

2010 Legal and Public Notices

May, 2002, in Book 116, Page 690, in order to realize the amount of \$30,000.00, as of May 16, 2002, plus interest accruing there-after on said amount at the rate of 4.70% per year...

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor...

Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

By: Thomas A. Gehrz, Attorney #4224 38 Second Avenue East Dickinson, ND 58601 (701) 227-1841

Unapproved Minutes Council Special Session August 5, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 5, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Ward, Zimmerman, Mayor Powell

Absent: Osborne, Willson

2. Informational Session Public Safety Center HVAC Discussion - Chief Matt Betzen

Matt Betzen, Police Chief, reported that he and the Sheriff had budgeted funds this year for repair and replacement of some of the air conditioning equipment at the Public Safety Center.

3. Informational Session ICAP Goals Review - John Prescott

Mayor Powell stated that Talent Attraction Strategy and Workforce Housing Solutions report completed in October 2012 included about 40 summary recommendations that referred to an Integrated Community Advancement Program (ICAP).

John Prescott, City Manager, reported that the summary recommendations were in three areas: 1) Workforce Housing, 2) Elevate and Integrate Community Advancement Efforts and 3) Leadership.

2010 Legal and Public Notices

year. Discussion followed noting that the VCDC worked with a committee to refine the ICAP recommendations. It was also noted that the VCDC is considering some of the ICAP recommendations in its future planning.

4. Briefing on the August 5, 2013 City Council Regular Meeting Council reviewed items on the agenda with City staff. No action was taken.

5. Adjourn

Dated at Vermillion, South Dakota this 5th day of August, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: John E. (Jack) Powell, Mayor

Unapproved Minutes City Council Regular Session August 5, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, August 5, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Ward, Zimmerman, Mayor Powell, Student Representative Peterson

Absent: Osborne, Willson

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 15, 2013, Regular Session

229-13 Alderman Zimmerman moved approval of the July 15, 2013 special session and July 15, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

230-13 Alderman Meins moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Ward wanted to thank the Mayor and City Manager for the noon discussion of the Integrated Community Advancement Program noting the need to consider these recommendations as we plan for the future of the city.

Mayor Powell reported on his attendance at an APPA Policy Makers Council meeting. Mayor Powell stated that the most significant issue discussed was the possibility of removing the ability of local government to issue tax exempt bonds for public improvements. He noted that taxable bonds would be about 2% higher, thus raising the cost of the repayment. He stated that contact has been made with our federal delegation that support continuing the ability to issue tax exempt bonds, but it is an issue that will need to be monitored at the federal level.

6. Public Hearings

A. Special Assessment Roll for the construction of concrete surfacing, trails and sidewalks on Stanford Street from West Main Street to West Cherry Street Jose Dominguez, City Engineer, stated that on February 6, 2012, the City Council approved a Resolution Adopting the Resolution of Necessity for Construction of Concrete Surfacing, Trails, Sidewalks and Storm Sewer Improvements on Stanford Street from West Main Street to West Cherry Street. He stated that the project has been completed by the State, the assessment roll has been filed in the finance office and final payment has been processed to the State. Jose noted that, at the July 15th meeting, the Council approved a resolution setting August 5, 2013 as the hearing date. Notice of this hearing was placed in the newspaper and mailed to the affected property owners. Jose stated that the project cost was \$1,256,668.07 of which \$96,674.20 is assessable. He stated that the assessable value does not include the 8% administrative fee. Jose noted that the City will be paying \$174,711.46 of the construction costs with the balance of the construction cost paid by the State from the City's STIP account. He reported that State statute requires a public hearing to consider the assessment roll at which the City Council may approve, equalize, amend or reject the assessment roll. Jose recommended approval of the assessment roll. Discussion followed.

2010 Legal and Public Notices

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS AND NOTICE OF SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CONCRETE SURFACING, TRAILS, SIDEWALKS AND STORM SEWER ON STANFORD STREET FROM WEST MAIN STREET TO WEST CHERRY STREET IN THE CITY OF VERMILLION, SD

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of concrete surfacing and related improvements against the several tracts of real property fronting and abutting upon:

PARCEL NUMBER PROPERTY ADDRESS LEGAL DESCRIPTION AMOUNT

15090-00100-020-00 1201 West Main Street

15090-00100-030-00 204 Stanord Street Lot 3, Block 1 Bliss Addition \$2,419.20

15880-09252-144-32 400 Stanford Street Tract 1 Bliss Third Addition

15515-00300-110-08 1221 Cornell Street S 103' of Lots 5 & 6 Oden Addition \$3,114.72

15515-00300-110-06 1222 West Cherry Street Lots 5 & 6, Exc. S 103' Oden Addition \$5,676.05

15180-00000-010-00 629 Stanford Street Lot 1A Collins Addition \$6,782.83

15180-00000-020-00 617 Stanford Street Lot 1B Collins Addition \$3,695.33

15180-00000-020-02 607 Stanford Street Lot 1D Collins Addition \$3,725.57

15180-00000-130-03 505 Stanford Street Lot A of Lot 13 Collins Addition \$6,178.03

15880-09252-144-04 411 Stanford Street Lot 14, NE - SE - 14-92-52 Miscellaneous \$15,120.00

15770-09252-140-03 1119 West Clark Street Lot 21 Replat of Lots 15 & 17, E - SE - 14-92-52 \$3,356.64

15770-09252-140-05 213 Stanford Street Lot 23 Replat of Lot 16, E - SE - 14-92-52 \$3,326.40

15770-09252-140-04 205 Stanford Street Lot 22, Replat of Lot 16, E - SE - 14-92-52 \$3,326.40

15390-00000-020-00 1132 Westend Drive Lot 1 & W - of Lot 2 Larson's Subdivision \$1,315.44

15810-02800-010-00 1129 West Main Street Lot 1 Replat of Block 28 & N - of Lot 5 & Lot 8, Block 9 Van Meters Addition \$4,590.43

In the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 9th day of July 2013.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment rolls and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment rolls for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

2010 Legal and Public Notices

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner or owners of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Codified Laws of 1967 of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty days after the filing of the approved assessment rolls in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment under Plan One shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls will be filed with the City Finance Officer on August 6, 2013. The assessment is payable in ten (10) installments at ten percent (10%) per annum interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2014. Subsequent installments are due January 1 of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota, this 5th day of August, 2013.

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll on or about September 6 & 7, 2013 on W. Main

2010 Legal and Public Notices

Street between High and Prospect Streets, Ratingen Platz, and Market Street from Main to Kidder Streets

Mike Carlson, Finance Officer, reported that an application has been received for a special daily malt beverage and wine license from Ribs, Rods & Rock'n Roll event on September 6 & 7, 2013 on West Main Street between High Street and Prospect Street, the Ratingen Platz, and Market Street from West Main Street to Kidder Street. Mike stated that the request from Ribs, Rods, & Rock'n Roll, notice of hearing, Police Chief's report and map of the area are included in the packet. Mike stated that City ordinance allows the City Council to set conditions and restrictions, as it may deem appropriate, in issuing a special license. In the past, these conditions were to require a Release and Indemnification releasing the City from liability for the event, a Certificate of Insurance naming the City as an additional insured, require the area to be fenced, reimburse the City for overtime wages of the Police Department up to a maximum of \$1,000, provide six security personnel, require a cleanup plan and provide restroom facilities. As to hours, the request is to start at 5:00 p.m. on Friday until midnight and a start time of 11:00 a.m. on Saturday until midnight. Discussion followed with Rich Job, President of Ribs, Rods & Rock'n Roll, noting that changes for this year are the elimination of the admission fee to the event, elimination of the large tent, adding an amateur "Backyard Competition" and noted that all bands will be on the Platz. Discussion followed.

232-13 Alderman Ward moved approval of the special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 6 & 7, 2013 on Main Street between High and Prospect Streets, the Ratingen Platz and Market Street from Main Street to Kidder Street, contingent upon the following: 1) The applicant provides a Release and Indemnification releasing the City from liability for the event; 2) The applicant provide a Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability, for the event; 3) The applicant utilizes a fenced area where alcoholic beverages may be sold and consumed, as well as a plan to monitor the entrances and exits from this area; 4) The Organization provide a minimum of 6 personnel that are at least age 21 to serve as security for the street dance. The individuals shall be wearing shirts that state "Event Security" on the back; 5) The Organization agrees to reimburse the City of Vermillion for the overtime for police officers assigned to the event limited to \$1,000 or actual costs, whichever is lower; 6) The Organization shall have a plan for clean up and provide adequate restroom facilities; 7) The hours authorized for malt beverage and wine sales are 5:00 p.m. Friday to midnight and Saturday 11:00 a.m. Saturday until midnight. Alderman Grayson seconded the motion. Discussion followed on the event. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

C. Special permit to exceed permissible sound levels by no more than 50% for a street dance (Ribs, Rods & Rock'n Roll) on West Main Street between High and Prospect Streets on Friday, September 6, 2013 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 7, 2013 between 5:00 p.m. and 1:00 a.m. Sunday

Mike Carlson, Finance Officer, reported that a permit has been received from Ribs, Rods & Rock'n Roll, Inc. to exceed allowable sound levels by no more than 50% for a street dance on West Main Street between High and Prospect Streets on Friday, September 6, 2013 between 5:00 p.m. and midnight and on Saturday, September 7th between 5:00 p.m. and midnight. The application and diagram are included in the packet. Rich Job, President of Ribs, Rods & Rock'n Roll, Inc., was present to answer questions.

233-13 Alderman Davies moved approval of the special permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets from 5:00 p.m. on Friday, September 6th to midnight and from 5:00 p.m. on Saturday, September 7th to midnight. Alderman Collier-Wise seconded the motion. Discussion followed on the sound levels. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second reading of Ordinance No. 1302 - To rezone Blocks 1, 2, 3, 4, 5 and 6, Bliss Pointe Addition to the City of Vermillion, Clay County, South Dakota from

2010 Legal and Public Notices

the Natural Resource Conservation District to the Bliss Pointe Planned Development District (located north of Main Street and west of Stanford Street)

Andy Colvin, Assistant to the City Manager, reported on the location of the property that is proposed to be rezoned, noting that it was recently purchased by the Vermillion Area Chamber of Commerce and Development Company. The final plat was recommended for approval by the Planning Commission and approved by the City Council. The zoning amendment to create the Bliss Pointe Planned Development District was recommended for approval by the Planning Commission and has passed first reading of the City Council. Andy reviewed a map of the proposed Planned Development District which will be divided into four areas. Area A will be single-family detached dwellings, Area B will include a mix of single-family detached dwellings and single-family attached dwellings by conditional use permit, Area C will include multiple family housing and Area D will include some light commercial, including primarily office and retail. Andy answered questions of the City Council on the ordinance. Discussion followed.

234-13 Second reading of title to Ordinance No. 1302, entitled 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 and adding section 155.058 entitled Bliss Pointe Planned Development district, rezoning a portion of Tract 1, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota from the Natural Resource Conservation District to the Bliss Pointe Planned Development District.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1302 entitled 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 and adding section 155.058 entitled Bliss Pointe Planned Development district, rezoning a portion of Tract 1, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota from the Natural Resource Conservation District to the Bliss Pointe Planned Development 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 15th day of July, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 5th day of August, 2013 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. 1302

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 AND ADDING SECTION 155.058 ENTITLED BLISS POINTE PLANNED DEVELOPMENT DISTRICT, rezoning A PORTION OF TRACT 1, BLISS THIRD ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA FROM THE NATURAL RESOURCE CONSERVATION DISTRICT TO THE BLISS POINTE PLANNED DEVELOPMENT DISTRICT (LOCATED NORTH OF MAIN STREET AND WEST OF STANFORD STREET) and ADOPTING regulations therefore.

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 BLOCKS 1, 2, 3, 4, 5 AND 6, BLISS POINTE ADDITION TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, IS HEREBY INCLUDED IN THE BLISS POINTE PLANNED DEVELOPMENT DISTRICT AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE BLISS POINTE PLANNED DEVELOPMENT DISTRICT.