

Unapproved Minutes
Council Special Session
October 17, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 17, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Ward

2. Informational Session - Fall 2011 Coyoteopoly Project

Maggie Hofer, Vice President of Education for Coyoteopoly, reported that Coyoteopoly started in 2004 and, each year, has done a spring and a fall project. The fall project for 2011 will be bringing attention to Hunger Awareness Week of November 7-12. Maggie invited the City Council members to a Hunger Forum on November 9th at 5:30 p.m. in the Munster Center. Coyoteopoly is also planning a city wide food drive for the food pantry. She requested City Council support of this project.

Mayor Powell stated that the City Council could adopt a proclamation at the November 7th Council meeting for the project.

Maggie answered questions of the City Council on the events planned.

3. Informational Session - Sidewalk Survey update - John Prescott

John Prescott, City Manager, stated that this was a follow up to the sidewalk survey that was presented earlier by intern Jordan McQuillen. At that time, a request was made to have photos of each location. Jordan was unable to attend the meeting but provided a presentation for each location. John reviewed the criteria used to determine the locations proposed and reviewed the photos of each location. Discussion followed on the need to be consistent and if these sidewalks could be included with the annual sidewalk survey for that section of town. Discussion followed on the need to develop a policy that would include a timeline for vacant lots. The consensus was to have a policy developed for Council review

4. Briefing on the October 17, 2011 City Council Regular Meeting Agenda

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

5. Adjourn

313-11

Alderman Meins moved to adjourn the Council special session at 1:07 p.m. Alderman Osborne seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of October, 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
October 17, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 17, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. October 3, 2011 Special Session; October 3, 2011 Regular Session

314-11

Alderman Willson moved approval of the October 3, 2011 special session minutes and the October 3, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

315-11

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

5. Visitors to be Heard

A. Domestic Violence Awareness Month proclamation

Alderman Meins read the Domestic Violence Awareness Month Proclamation that encouraged citizens to participate in the scheduled events and programs.

B. Nick Willan, 235 Lewis, stated that he has been an avid recycler for over ten years and was glad to see the curbside program started. He stated that when he took a pickup with branches to the Recycling Center he was asked to take the load to the Landfill and wanted to know what the policy was for depositing this material at the Recycling Center. Nick also requested expanded hours at the Recycling Center as he works eight to five and can only make it on Saturday morning. John Prescott, City Manager, stated that the roll-offs at the Recycling Center are for small loads as a convenience to the residents. The Recycling Center is requesting that larger quantities and commercial businesses haul directly to the Landfill.

6. Public Hearings

A. First Reading of Ordinance No. 1262 - Amending Title 15 Chapter 155 Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use.

B. First Reading of Ordinance No. 1263 - Amending Title 15 Chapter 155 Section 155.101, Amendments and Change of Zone, to require property owner consent

Andy Colvin, Assistant to the City Manager, reported that Public Hearings Items A and B are proposed zoning ordinances and, as such, City ordinance and State statute require a report of the Planning Commission before action. As the Planning Commission did not have a

quorum for their October 11th public hearing on these items, they do not have a report for the City Council public hearing advertized for tonight. A public hearing will be advertized in the future for the Planning Commission and City Council.

316-11

Alderman French moved to cancel the public hearings for Items A and B scheduled for tonight and authorize the scheduling of public hearings for a report from the Planning Commission on the zoning items. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Transfer of retail on-off sale wine and retail on-off sale malt beverage licenses to Prairie River, Inc. for R-Pizza at 2 W. Main from LaMarco, Inc.

Mike Carlson, Finance Officer, reported that applications were received for the transfer of the retail on-off wine and retail on-off malt beverage licenses from LaMarco, Inc. to Prairie River, Inc. for R-Pizza at 2 W. Main. The hearing was continued from the last meeting for the report of the background check which is included in the packet. The owners are present to answer questions of the Council. Brandon King, Owner, addressed the City Council to answer questions.

317-11

Alderman Zimmerman moved approval of the transfer of retail on-off sale wine and retail on-off sale malt beverage licenses to Prairie River, Inc. for R-Pizza at 2 W. Main from LaMarco, Inc. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

8. New Business

A. Memorandum of Understanding with Clay County on the purchase of Pictometry software

John Prescott, City Manager, reported that the Clay County Director of Equalization approached the City Council about participating in the purchase of Pictometry Software. The Pictometry Software uses aerial photos that allow for different views which will be used by the County and City Departments. In visiting with Gene Lunn, Director of Equalization, the County is waiting for a final proposal and other details relating to future years and requested that this item be continued to next meeting.

318-11

Alderman Grayson moved to continue the MOU with the County on Pictometry Software to the next regular City Council meeting. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Memorandum of Understanding with the Vermillion Chamber of Commerce and Development Company to transfer ownership of the Erickson Addition property and market the property for sale

John Prescott, City Manager, reported on the location of the property being considered. John noted that the Vermillion Chamber of Commerce and Development Company (VCDC), through Vermillion Now!, funded an appraisal of the Erickson Addition property as concerns had been expressed about the prices established by the City Council in 2008. The appraisal determined that the prices were indeed higher than comparable sales. The VCDC Executive Director met with the Surplus Property Appraisal Committee on September 26, 2011 to discuss the appraisal results. During this discussion, a request was made to transfer the property to the VCDC to facilitate marketing the property. The Surplus Property Appraisal Committee requested staff prepare, for City Council consideration, a Memorandum of Understanding (MOU) to transfer the Erickson Addition property to the VCDC. Some of the items included in the MOU are to market the property to obtain the appraised value, the City is to receive the net proceeds, require the VCDC to vacate an easement and dedicate the street right-of-way, the ability of the City to acquire the property back, the transfer of the farm lease and the City has adopted deed covenants on some of the lots that will need to be adopted for the balance of the lots.

Discussion followed with Steve Howe, Executive Director of the VCDC, answering questions of the City Council on marketing planned for the property.

319-11

Alderman Grayson moved approval of the Memorandum of Understanding with the Vermillion Chamber of Commerce and Development Company to transfer ownership of the Erickson Addition Property with the change of Item 6 last sentence from "can" to "shall". Alderman Ward seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Stanford Street Easements

Jose Dominguez, City Engineer, reported that the plan is to reconstruct Stanford Street in 2012 along with the associated utility improvements. For the construction, the City will need to acquire nine construction easements from eight property owners. These easements are temporary and will expire one year after the project is completed. Jose stated that he has obtained six of the easements and is working on the final three. The fee paid to the property owner, as required by the State, is at least \$1 so these amounts are included in the list of bills. Administration recommends approval of the six easements.

320-11

Alderman Zimmerman moved approval of the six temporary construction easements as presented and authorized the execution of each. Alderman Grayson seconded the motion. Discussion followed on the project and easements. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Developers Agreement with Hansen Funeral Home

Jose Dominguez, City Engineer, reported that Mr. Hansen informed him that he is in the process of planning a 40 foot addition to his building. Jose noted that the proposed building would encroach into the 25 foot rear yard setback. The property owner requested a Developer's Agreement to allow them to start construction this fall with the re-platting to be completed no later than April 2012. Administration recommends approval of the Developer's Agreement.

321-11

Alderman Ward moved approval of the Developer's Agreement with Hansen Funeral Home, Inc. for Lots 1 and 2, Block 1, Potters Addition as presented. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Airport Hangar Lease

Jose Dominguez, City Engineer, reported that Vermillion Flying Services, LLC requested to exercise the lease extension option for the hangar lease. The original lease fee is \$10.00 per year. Administration recommended approval of the lease extension option. Discussion followed on the lease noting that the lease does not provide for any price adjustment during the term.

322-11

Alderman Grayson moved approval of the fixed base Operator's Hangar Lease with Vermillion Flying Service, LLC for the 15 year extension of their hangar lease. Alderman Zimmerman seconded the motion.

Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Designate Disabled Parking Space along Church Street (First Baptist Church)

Jose Dominguez, City Engineer, reported that First Baptist Church approached the City about a disabled parking space along Church Street. Jose stated that the Church will need to install the handicapped ramp between the sidewalk and the curb. The City would have the cost to install the signs. The handicapped parking space will be available for use by all in this area. Administration recommends approval of the resolution.

323-11

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

RESOLUTION TO DESIGNATE DISABLED PARKING SPACE ALONG CHURCH STREET (BY THE FIRST BAPTIST CHURCH)

WHEREAS, pursuant to City of Vermillion Code of Ordinances, Section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along city streets; and

WHEREAS, there is a need for some of the parking along Church Street to be designated to serve persons with disabilities.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that one (1) parking spot be designated as Disabled Parking Space along the east side of Church Street fronting the First Baptist Church.

Dated at Vermillion, South Dakota this 17th day of October, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: John E. (Jack) Powell, Mayor

Attest:

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

9. Bid Openings - None

10. City Manager's Report

A. John reported that there will be a joint meeting of the Clay County Commission and City Council on Thursday, October 20th at 6:30 p.m. at City Hall. The purpose of the meeting would be to consider the adoption of the City's Comprehensive Plan for the joint jurisdictional area.

B. John reported that the Household Hazardous Waste collection will be at the Recycling Center on Friday, October 21st from 2:00 p.m. to 6:00 p.m. The cost is \$10 per vehicle. The collection will be in Yankton on Oct 22nd.

C. John reported that he has approved the following raffle notifications:

1. Vermillion Lions Club selling \$1 ticket at their meetings - members and guests splitting the proceeds between the Lions Club and the winning ticket.
2. USD Law School Class of 2014 & Eagles selling tickets for \$25 with proceeds split between Eagle's charities and the Law School class.
3. Coyoteopoly will be conducting a 50/50 drawing at the October 22nd and November 12th USD football games. Tickets are selling for \$1 with a drawing each day with the proceeds split between the winner and the Vermillion Food Pantry.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Kevin Oliver \$7.00/hr FTO, Tyler Schimmel \$6.00-\$30.00/1st - \$6.00-\$17.00/2nd; Recreation: Gretchen Nowatzki \$7.50/hr; Water: Shane Griese \$14.76/hr

11. Invoices Payable

324-11

Alderman Davies moved approval of the following bills:

ARCHITECTURE INCORPORATED	PROFESSIONAL SERVICES	19,255.50
AVERA QUEEN OF PEACE HEALTH	TESTING	529.30
BROADCASTER PRESS	ADVERTISING	1,238.76
BUREAU OF ADMINISTRATION	TELEPHONE-LONG DISTANCE	306.91
CENTURYLINK	TELEPHONE-LINE FEE (2 MOS)	5,012.38
CITY OF VERMILLION	LANDFILL VOUCHERS	600.00
CLAUDE & M. JEAN GARELIK	EASEMENT-STANFORD	1.00
CLAY CO REGISTER OF DEED	FILING FEE-EASEMENTS	194.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	896.39
DAN GOEDEN	SAFETY BOOT REIMBURSEMENT	100.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,265.79
DERRY D/AUDREY A HOCHHALTER	EASEMENT-STANFORD	1.00
EAST RIVER PROPERTIES	EASEMENT-STANFORDS	2.00
FIRST NATIONAL BANK	CITY HALL DEBT SERVICE	260,724.26
FOREMAN MEDIA	COUNCIL MTG	50.00
GRAHAM TIRE CO.	TIRES	473.38
GREGG PETERS	MANAGERS FEE/PROFITS	23,691.68
INTELLI TRACK	SOFTWARE MAINTENANCE	1,640.00
KNOLOGY	DIAL-UP SERVICE	49.95
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	150.09
MIDAMERICAN	GAS USAGE	469.63
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
MIDWAY SERVICE, INC	FUEL	2,292.18
MIDWEST RENTALS, LLC	EASEMENT-STANFORD	1.00
PFEIFER IMPLEMENT CO.	PARTS	61.42
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD DEPT OF LABOR	UNEMPLOYMENT REIMBURSEMENT	1,119.78
SD PUB ASSURANCE ALLIANCE	LIABILITY/VEHICLE INSURANCE	113,195.45
SPRINT	CELL PHONES	987.96
STERN OIL CO.	FUEL	17,226.25
THE EQUALIZER	ADVERTISING	241.00
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VERMEER HIGH PLAINS	PARTS	157.71
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	194.71
WOODY & MINDY HOUSER	EASEMENT-STANFORD	1.00

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

12. Consensus Agenda - None

13. Adjourn

325-11

Alderman Zimmerman moved to adjourn the Council Meeting at 7:56 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of October, 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 _____.