Legal and Public 2010 2010 **Notices**

ucts-\$671.03, North Central-\$2,378.09, Orr Farm Supply-\$7.50, Pedersen Machine-\$200.96, Service-\$447.00, Pressing Matters-\$72.75, Quill Corp.-\$98.76, SD Dept. Transportation-\$248.63, Sturde-Auto Parts-\$122.43, True Value-\$118.18, Office Western Technologies-\$154.69, Yankton Safety-\$95.00, Fire & Yankton Janitorial Supply-\$84.03; (Copier Supplies) Century Business Products-\$41.50; (Travel/Conference) Crossroads Hotel-\$224.00, Bank & Trust Visa-\$201.90, Phyllis Packard-\$56.00, SD Emg. Assn.-\$30.00; Mgmt. (Inmate Transport) Brunick Service-\$320.64; (Utilities) Bu-Administration-\$114.76, Centurylink-\$493.96, Clay Rural Water-\$380.15, Clay-Union Elec-95, tric-\$467. HARTELCO-\$79.95, MidAmeri-Energy-\$80.39, Reliance can Telephone-\$300.00; (Machinery/Auto) Brunick Service-\$1,810.97; (Chemicals) Crop Svc.-\$2,044.00; Production (Training/Special Equip.) Keeprs-\$52.89; (County Health Nurse) Dept. Revenue-\$1,802.50; (Jail Meals) Grille-\$2,456.87; Street Cherry Detention) Minnehaha (Juvenile Co. JDC-\$3,770.00, Volunteers of America-\$525.00; (Building Im-Bonte/Bonte provements) Ken Painting-\$4,732.80, Louie's Carpet Cleaning-\$996.65.

At 12:35 p.m. Kephart moved, seconded by Packard and carried to adjourn and reconvene Tuesday, August 28, 2012 at 9:00 a.m.

Leo F. Powell, Chairman **Board of County Commissioners**

Ruth A. Bremer, County Auditor Published once at the total approximate cost of \$108.52 Estimated publishing cost per published copy

Published: August 31, 2012

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

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

1. Roll Call

Present: Collier-Wise, Davies, Meins, Osborne, Ward (arrived at Willson, Zimmerp.m.), man, Mayor Powell

Absent: Grayson

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

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

Alderman Ward arrived at 12:02

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

3. Tour of Library Construction

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

Mayor Powell asked for a motion to adjourn as some members

4. Adjourn

302-12

BY

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

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

THE GOVERNING BODY OF CITY OF VERMILLION, THE SOUTH DAKOTA

John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Unapproved Minutes City Council Regular Session August 20, 2012 Monday 7:00 p.m.

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

1. Roll Call

Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Zimmerman, Powell

Legal and Public 2010 **Notices**

2. Pledge of Allegiance

3. Minutes

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

303-12

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

4. Adoption of Agenda

304-12

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

5. Visitors to be Heard - None

6. Public Hearings

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

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

305-12

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

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

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

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

C. First Reading of Ordinance No. 1284 - Rezone the South 140 feet of Lot 3 Blk 1 Park Avenue Addition, addressed as 2409 E. Main Street, from the NRC Natural Resource Conservation District to the R-1 Residential District.

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

307-12

Legal and Public 2010 **Notices**

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

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

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

7. Old Business - None

8. New Business

A. Resolution Approving the Sale of surplus Property - North 1/2 of the Vacated Alley Adjacent to Lots 8, 9 and 10, Block 12, Van Meters Addition to the City of Vermillion

Andy Colvin, Assistant to the City Manager, reported on the location of the half vacated alley adjacent to the property at 713 West Chestnut. Andy noted that the adjoining property owner had requested to obtain title to this property as the house encroaches into the vacated alley. The City Council at the July 2nd meeting declared the property surplus and the Surplus Property Committee appraised the property at \$250. Since the appraised value was less than \$500 the City can sell the property at private sale without sealed bids. An offer of \$250 was received from US Bank National Association, as Trustee for the Banc of America Funding 2007-6 Trust to purchase the property. Administration recommends proval of the resolution to sell the surplus property.

308-12

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

RESOLUTION FOR THE SALE OF REAL PROPERTY

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

North 1/2 of the Vacated Alley Adjacent to Lots 8, 9 and 10, Block 12, Van Meters Addition to the City of Vermillion

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

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

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

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

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

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

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

Dated at Vermillion, South Dakota this 20th day of August 2012. THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

BY

Legal and Public 2010 **Notices**

ATTEST: BY Michael Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings

A. Water Tower

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

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

309-12

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

310-12

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

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

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

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

Bids received: Butch's Propane \$1.159/gallon; Long's Propane, Inc. \$1.045/gal-

311-12

Alderman Davies moved approval of the low bid of Long's Propane, Inc. of \$1.045 per gallon for the annual supply of liquefied propane used not to exceed 35.000 gallons. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the swim- Published: August 31, 2012

Legal and Public

ming pool closes for the season on Tuesday, August 21st. The Doggy Plunge is on Wednesday, August 22nd before the pool is drained for the year.

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

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

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

11. Invoices Pavable

Alderman Grayson moved approval of the following invoices: ARAMARK UNIFORM ICES UNIFORM CLEANING 50.77; ARCHITECTURE INC. PROFESSIONAL SERVICES 2,715.00; BROADCASTER PRESS ADVERTISING 1,249.20; BUREAU OF ADMIN-ISTRATION TELEPHONE 270.43; CENTURYLINK TELEPHONE 1,490.07; VERMILLION LANDFILL VOUCHERS 192.00; CLAY-UN-ION ELECTRIC CORP ELECTRICITY 1,129.31; LIGAN WATER COOLER/BOTTLED WATER DEPT. ENVIRONMENT NATL RES LANDFILL OPERA-TIONS FEE 3,109.55; ENGINEERING PROFES-SERVICES SIONAL PETERS MANAGERS GREGG 5,375.00; MERCHAN-CONKLING DIST. DISE 115.50; KNOLOGY DIAL UP SERVICE 49.95; LO-REN FISCHER DISPOSAL HAUL CARDBOARD 140.00; MATHESON TRI-GAS, INC SUPPLIES 229.11; MERICAN GAS USAGE MIDCONTINENT COM-428.62; MUNICATION CABLE/INTER-SERVICE NET FLANNERY McLAURY NEERING **PROFESSIONAL** SERVICES 1,762.00; BRASKA JOURNAL-LEADER ADVERTISING 558.72; ACCOUNT POSTAGE 950.00; RODS & ROCK N' ROLL 5,000.00; CONTRIBUTION SPRINT CELL PHONES 1,270.65; STERN OIL CO. FUEL 33,554.74; THE EQUAL-IZER ADVERTISING 319.80; UNITED PARCEL SERVICE SHIPPING 53.01; US POSTMASTER POSTAGE UTILITY FOR BILLS 1,050.00; VERMILLION ROTARY CLUB DUES/MEALS VISA/FIRST BANK & TRUST FUEL/SUPPLIES 212.00;

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

ICES 3,100.00; JOHN STEELE

BRIGHT ENERGY REBATE

EDGE AQUATIC DE-

PROFESSIONAL SERV-

12. Consensus Agenda

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

SIGN

10.00:

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

13. Adjourn

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

Dated at Vermillion, South Dakota this 20th day of August, THE GOVERNING BODY OF

CITY OF VERMILLION. THE SOUTH DAKOTA

John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Published once at the total approximate cost of \$247.36 Estimated publishing cost per published copy

FOR THE RECORD

Cases disposed 8/17-17/2012

Somvang Keoduangsy, 4101 Gordon Dr. #21, Sioux City, IA; Speeding other roadways,

\$39.00 plus costs Somvang Keoduangsy, 4101 Gordon Dr. #21, Sioux City, IA; No drivers license, \$54.00 plus

Somvang Keodvangsy, 206 S. Caley Pl. #61, Sioux Falls; Driving with suspended (not revoked) license, \$204.00 plus

David Paul Sorum, 807 W. Duke #65, Vermillion; No drivers license, \$54.00 plus costs

Tia Mariah Barraza, 400 N. Plum Street #604, Vermillion; Seat belt violation, \$25.00 Larry J. Keller, 325 Cedar

Street, Éagle Butte; Seat belt violation, \$25.00 Diane Orr, 412 Ohio Street, Wakonda; Sale of tobacco products to minor, \$29.00 plus

Steven Bierle, 521 Pinehurst, Vermillion; Prohibited fire

burning, \$60.00 plus costs Christopher Duane Frierson, 901 Rose #214, Vermillion; Failure to stop, \$54.00 plus costs

Perry Jillah, 1131 S. Prairie

Ave., Sioux Falls; Driving with suspended (not revoked) license, \$204.00 plus costs Mark Thomas Rohe, 116 E. 98th Street, Kansas City, KS; Speeding other roadways,

\$99.00 plus costs

Alyson C. Johnsen, 41 S. 6th St., Beresford; County speeding, \$65.00 plus costs

Sarra Geneva Marie Dukich, 45089 305th St., Volin; Fial to maintain financial responsibility, dismissed Summer Dawn Neuman,

2227 North Place, Baltic, SD;

Fail to use child passenger restraint system, \$25.00 Garrett Lee Hirsch, 31368 453rd Avenue, Gayville; Seat belt

violation, \$25.00 Simeon John Brown, Jr., 19 N. University, Vermillion; Seat belt violation, \$25.00

Matthew Joseph Hirsch, 31368 453rd Ave., Gayville; Seat belt violation, \$25.00 Michell J. Storms, 220

Catalina, Vermillion; No drivers license, \$54.00 plus costs Rachel Jean Muenster, 222 S. Phillips Ave. #200, Sioux Falls;

Philip Dejaeger, 5 Lake Bluff Court, Bloomington, IL; Seat belt violation, \$25.00 Colton David McCreary, 134

Green Court Drive, Elk Point;

Seat belt violation, \$25.00

Urinating in public, \$104.00 plus costs Jeffrey C. Johnson, 414 Barrington Dr., Sergeant Bluff,

IA; Speeding other roadways, dismissed Margaret Hanson, 1059 Rector Lane, McLean, VA; Speeding other roadways,

\$39.00 plus costs Maria Deleon, 1714 Ross Street, Sioux City, IA; Speeding other roadways, dismissed

Victoria Fleming, 100 West 5th, Yankton; Renewal registration during assigned month, \$54.00 plus costs Casey Messman, 30075 455th

Ave., Wakonda; Petty theft 2nd

degree-\$400 or less, \$100.00

plus costs Ella Parmeter, 114 Broad Street, Alcester; Operator assure passengers 5-18 wear seat belts,

\$25.00 Ella Parmeter, 114 Broad Street, Alcester; Operator assure passengers 5-18 wear seat belts,

\$25.00 Ella Parmeter, 114 Broad Street, Alcester; Operator assure passengers 5-18 wear seat belts,

\$25.00 Andrea Norine White, 302 Third Street, Wakonda; Speeding other roadways, \$39.00 plus costs

Meghan Beth Taylor, 308 Elm Street, Vermillion; Open container, \$54.00 plus costs Eric E. Moore, 801 Jason

Way, Yankton; County speeding, \$39.00 plus costs Sara Louise Osborne, 2020 Walnut Street, Yankton; Speeding other roadways,

\$39.00 plus costs Jason Richard Schaeffer, 28 Kim Louise Drive #2, Campbell, CA; Speeding other roadways, dismissed

Kelsey Sutton, 919 Franklin Street, Burke, SD; Speeding other roadways, dismissed Jordan James Moos, 18 Forest Ave., Vermillion; Speeding other roadways, \$39.00 plus costs

Ross Claude Vanderhule, CONT

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