplies	252.02
Tyler Technologies	Software Maintenance	497.80
Ultramax	Supplies	1,892.00
United Laboratories	Supplies	1,010.61
United Parcel Service	Shipping	10.13
United Way	Contributions	458.46
USA Bluebook	Supplies	798.13
Valley Ag Supply	Refund Landfill Duplicate Pmt	17.44
Veolia Environmental Service	Household Hazardous Waste	27,814.63

Verizon Wireless	Cell Phones	1,598.75
Vermeer High Plains	Parts	7.08
Vermillion Ace Hardware	Supplies	301.21
Vermillion Area Arts Council	Contribution	5,000.00
Vermillion Area Dance	Program Fees	114.76
Vermillion Rotary Club	Dues/Meals	147.25
Vermillion Wrestling Club	Program Fees	92.50
Visa/First Bank & Trust	Fuel/Lodging/Supplies	4,576.59
Wal-Mart Community	Supplies	737.06
Walker Construction	Concrete Work/Rebate	30,252.24
Walt's Homestyle Foods, Inc	Supplies	103.80
Wesco Distribution, Inc	Supplies	17,958.60
Winkler Roofing, Inc	Fire Station Roof	1,530.50
WOW! Business	Dialup/911 Circuit	1,415.45
Yamaha Golf & Utility	Golf Car Lease	3,772.97
Yankton Area Ems Association	Tuition/Books	3,750.00
Yankton Fire & Safety	Extinguisher/Inspection	1,711.00
Yankton Janitorial Supply	Supplies	1,584.22
Zee Medical Service	Supplies	106.35
Sean Kammer	Bright Energy Rebate	175.00
VCDC	Bright Energy Rebate	5,972.00

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

12. Consensus Agenda - None

13. Adjourn

384-14

Alderman Ward moved to adjourn the Council Meeting at 7:27 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3<sup>rd</sup> day of November, 2014.

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 \_\_\_\_\_.

Unapproved Minutes  
Council Special Session  
November 6, 2014  
Thursday - 5:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Thursday, November 6, 2014 at 5:00 p.m. at the City Hall large conference room.

1. Roll Call

Present: Erickson, Clarene Meins, Holly Meins, Price, Mayor Powell

Absent: Collier-Wise, Holland, Ward, Willson

2. Adoption of Agenda

385-14

Alderman Clarene Meins moved approval of the agenda. Alderman Price seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

3. New Business

A. Canvass of November 4, 2014 Municipal General Obligation Bond Election Results

Mike Carlson, Finance Officer, stated that the duties of the Canvassing Board are to open the returns from each precinct, which are found in the poll book, determine that the returns are genuine and not forged, tabulate the returns from the precincts, declare the results and make an abstract of the results that is to be signed. Mike reported that the County Commission has canvassed the results for the general election so the poll book envelopes have been opened but were again sealed. Mike noted that there were two provisional ballots in the City wards and that the County Auditor has determined that one of the provisional ballots should be counted. The tabulation board results for each precinct were handed out to compare with the totals from the poll book along with a worksheet summarizing the results from each precinct and the provisional ballot. The Mayor and City Council examined the poll books along with election results for each ward. Discussion followed.

386-14

Alderman Holly Meins moved approval of the official election results from the November 4, 2014 Municipal General Obligation Bond election as follows:

CITY OF VERMILLION  
OFFICIAL CANVASS SHEET  
MUNICIPAL BOND ELECTION - NOVEMBER 4, 2014

Shall the City of Vermillion, South Dakota, issue its general obligation bonds in an aggregate principal amount not to exceed \$3,100,000, for the purpose of financing the acquisition and construction of Prentis Park Improvements to consist of a new swimming pool to replace the existing pool, parking lot, basketball courts and related improvements?

	Central Ward 1	Central Ward 2	Southeast Ward 1	Southeast Ward 2	Northeast Ward 1	Northeast Ward 2	Profisional Ballot	Northwest Ward 1	Northwest Ward 2	<u>Total</u>
Yes - A vote "Yes" is in favor of issuing the bonds.	229	94	458	337	149	61	1	226	194	1,749
No - A vote "No" is against the issuing of bonds.	50	26	127	91	45	21	0	137	79	576

STATE OF SOUTH DAKOTA )  
COUNTY OF CLAY )

We, the undersigned, appointed as the Board of Canvassers because of our position on the governing body in the jurisdiction of the City of Vermillion for the municipal election held on the 4<sup>th</sup> day of November, 2014, hereby certify that the foregoing is a true abstract of the votes cast in the City of Vermillion at the election as shown by the returns certified to the person in charge of the election.

The Council members signed the election results and Alderman Erickson seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

4. Adjourn

387-14

Alderman Price moved to adjourn the Council special session at 5:12 p.m. Alderman Erickson seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of November, 2014.

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 \_\_\_\_\_.

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** November 17, 2014  
**Subject:** Appointments to Business Improvement District #1 Board  
**Presenter:** Mayor Jack Powell

**Background:** By State Statute, the Mayor with the approval of the governing body is charged with appointing members of a Business Improvement District Board.

9-55-5. Appointment of business improvement board--Designation of boundaries of district--Duties of board--Proposal of more than one district as part of same development plan. The mayor shall, with the approval of the governing body, appoint a business improvement board consisting of property owners, residents, business operators or users of space within the business area to be improved. The governing body shall, by resolution, designate the boundaries of the business area prior to the time of the appointment of the board. The board shall make recommendations to the governing body for the establishment of a plan or plans for improvements in the business area. If the improvements to be included in one business area offer benefits that cannot be equitably assessed together under this chapter, more than one business improvement district as part of the same development plan for that business area may be proposed. The board may make recommendations to the municipality as to the use of any revenue collected pursuant to § 9-55-2.

The City Council on September 16, 2013 adopted a resolution establishing that the Board of Directors for Business Improvement District #1 would be comprised of five people. The terms of office are for three years. With the initial appointment of a Board in 2013, two people were appointed to a one-year term, two people were appointed to a two-year term, and one person to be appointed to a three-year term.

**Discussion:** The current members of the BID Board and term expiration year are: Dan Kenton (2014), Jim Peterson (2014), Amy Christensen (2015), David Herbster (2015), and Joe Eckert (2016). Mike Carlson serves as the City's ex-officio member and Nate Welch serves as the VCDC's ex-officio member.

**Financial Consideration:** Per the by-laws, the members of the BID Board are not compensated for their service.

**Conclusion/Recommendations:** Administration recommends appointing Dan Kenton and Jim Peterson to full three year terms on the Business Improvement District #1 Board.

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** November 17, 2014  
**Subject:** Vermillion Now! Advisory Governance Council  
**Presenter:** Mayor Jack Powell

**Background:** In late October, the Vermillion Chamber of Commerce and Development Company announced that their economic development fundraising program known as Vermillion Now! 2 had reached \$1.67 million in pledges for the work plan over the next five years. At the November 2, 2013 meeting, the City Council authorized a contribution of up to \$500,000 toward this campaign. Starting with the 2015 budget, the City will annually contribute \$50,000 of BBB funds and earmark \$50,000 of 2<sup>nd</sup> Penny funds for the Vermillion Now! 2 work plan. The previously mentioned \$1.67 million in total pledges includes the City contribution of \$500,000.

**Discussion:** The Vermillion Now! 2 Program includes an Advisory Governance Council consisting of major cash investors of \$50,000 or more over the five years of the program. The Advisory Governance Council provides campaign oversight, accountability, and transparency for campaign dollars. There are approximately seven investors who will be part of this group. As the City's cash donation will exceed the \$50,000 threshold, the City has the opportunity to be represented on the Advisory Governance Council.

The first Vermillion Now! program also had an Advisory Governance Council. The City Council at that time appointed Mayor Powell as the City representative to serve on the first Advisory Governance Council.

**Financial Consideration:** Appointment of a City Council member to the Advisory Governance Council should not result in any additional costs.

**Conclusion/Recommendations:** Administration recommends the City Council appoint one individual to serve on the Vermillion Now! 2 Advisory Governance Council.

## *Council Agenda Memo*

**From:** José L. Domínguez, City Engineer

**Meeting:** November 17, 2014

**Subject:** Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Sidewalk Repairs

**Presenter:** José L. Domínguez

**Background:** On August 6, 2012, the City Council approved a Resolution Adopting the Resolution of Necessity for Sidewalk Repairs. This resolution involved the sidewalks in the northwest quadrant of the community. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on November 12, 2014.

**Discussion:** Per State statute, the City is required to hold a public hearing to allow the affected property owners to review and discuss any concerns regarding the assessed value. The property owners to be assessed will also be notified of the hearing by mail. The public hearing notice will be published in the Plain Talk.

**Financial Consideration:** The construction cost was \$77,665.69, of which \$75,212.51 is assessable. This assessable value does not include the administrative fee; which is either \$50 or 8% of the construction cost, whichever is greater.

**Conclusion/Recommendations:** Administration recommends approving the Resolution to set a hearing date of December 15, 2014 for the special assessments for the sidewalk repairs.

**RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING  
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL  
FOR SIDEWALK REPAIRS IN THE CITY OF VERMILLION, SD**

**WHEREAS**, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 12<sup>th</sup> day of November, 2014, for the repair of sidewalks in front or abutting lots in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement; and

**WHEREAS**, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

**WHEREAS**, said assessment roll shows as follows:

1. The name of the owner(s) of each lot to be assessed, as shown by the assessment rolls, of the Director of Equalization.
2. A description by lot, block and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment, or any installment thereof, may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

**NOW, THEREFORE, BE IT RESOLVED**, that Monday, the 15<sup>th</sup> day of December, 2014, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

**BE IT FURTHER RESOLVED**, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

**BE IT FURTHER RESOLVED**, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall mail a copy of this Resolution and Notice, by first-class mail, with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such improvement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 17<sup>th</sup> day of November, 2014.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, CLAY COUNTY, SOUTH DAKOTA:

By: \_\_\_\_\_  
John E. (Jack) Powell

ATTEST:

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

SEAL

CERTIFICATION OF ADOPTION:

Adoption of the above and foregoing Resolution and Notice was moved by Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_ and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon \_\_\_ members voted in favor thereof and \_\_\_ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

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

Approved: November 17, 2014

Publish: November 28, 2014

## *Council Agenda Memo*

**From:** José L. Domínguez, City Engineer

**Meeting:** November 17, 2014

**Subject:** Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Construction of Concrete Surfacing along the North to South Alley in Block 68, Bigelow's Addition from East Clark Street to East Cedar Street

**Presenter:** José L. Domínguez

**Background:** On January 6, 2014 the City Council approved a Resolution Adopting the Resolution of Necessity for Construction of Concrete Surfacing along the North to South Alley in Block 68, Bigelow's Addition from East Clark Street to East Cedar Street. This resolution involved the paving the alley in Block 68 of Bigelow's Addition. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on November 12, 2014.

**Discussion:** Per State statute, the City is required to hold a public hearing to allow the affected property owners to review and discuss any concerns regarding the assessed value. The property owners to be assessed will also be notified of the hearing by mail. The public hearing notice will be published in the Plain Talk.

**Financial Consideration:** The construction cost was \$43,442.11, of which \$38,532.03 is assessable. This assessable value does not include the administrative fee; which is 8% of the construction cost.

**Conclusion/Recommendations:** Administration recommends approving the Resolution to set a hearing date of December 15, 2014 for the special assessments for the concrete paving of the alley.

**RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING  
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL  
FOR CONSTRUCTION OF CONCRETE SURFACING ALONG THE NORTH TO  
SOUTH ALLEY IN BLOCK 68, BIGELOW'S ADDITION FROM EAST CLARK  
STREET TO EAST CEDAR STREET, IN THE CITY OF VERMILLION, SD**

**WHEREAS**, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 12<sup>th</sup> day of November, 2014, for the concrete paving of an alley in front or abutting lots in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement; and

**WHEREAS**, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

**WHEREAS**, said assessment roll shows as follows:

1. The name of the owner(s) of each lot to be assessed, as shown by the assessment rolls, of the Director of Equalization.
2. A description by lot, block and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment, or any installment thereof, may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

**NOW, THEREFORE, BE IT RESOLVED**, that Monday, the 15<sup>th</sup> day of December, 2014, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

**BE IT FURTHER RESOLVED**, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

**BE IT FURTHER RESOLVED**, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall mail a copy of this Resolution and Notice, by first-class mail, with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such

improvement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 17<sup>th</sup> day of November, 2014.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, CLAY COUNTY, SOUTH DAKOTA:

By: \_\_\_\_\_  
John E. (Jack) Powell

ATTEST:

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

SEAL

CERTIFICATION OF ADOPTION:

Adoption of the above and foregoing Resolution and Notice was moved by Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_ and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon \_\_\_ members voted in favor thereof and \_\_\_ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

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

Approved: November 17, 2014  
Publish: November 28, 2014

CITY OF VERMILLION  
 INVOICES PAYABLE-NOVEMBER 17, 2014

1 ANDY COLVIN	MEALS REIMBURSEMENT	24.00
2 AVERA QUEEN OF PEACE HEALTH	TESTING	69.90
3 BOUND TREE MEDICAL, LLC	SUPPLIES	190.48
4 BROADCASTER PRESS	ADVERTISING	2,001.78
5 BRUNICKS SERVICE INC	FUEL	509.35
6 BUREAU OF ADMINISTRATION	TELEPHONE	248.69
7 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
8 CENTURYLINK	TELEPHONE	1,492.61
9 CITY OF VERMILLION	LANDFILL VOUCHERS	360.00
10 CLAY CO REGISTER OF DEED	FILING FEES	90.00
11 CLAY RURAL WATER SYSTEM	WATER USAGE	86.60
12 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,480.69
13 DEPT OF ENVIRONMENT & NATURAL RESOURCES	LOAN PAYMENT	66,031.51
14 DEPT OF ENVIRONMENT & NATURAL RESOURCES	LANDFILL OPERATIONS FEE	3,005.58
15 DEPT OF REVENUE	MALT BEVERAGE LICENSE	150.00
16 DIVISION OF MOTOR VEHICLE	TITLE/PLATES	10.00
17 DUCKS UNLIMITED	SPONSOR FEE	60.00
18 GREGG PETERS	MANAGERS FEE	5,375.00
19 INDEPENDENCE WASTE	WASTE HAULING	18.00
20 INTERSTATE ALL BATTERY CENTER	BATTERIES	153.90
21 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
22 MATHESON TRI-GAS, INC	OXYGEN	279.05
23 PEDERSEN MACHINE INC	GATOR UTILITY VEHICLE	8,500.00
24 REPUBLIC NATIONAL DISTRIBUTION	MERCHANDISE	16,436.84
25 RELIABLE TOWING	TOW FEES	306.20
26 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
27 SD MUNICIPAL LEAGUE	REGISTRATION	50.00
28 STERN OIL CO.	AVIATION FUEL	41,857.00
29 TRAVIS TARR	BREAKER PANEL	75.00
30 UNITED PARCEL SERVICE	SHIPPING	20.81
31 US POSTMASTER	POSTAGE FOR UTILITIES	1,050.00
32 VERMILLION CHAMBER OF COMMERCE	TIF 6 GRANT	31,631.02
33 GABRIEL PICIOROAGA	BRIGHT ENERGY REBATE	75.00
34 TROY GREGOIRE	BRIGHT ENERGY REBATE	1,050.00
35 DERRY HOCHHOLTER	BRIGHT ENERGY REBATE	300.00
36 BARB WEYHRICH	BRIGHT ENERGY REBATE	275.00
37 MARCH FILMS	BRIGHT ENERGY REBATE	100.00
	GRAND TOTAL	\$ 184,720.28