

Unapproved Minutes
Council Special Session
July 18, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 18, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward (arrived at 12:09 p.m.), Zimmerman, Mayor Powell

Absent: French, Willson

John Prescott, City Manager, introduced Matt Betzen as Police Chief.

2. Educational Session - Sidewalk survey update - Jordan McQuillen

John Prescott, City Manager, reported that this has been an ongoing project to identify areas of the community that lack sidewalks and develop a policy to install the needed sidewalks. Criteria was developed and reviewed by the City Council and Jordan McQuillen, Intern to the City Manager, has compiled a listing of some of the areas that would require sidewalks. Jordan requested that the City Council review the list before any contact is made with the property owners.

Jordan reported that the criteria developed is to have sidewalks on both sides of the street for one block around schools and parks, that sidewalks be installed that connect pedestrian routes to the business district and install sidewalks in developments that are 75% developed. He reviewed areas around schools and the city parks that would need sidewalks to meet the criteria, noting that some areas are undeveloped, have elevation issue, utility structure interference, not enough right-of-way so curbside sidewalks would be required and areas that have back yard frontage. Jordan requested City Council input or adjustments to the criteria in these areas. Discussion followed on the criteria along with the need to develop costs for the sidewalks needed on City property for consideration during the budget process before proceeding with the private property.

Alderman Ward arrived at 12:09 p.m.

3. Educational Session - 2011 sidewalk inspection program - José Dominguez

José reported that the 2010 survey was of the northeast area of the city with 215 properties tagged and notified of the need to make repairs. The City will be contracting for the sidewalk replacement at 114 locations with a bid opening set for August 3rd. The 2011 survey, completed in June, was of the southeast area of the city with 311 properties tagged. Notices will be sent to the property owners in July or August notifying them of the need to repair by next June or the City will proceed with the repairs and assess the property owner for the cost. A resolution will be coming before the City Council for this action. José answered questions of the Council on the sidewalk program.

4. Educational Session - Proposed Driveway cut policy - José Dominguez

José reported that a permit is required for driveway cuts to control the access to streets and maintain the flow for storm drainage. He noted that, for driveway cuts on asphalt streets, the City has the expense of replacing the asphalt removed to install the forms. José noted that the City has adopted fees for street cuts and asphalt repairs that are used for sewer service install or repair and would like to use these fees for driveway cuts. Discussion followed with the consensus that the existing resolution would allow for charging a fee for the asphalt cutting and replacement.

5. Briefing on the July 18, 2011 City Council Regular Meeting Agenda

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

6. Adjourn

207-11

Alderman Meins moved to adjourn the Council special session at 1:08 p.m. Alderman Davies seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of July, 2011.

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
July 18, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 18, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: French

2. Pledge of Allegiance

3. Minutes

A. July 2, 2011 Special Session; July 5, 2011 Regular Session

208-11

Alderman Grayson moved approval of the July 5, 2011 special session minutes and the July 5, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

209-11

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

5. Visitors to be Heard

A. Vermillion Public Library

Mayor Powell reported that, for a number of years, the Library Board and City Council have been working on expanding and renovating the Library. The City Council budgeted \$1.4 million to this project for this year and made application for Rural Development Grant and loan funding that was not received. A Community Development Block Grant of \$200,000 for the project was received. The architect's estimate for the project was about \$3 million so the project was on hold pending funding. He stated that, several months ago, he received a call

asking about the status of the library project, noting that his response was that the project was on hold as there were not sufficient funds to proceed at this time. The caller then asked if a substantial gift would enable the City to proceed with the project. As to how substantial, it was said to be in the range of \$800,000. Mayor Powell reported that the donor wishes to remain anonymous at this time. When the time is right, later on in the project, we will provide appropriate recognition to this donor. He stated that this is an exciting announcement for the community as, with this donation, the library building project will be able to proceed. Mayor Powell asked John Prescott, City Manager, to review the financing for the project and Roger Kozak, Co-Chair for the Library Foundation fund raising project, to explain the opportunity that our entire community has to bring this project to fruition.

John Prescott, City Manager, reviewed the financing in place for the project noting that the Library Board has committed their certificates of deposit to fund the architect's fees. He noted that the architect's estimate of \$100,000 for landscaping and site work will be done by City staff to save some of the funds. The estimate for additional footings for a future second floor would be bid as an "add" alternate. The estimate includes \$200,000 for contingency which, as in the City Hall project, was not all needed. The estimate included furniture and fixtures that the Library Foundation has committed to raise funds for to reduce the project cost. John stated that he recommends moving forward with the project and reviewing the funding during the budget session.

Roger Kozak, Co-Chair for the Library Foundation fund raising, outlined the challenge and the goal noting that the generous gift, City funding, Federal grant and Library Board funds will take care of the building with the Foundation committed to raising \$200,000 for the furnishing of the building. He noted that the Library has changed over the years to meet the needs of the citizens. Roger reported that the Foundation is developing a list of items for giving levels. He was pleased to announce that the Library Foundation has committed the first \$10,000 towards the goal. Their goal is to have the funds raised within three months to furnish a first rate library.

Jon Flanagan, Library Board Chairman, wanted to thank all those who have worked on this project as the Library is a great resource to the community.

B. National Night Out Proclamation

Alderman Meins read the National Night Out Proclamation for 2011 recognizing August 2, 2011 as "National Night Out" in Vermillion.

Crystal Brady accepted the proclamation on behalf of the Vermillion Police Department and invited citizens to the event that is planned for August 2nd with a cookout by Hy-Vee for \$2.50 per plate. Crystal introduced Matt Betzen, the new Police Chief.

6. Public Hearings

A. 2000-2020 Comprehensive Plan Amendments

Andy Colvin, Assistant to the City Manager, reported that the City and County have been working on a Joint Jurisdictional Ordinance for some time now and, before the City can adopt a Joint Jurisdictional Ordinance, a future land use map needs to be included in the Comprehensive Plan. The City's Comprehensive Plan currently has no provision for land use outside the city limits so an amendment is needed to include the future land use map. The Planning Commission and City Council have reviewed the proposed map noting that future platting and zoning will be guided by this map. Andy noted that the future land use map is different than the Joint Jurisdictional area. He reviewed the different areas of the future land use map. Andy noted that the proposed amendments also modify the City's Growth Management Strategy and Plan Implementation sections. Many of the policies and objectives in the Comprehensive Plan have been completed or altered at some point. The Planning Commission has participated in a number of goal setting work sessions to develop a newly revised Planning Policy Framework. The comprehensive plan revision process was put on hold until the Joint Jurisdictional Zoning Ordinance was finalized. The Planning Commission considered the amendment on June 27th and recommended approval. Toby Brown, Planner with Southeastern Council of Governments, was present to answer questions as he has assisted the City and County with the process. Discussion followed.

210-11

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

A RESOLUTION AMENDING THE 2000 - 2020 VERMILLION
COMPREHENSIVE PLAN AS PROVIDED FOR IN SDCL CHAPTER 11-6.

WHEREAS, the Vermillion City Council desires to amend the 2000 - 2020 Vermillion Comprehensive Plan; and

WHEREAS, the Vermillion Planning Commission has held the required public hearing and has recommended approval of said proposed amendments; and

WHEREAS, the Vermillion City Council has received the recommendation of the Vermillion Planning Commission and has held the required public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion City Council hereby adopts the attached addendum which will amend the 2000 - 2020 Vermillion Comprehensive Plan and that these amendments will take effect upon publication of a notice of adoption and summary (SDCL 11-6-18.2).

Dated at Vermillion, South Dakota this 18th day of July, 2011.

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 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.

7. Old Business - None

8. New Business

A. Architectural Services agreement with Architecture Incorporated for the Vermillion Library addition and expansion

John Prescott, City Manager, reported that this is a follow-up to the announcement of funding for the Library addition and expansion. The Library Board went through a selection process to select Architecture Incorporated of Sioux Falls, who did the schematic design for the grant applications. The standard contract has been reviewed and modified by the City Attorney with his changes incorporated.

211-11

Alderman Osborne moved approval of the architectural services agreement with Architecture Incorporated for the Vermillion Public Library addition and expansion project. Alderman Ward seconded the motion. Discussion followed on the timeline for the project. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance No. 1255 - Adopting Rental Housing Regulations and Establishing the International Property Maintenance Code

Farrel Christensen, Building Official, reported that the City has updated the building code by adopting the 2009 International Building and Residential Codes and the International Property Maintenance Code. Excluded from the property maintenance code was rental housing as that was addressed by the existing ordinance that was adopted in 1975 with minor updates. Farrel stated that the proposed ordinance is to replace the existing Chapter 94 Rental Housing Code with the 2009 International Property Maintenance Code. As to changes, Farrel noted that fraternities and sororities will require inspections and that he had worked with the USD Student Life Office on the proposed changes. The proposed ordinance will require an owner or property manager to reside within 100 miles where, in the past, they needed to reside in South Dakota. An inspection is required before a property is to be registered. Owners will need to provide a listing of tenants, upon request, to assist with overcrowding issues. Farrel answered questions of the City Council on the proposed ordinance noting that if this ordinance is approved, the next ordinance will remove the rental housing exemption from the Property Maintenance section of the ordinance.

Amber Groh with USD Student Life Office, wanted to thank Farrel for contacting and working with her office on the inclusion of the fraternities and sororities.

Discussion followed on the proposed ordinance.

212-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1255 entitled An Ordinance Repealing Chapter 94 Rental Housing Code Sections 94.01 through 94.17 and Adopting Rental Housing Regulations 94.01 through 94.15, of the 2008 Revised Ordinances Of The City Of Vermillion, South Dakota, Establishing The International Property Maintenance Code as the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, seating, sanitation, protection from the elements, life, safety, safety from fire and other hazards and repealing any other ordinance or parts thereof in conflict with this ordinance for 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 18th day of July, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Meins. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1256 - Amending the International Property Maintenance Code as adopted by the City of Vermillion to include residential structures registered as rental dwelling units

Farrel Christensen, Building Official, stated that Ordinance No. 1256 is to amend Chapter 150.50 to remove the exemption from the International Property Maintenance Code for rental structures registered with the City as rental dwelling unit regulated by Chapter 94 to provide that all properties in the city are governed by the same code. Discussion followed.

213-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1256 entitled An Ordinance Amending Section § 150.50 International Property Maintenance Code, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota Section 101.2 scope including residential structures registered with the city as rental dwelling units 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 18th day of July, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Zimmerman. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. Resolution Authorizing State Water Plan Application for Landfill

Bob Iverson, Solid Waste Director, noted that last year the City hired a consultant to determine if the landfill cells could go deeper to provide more space and extend the landfill life. The report came back that the landfill cells could be up to fifty feet deeper. In working with the SD Department of Environment and Natural Resources

(DENR), the Leachate system for future cells has had to be redesigned. The DENR has amended the landfill permit to allow the additional depth and redesigned Leachate system. Bob stated that HDR, the engineering consultant, is working on the landfill design for cell 5 and the Leachate system. Cell 5 is projected to have a 9 year life and the Leachate system will serve future cells with an estimated life of the balance of the existing land of 42 years. The project is estimated to cost \$2.3 million and to make application for grant or SRF loan funding, the project will need to be included on the State Water Plan. Discussion followed on the project and the landfill. John Prescott, City Manager, reported that the whole Joint Powers solid waste system is being reviewed and the report will include a cost of service study for the landfill to be completed this fall. Discussion followed on the landfill.

214-11

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

CITY OF VERMILLION
RESOLUTION AUTHORIZING STATE WATER PLAN
APPLICATION AND RELATED GRANT/LOAN APPLICATIONS

SUBMITTAL OF APPLICATIONS FOR INFRASTRUCTURE FINANCING

WHEREAS, the City of Vermillion has determined a need for the Landfill Expansion project;

WHEREAS, financial assistance will be necessary to enable the City to construct this project; and

WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water, wastewater, and storm water infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Vermillion hereby authorizes the filing of a State Water Plan and grant and/or loan applications with the South Dakota Department of Environment and Natural Resources, including all understandings and assurances contained therein, to fund its Landfill Expansion project.
2. Be it further resolved, that the City of Vermillion hereby authorizes its City Manager to act as Project Certifying Officer in connection

with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Dated at Vermillion, South Dakota this 18th day of July, 2011.

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 Willson. 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.

E. Request to close four Main Street parking stalls in front of Hollywood Video on Thursday, July 28th from 7:00 a.m. until 5:00 p.m. for a sidewalk sale

Andy Colvin, Assistant to the City Manager, reported that a request was received to close four parking stalls in front of Coyote Twin Theatre/Hollywood Video at 10 & 12 E. Main Street on Thursday, July 28, 2011 from 7:00 a.m. to 5:00 p.m. for their annual Customer Appreciation Day sale. Andy noted that no concerns have been raised in the past for closing the parking stalls.

215-11

Alderman Osborne moved approval of the closing of four parking stalls at 10 & 12 E. Main Street from 7:00 a.m. to 5:00 p.m. on Thursday, July 28, 2011. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Designation of representation to the South Dakota Municipal Power Agency

John Prescott, City Manager, reported that the City is a member of the South Dakota Municipal Power Agency which requests the designation of a representative and alternate. In the past, the representative has been the City Manager with Harold Holoch, Utility Engineer, serving as alternate. John recommended adoption of the

resolution with Mark Koller, Light Department Superintendent, as the alternate.

216-11

Alderman Willson moved approval of the resolution authorizing and appointing John Prescott, City Manager, as the representative of the City of Vermillion to the South Dakota Municipal Agency and Mark Koller, Light Department Superintendent, as alternate. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Designation of representation for Missouri River Energy Services business

John Prescott, City Manager, reported that the City is a member of Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services which requests the designation of a representative and an alternate. In the past, the representative has been the City Manager with Harold Holoch, Utility Engineer, serving as the alternate. John recommended adoption of the resolution with Jason Anderson, Assistant City Engineer, as the alternate.

217-11

Alderman Zimmerman moved approval of the resolution authorizing and appointing John Prescott, City Manager, as the City representative to the Missouri River Basin Power Agency and Jason Anderson, Assistant City Engineer, as the alternate. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that fogging for mosquitoes continues as counts in the traps warrant. All of the community has been fogged with the parks area receiving more frequent fogging. John noted that the City also partnered with USD to allow them to use our equipment to fog before their camps.

B. John reported that the first of the Thursdays on the Platz events is this Thursday, July 21st noting that Market Street will be closed for a half block south of Main Street from 5:00 p.m. to 8:00 p.m.

C. John invited the community to an open house for Matt Betzen, Police Chief, on Tuesday, July 19th from 4:00 p.m. to 6:00 p.m. on the second floor of City Hall.

PAYROLL ADDITIONS AND CHANGES

Planning Commission: Mike Manning \$15.00/meeting; Police: Matt Betzen \$33.65/hr, Brandon Hansen \$17.69/hr, Chad Passick \$29.21/hr, Jonathan Warner \$21.24/hr; Ambulance: Lee Huber \$19.23/hr

11. Invoices Payable

218-11

Alderman Zimmerman moved approval of the following bills:

AMERICAN LEGAL PUBLISHING	ORDINANCE UPDATES	479.90
AT&T	POLICE COMMUNICATIONS	252.07
AVERA QUEEN OF PEACE HEALTH	TESTING	279.60
BROADCASTER PRESS	ADVERTISING	913.28
BUREAU OF ADMINISTRATION	TELEPHONE	370.09
CHANEY-COR INSURANCE	FIRE PORTABLE EQUIPMENT	1,047.00
CITY OF VERMILLION	LANDFILL VOUCHERS	820.50
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,011.22
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,400.01
GCSAA	MEMBERSHIP DUES	340.00
GERSTNER OIL CO	AVIATION FUEL	17,053.26
GREGG PETERS	MANAGERS FEE & QTR PROFIT	22,750.25
JONES FOOD CENTER	SUPPLIES	49.38
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	SUPPLIES	211.56
MIDAMERICAN	GAS USAGE	1,265.74
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
MIDWAY SERVICE, INC	FUEL	23,367.58
MINN MUNICIPAL UTILITY ASSOC.	SAFETY MGMT PROGRAM	5,372.51
PRESTO-X-COMPANY	INSPECTION/TREATMENT	94.00
QWEST	TELEPHONE	1,548.91
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD DEPT OF LABOR	UNEMPLOYMENT BENEFITS	3,721.00
SPRINT	CELL PHONES	969.67
STACY LAVIN	WATER HEATER REBATE	357.00
THE EQUALIZER	ADVERTISING	43.20
UNITED PARCEL SERVICE	SHIPPING	47.87
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	493.90
SESDAC	BRIGHT ENERGY REBATE	661.00

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

12. Consensus Agenda

A. Set a public hearing date of August 1, 2011 for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about August 10 & 11, 2011 at the Clay County Fairgrounds

219-11

Alderman Willson moved approval of the consensus agenda. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

220-11

Alderman Zimmerman moved to adjourn the Council Meeting at 8:16 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of July, 2011.

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 _____.