

Unapproved Minutes
Council Special Session
November 19, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 19, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: Osborne

2. Informational Session - Coyoteopoly/Shakespeare Festival 2013 Event - Ted Cherry

John Prescott, City Manager, introduced Ted Cherry, CEO Coyoteopoly, and Chaya Gordon-Bland, Artistic Director, to update the City Council.

Alderman Collier-Wise arrived at 12:02 p.m.

Chaya Gordon-Bland provided a review of the 2012 event thanking the City Council for its support for the first year event.

Ted Cherry reported on the Coyoteopoly goals for the 2013 event scheduled for June 14-16 in Prentis Park. He stated that the group will be soliciting sponsors for the 2013 event and will be working with the City on items for the City Council consideration as it gets closer to the event.

Ted and Chaya answered questions of the City Council on the Shakespeare Festival.

3. Informational Session - Review of Joint Jurisdictional Zoning Process - Andy Colvin

Andy Colvin, Assistant to the City Manager, reported that the County Commission and City Council will be having a joint meeting Tuesday at 5:00 p.m. to consider the zone change request at 46171 Timber Road. Andy provided a copy of the joint jurisdictional zone change ordinance, official zoning map and the information presented to the Joint Planning Commissions. Alderman Willson reported on the discussions of the committee working on the Joint Jurisdictional

Ordinance and was concerned about the precedent this request would set and suggested instead changing the ordinance to allow for a conditional use permit to allow the added structure in the agricultural zone subject to the density limits. Mayor Powell stated that this item will be discussed at the joint meeting on Tuesday.

John Prescott, City Manager, reported that there is another request for a zone change in the joint jurisdictional area from Eldon Nygaard that the Joint County Commission and City Council will need to act upon. The consensus was to check with the County to see if Tuesday, December 11th at 5:00 p.m. would work for the joint meeting.

4. Briefing on the November 19, 2012 City Council Regular Meeting Agenda

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

5. Adjourn

400-12

Alderman Zimmerman moved to adjourn the Council special session at 12:42 p.m. Alderman Davies seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of November, 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
November 19, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on November 19, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. November 5, 2012 Special Session; November 5, 2012 Regular Session

401-12

Alderman Osborne moved approval of the November 5, 2012 special session minutes and the November 5, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

402-12

Alderman Zimmerman moved to add to the agenda Old Business Item A - Reconsideration of the November 5, 2012 action on the request from Todd and Michele Mechling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W. Main Street. Alderman Osborne seconded the motion. Discussion followed. Motion carried 9 to 0 to add the item to the agenda. Mayor Powell declared the motion adopted.

403-12

Alderman Zimmerman moved adoption of the agenda as amended. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Resolution of Support in Joining Community Leaders in Addressing Housing Needs

Alderman Ward read the resolution of support in joining community leaders in addressing housing needs.

B. Proclamation of Appreciation for Area Fire Departments Responding to the Vermillion Landfill Fire

Alderman Meins read the proclamation of appreciation recognizing the Gayville, Volin and Wakonda Volunteer Fire Departments who responded to assist the Vermillion Fire Department at the landfill fire.

6. Public Hearings - None

7. Old Business

A. Reconsider the November 5, 2012 action on the request from Todd and Michele Mechling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W. Main Street

404-12

Alderman Zimmerman moved to reconsider the November 5, 2012 action on the request from Todd and Michele Meckling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W Main Street. Alderman Osborne seconded the motion. Mayor Powell asked Jim McCulloch, City Attorney, about what discussion would be allowable. Jim stated that discussion on the motion to reconsider would be allowed but that no discussion should take place on the variance as it was not advertised on the agenda but could be put on a future agenda for consideration.

Todd Mechling, owner of 1020 W Main Street, provided handouts of the diagram of his front yard showing the project as it is proposed to be completed as support for the motion to reconsider.

A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-N. Mayor Powell declared the motion to reconsider passed 7 to 2. Mayor Powell requested that this item be included on the December 3rd agenda for Council consideration.

8. New Business

A. Parade of Lights Street Closure Request - Friday, December 7, 2012

John Prescott, City Manager, reported that the Vermillion Chamber and Development Company (VCDC) is planning for their annual Parade of Lights scheduled for Friday, December 7, 2012 starting on Main Street at Elm Street proceeding west to High Street. John noted that the Fire, EMS and Police Departments have reviewed the request and have no concerns. He stated that the closing would be a rolling

street closing that will block off intersections as the parade advances.

405-12

Alderman Grayson moved approval of the closing of Main Street from Elm Street to High Street from 6:15 p.m. to 7:00 p.m. December 7, 2012 for the VCDC Parade of Lights. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Declare an Emergency due to landfill fire and authorize the purchase of Fire Department protective jackets and pants

Mike Carlson, Finance Officer, noted that at last noon meeting Bob Iverson, Solid Waste Director, showed pictures of the landfill fire damage. Bob noted that the equipment spilled considerable quantities of oil in the building. In working the fire, the fire fighters had oil contaminating the fire hoses, gloves, boots, bunker gear pants and some coats. The Fire Department insurance company has reimbursed the Department for the hose and the gloves that were contaminated.

The Department has tried cleaning the pants and coats without any success. The concern is that cleaning the fire retardant materials to remove the oil will impact the ability to certify the continued use of the gear for firefighting. The insurance company stated that, if it did reimburse the Department, it would be just for the damaged pants and coats. The problem is that the coat and pants come as a set and this model is no longer produced, so the individual pieces cannot be replaced and a new set will need to be purchased. The Department, in working with the insurance company, has obtained two quotes for the purchase of coats and pants. The low quote to replace a coat is \$1,086.58 and the pants are \$728.26 for a total of \$1,814.84 for a set. As the cost of 20 sets of bunker gear exceeds \$25,000, this purchase would need to be bid unless the City Council declares an emergency. State law allows the governing body to declare an emergency to purchase without advertising for bids if rentals are not practicable and there exists a threat to public health, welfare or safety or for other urgent and compelling reasons. The low quote was from Heiman Fire Equipment of \$1,814.84 per set and the second quote was from Danko Emergency Equipment of \$1,940.16 per set. If the order is placed right away, the protective clothing delivery is anticipated in mid January and by declaring an emergency it will save at least three weeks in the delivery of this gear. Mike noted that the amount of the insurance refund is not known at this time but it is estimated at over \$19,000 to reduce the purchase price of \$36,296.80. The 2013 budget will need to be revised for this purchase. Administration recommends that an

emergency be declared for the safety of the firefighters to replace damaged bunker pants and coats and authorize the purchase of 20 sets of gear from Heiman Fire Equipment.

406-12

Alderman Davies moved to declare that an emergency exists for the safety of the firefighters and authorize the purchase of 20 sets of firefighter pants and coats from the low quote of Heiman Fire Equipment at \$1,814.84 each total \$36,296.80 Alderman Grayson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Shared use hike/bike path easement along Hwy 19 from W. Cherry St. to Hwy 50

Jose Dominguez, City Engineer, reported that during the construction of the shared use path along SD Highway 50 from Stanford Street to Dakota Street, the DOT expressed concerns about the pedestrian traffic utilizing SD Highway 19 for travel. Jose noted that the DOT has requested that the City utilize the remainder of the Federal grant to construct a shared use path along SD Highway 19 between West Cherry Street and SD Highway 50. The path would be constructed within the DOT's right-of-way on the east side of the road. The path would be eight feet wide and be approximately four feet from the curb line. Jose stated that since the path will be within the DOT's right-of-way no permanent easements will be required. However, the City will need to acquire temporary construction easements from the adjacent property owners (Polaris and East River Properties). The temporary easements will be valid through construction and an additional year after construction is completed. The additional year will allow the City access if a portion of the path needs to be reworked. Three easements are required for the project to proceed to the bidding process. Jose stated that East River Properties has requested \$51 for the easement that is based upon the rental value received on the property. Administration recommended approval of the easements for the shared use hike/bike path as presented.

407-12

Alderman Willson moved approval of the temporary construction easements for the shared use hike/bike path along SD HWY 19 as presented with East River Properties in the amount of \$51. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Library Change Order #4

John Prescott, City Manager, reported that the construction project is proceeding at the library and that, after being closed for two weeks to move the materials from the existing library into the new portion, the library opened today. As construction has progressed, items have come up that were not included in the construction contract that are addressed by change orders. John noted that change orders #1-#3 have been previously approved by the City Council and change order #4 is for four different items. The first numbered RFP #9 is to remove from the contract concrete between the sidewalk and curb in front of the west entrance along Church Street. The cost for this proposal reduced the contract by \$749.

The second RFP #11R is to provide for temporary electrical, data and communication at the interim circulation desk/work area. A provision to wire the temporary work area for these needs was not included in the bid documents. The cost for this proposal is \$4,268.

The third #12R is to revise the electrical and data outlets in the new Technical Center. The cost for this proposal reduces the overall cost by \$1,140.

The fourth #13A raises the four rows of pendant lights across the newly constructed main floor space by four inches. It was determined that the lights, as hung and specified in the bid specs, would be too close to the eight-foot book stacks. The cost for this proposal increases the contract price by \$3,188.

The total cost for the five proposals is a \$5,567 increase to the construction contract plus the architect's 8% fee, for a total project cost increase of \$6,012.

John reported that the contingency on this project was \$118,785 and was planned for items which came up during construction. Adoption of Change Orders #1 and #3 reduced the contingency balance to \$114,630. Adoption of Change Order #4 will reduce the contingency balance to \$108,618. Administration recommends approval of the change order.

408-12

Alderman Osborne moved approval of change order #4 on the library construction project with Welfl Construction of \$5,567 plus the increase in architect's fee of 8% for a total project cost increase of \$6,012. Alderman Grayson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Declare Golf Course Picker surplus and authorize trade-in of equipment

John reported that the Bluffs Golf Course has a 2002 Yamaha range picker which is used to collect range balls from the driving range that is in need of replacement. John stated that the golf course staff has obtained two quotes on a new range picker with the low quote from Yamaha Golf and Utility of \$10,227 with the trade in of the 2002 model. John stated that this was included in the current year budget and recommended approval of the purchase with the old picker being declared surplus to be traded in.

409-12

Alderman Davies moved approval of the purchase of the new range picker with the 2002 picker being declared surplus to be traded in for a net purchase price of \$10,227. Alderman Willson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion 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 139 utility accounts totaling \$32,816.50, 8 general accounts receivable totaling \$983.69 and 4 return checks totaling \$565.00 from the accounting records. Mike noted that no ambulance accounts are being requested to be removed as the new billing company started in July and is in the process of reviewing all the old accounts. When they provide us with a list, we will bring it forward for Council action. Discussion followed.

410-12

Alderman Zimmerman moved approval of the removal from the accounting records of utility accounts totaling \$32,816.50, general accounts totaling \$983.69 and return checks totaling \$565.00. Alderman Meins seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that City offices will be closed on Thursday, November 22nd in observance of the Thanksgiving holiday.

B. John reported that the library reopened today. He stated that library services are being offered in the new addition while the

existing space is renovated. We appreciate the public's patience with the arrangement as the space will be tight until the renovation is complete.

C. John reported that a raffle request was approved for November 8th for Career Service Advisory Council 50-50 raffle, one ticket \$1 or 6 for \$5. Proceeds will fund programming offered by Career Services for students.

D. John reported that the joint City Council and County Commission meeting is on Tuesday, November 20th at 5:00 p.m. in the City Council Chambers for a rezoning request in the Joint Jurisdictional area.

PAYROLL ADDITIONS AND CHANGES

Police Administration: Janna Mollet \$18.95/hr; Police: Kevin Malloy \$19.76/hr; Code: Jim Balleweg \$17.47/hr

11. Invoices Payable

411-12

Alderman Ward moved approval of the following bills:

ACCENT/CIGNA	REFUND AMB OVERPAYMENT	69.80
ARCHITECTURE INC.	PROF SERVICES - LIBRARY	2,715.00
BRANDON HANSEN	MEALS REIMBURSEMENT	38.00
BROADCASTER PRESS	ADVERTISING	2,163.86
BUREAU OF ADMINISTRATION	TELEPHONE	244.17
CALLE SORENSEN	MEALS REIMBURSEMENT	38.00
CANNON TECHNOLOGIES, INC	LOAD MANAGE SUPPLIES	3,623.04
CANON FINANCIAL SERVICES	PLOTTER LEASE	196.27
CENTURYLINK	TELEPHONE	1,474.39
CHRIS NISSEN	SAFETY BOOTS REIMBURSE	100.00
CLAY CO REGISTER OF DEED	FILING FEES	60.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,084.21
DAN HANSON	SAFETY BOOTS REIMBURSE	100.00
DENR	PYMT LANDFILL/CURBSIDE	66,031.51
DEPT OF REVENUE	LICENSE RENEWAL	275.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,007.06
D & G CONCRETE CONSTRUCTION	STANFORD ST CONSTRUCTION	37,713.64
DIAMOND VOGEL PAINTS	TRAFFIC PAINT	3,424.44
DON LARSEN	REFUND WATER SERVICE FEE	15.00
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	DIAL-UP SERVICE	49.95

LARRY BRADY	BIKE PATH EASEMENT	51.00
LEE HUBER	MEALS REIMBURSEMENT	39.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	CYLINDERS	635.58
MIDAMERICAN	GAS USAGE	905.43
MIDCONTINENT COMMUNICATIONS	CABLE/INTERNET SERVICE	105.95
NICOLE GULLEY	MEALS REIMBURSEMENT	38.00
RESERVE ACCOUNT	POSTAGE FOR METER	650.00
SD DEPT OF REVENUE	TRANSPORTER LICENSE	25.00
SPRINT	CELL PHONES	1,284.98
STERN OIL CO.	FUEL/OIL	22,640.67
THE EQUALIZER	ADVERTISING	682.00
TONY KLUNDER	MEALS REIMBURSEMENT	38.00
US POSTMASTER	POSTAGE FOR UTIL BILLS	1,050.00
VEOLIA ENVIRONMENTAL SERVICES	HHW COLLECTION	23,593.92
VERMILLION DEVELOPMENT CO	WELDING EQPT REIMBURSE	21,850.02
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	1,313.54
ALAN GAUER	BRIGHT ENERGY REBATE	275.00
BARB ERNST	BRIGHT ENERGY REBATE	150.00
VERMILLION CIVIC COUNCIL	BRIGHT ENERGY REBATE	324.00

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

12. Consensus Agenda

A. Set a public hearing date of December 3, 2012 for issuance of retail on-off malt beverage license for Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101

B. Set a public hearing date of December 3, 2012 for issuance of retail on-off sale wine license for Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101

C. Set a public hearing date of December 3, 2012 for annual liquor and wine license renewals

D. Set a public hearing date of December 3, 2012 for a public progress hearing for Community Development Block Grant

412-12

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

13. Adjourn

413-12

Alderman Osborne moved to adjourn the Council Meeting at 7:47 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of November, 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 _____.