

12 Vermillion Plain Talk

2010 Legal and Public Notices

NOTICE TO BIDDERS

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota will meet at the City Hall meeting room of said City on the **13th day of August, 2014, at 2:00 p.m.** at which time bids and proposals will be received, publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall located at 25 Center Street on the 18th day of August, 2014, at 7:00 p.m. The materials required are as follows:

Annual Supply of Liquefied Propane for the Solid Waste Department.

Copies of the specifications may be obtained from the City of Vermillion Engineering Department at 25 Center Street, Vermillion, South Dakota 57069.

Payment for the materials herein provided for will be in cash.

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities therein.

Dated at Vermillion, South Dakota this 24th day of July, 2014.

CITY OF VERMILLION

By _____
Jason Anderson, Assistant City Engineer

Publish twice at the approximate cost of \$29.20. Publish: August 1 & 8, 2014.

July 8, 2014

The Board of County Commissioners met in regular session Tuesday, July 8, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

Kephart moved, seconded by Packard and carried to approve the agenda.

Minutes of the July 1, 2014 meeting were approved with a motion by Mockler, seconded by Packard and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Polley requested travel for himself and an employee to Hamlin County the week of July 14 for demonstration of a mower. Powell moved, seconded by Mockler and carried to approve travel.

Polley presented a map to the Board of flood damaged roads that will be submitted to FEMA.

An Application for Entrance from a Clay County Highway 1/4 mile from 305 St. and 466 Ave. was presented on behalf of Dean Lindstrom. Powell moved, seconded by Mockler and carried to approve the application.

At 9:07 a.m. Mockler moved, seconded by Packard and carried to commence Executive Session regarding personnel matters.

At 9:20 a.m. Powell moved, seconded by Kephart and carried to cease Executive Session.

Layne Stewart, Emergency Management Director, met with the Board to discuss the 2015 budget request.

Stewart also presented the SLA Quarterly Activity Report. Powell moved, seconded by Mockler and carried to authorize the Chairman to sign the report.

Michele and Douglas Norling were present to discuss the flooding around Highway 19 and the damage to their basement wall. Stewart and the Board discussed the issue with them. The Norlings stated that when they contacted the State, they were told to start at the County level. However, the County cannot make any decisions regarding a state highway.

Jane Olson, Register of Deeds, met with the Board to discuss the 2015 budget request.

Bob Iverson, City of Vermillion Solid Waste Director, met with the Board to discuss the 2015 budget request for Waste Management.

Carla Ostrem, Wakonda Public Library, met with the Board to discuss the 2015 budget request.

Karen Janousek, Dakota Senior Meals, met with the Board to discuss the 2015 budget request.

Gene Lunn, Director of Equalization met with the Board to discuss the 2015 budget request.

Andy Howe, Sheriff, met with

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the Board to discuss the resignation of the Coroner and the subsequent appointment of someone to fill the term. Mockler moved, seconded by Packard and carried to appoint Andy Howe as Coroner in the interim, and if it is discovered that Howe cannot hold two offices, then Chief Deputy Jerami West is automatically appointed to the position.

Crystal McGuire, Vermillion Senior Citizens Center, met with the Board to discuss the 2015 budget request.

Cynthia Aden, Veterans/Welfare/Zoning Administrator, met with the Board to discuss the 2015 budget request.

Aden presented a proposed zoning policy for handling complaints. Powell moved, seconded by Packard and carried to adopt the policy, to be maintained by the Zoning Administrator and handled separately from the zoning regulations.

Aden provided a short report on the public hearing for proposed Subdivision Regulations. She has not received any opposition. It was discussed that the Board would review the final draft of the proposed regulations.

Mike Lynch met with the Board to request a Dog-at-Large Ordinance or a Leash Ordinance. Lynch his concerned with dogs roaming the County and passing the PED virus to livestock. Amanda Lynch was present and stated that near Hawarden, IA a farm was losing 500 head of livestock per day, and if the virus were passed to their livestock they could be out of business in 3 days. Mike Lynch stated that he has been cornered in his machine shed by stray dogs in the past. It was discussed that state statute prevents shooting a stray dog unless it is causing issues by worrying livestock. Philip Terwilliger, Deputy State's Attorney, stated that the County cannot pass an ordinance that is in conflict with state law. Lars Aga was present and stated that he raises golden retrievers and keeps them kenneled to prevent them from straying from his property. Chairman Passick stated that if the county did have such an ordinance, it would involve a budget for personnel, vehicle(s), and a facility to board the stray animals, easily creating a budget of \$100,000 per year or more. It was decided that the State's Attorney's Office would send the issue to the Attorney General's Office to see if other areas of the state have had this problem and what the solution might have been.

Teddi Gertsma, State's Attorney, met with the Board to discuss the 2015 budget request.

Mike Lovejoy met with the Board to discuss livestock zoning rules. Lovejoy stated that the County's laws are stiffer than the State's. He said he recently met a Wisconsin producer who discussed a 4,000 head operation, but Clay County caps at 3,500. Lovejoy is concerned that until the county guidelines are changed, it is tough for the local neighbor kids to stay here and farm. He encouraged the Board to realistically take a look at going back to using the State's guidelines. Mockler stated that there will still be things that are not in line with the State because the County will still have setbacks. Lovejoy also stated that he is not asking the County to be environmentally unfriendly; modern operations are cleaner.

Phyllis Packard excused herself from the meeting at 11:45 a.m.

Cathi Powell, Treasurer, met with the Board to discuss the 2015 budget request.

Andy Jensen, 4-H Advisor, met with the Board to discuss the 2015 budget request. Jensen also submitted a letter of resignation to the Board, effective August 14.

The Register of Deeds, Veterans/Welfare/Zoning, and Vermillion Public Library Monthly Activity Reports were accepted and placed on file.

The following Auditor's Account with the County Treasurer for the Month of June was accepted and placed on file.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

To the Honorable Board of County Commissioners of Clay County items in the hands of the County Treasurer as of June 30, 2014. I hereby submit the following report of my examination of the cash:

Total amount of deposits in banks 4,597,570.16

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Amount of actual cash 1,936.40

Total amount of checks and drafts in Treasurer's Possession not exceeding three days 113,633.10

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days: 1,568.44

Checks returned and not deposited
Cash Items
Investments 1,000.00
Cash Variation 0.00

Total 4,715,708.10

Dated this 1st day of July 2014.

Carri R. Crum, County Auditor

Packard moved, seconded by Mockler and carried to approve the following claims for payment. July Bills: (Modernization/Preservation) SD Assn. of County Officials \$418.00; (Payroll Withholdings) Clay Co Treasurer \$28.32 and SD Retirement System \$5.56; (Publishing) Broadcaster Press \$544.59; (Professional Services/Fees) Associated Consulting \$594.50; CPS Technology Solutions \$1,918.79; Flex System (TASC) \$1,131.00; University Cleaners \$49.00; Wass Home for Funerals \$1,900.00; Yankton Sheriff \$25.00; McCulloch, James E \$1,899.60; Reed Law Offices \$443.70; Thompson, Craig K \$87.00; Dakotabilities \$360.00; Dept of Revenue \$1,660.00; SDSU Extension Service \$6,902.00; Bergendahl, David L \$781.20; and SESD Activity Cntr \$360.00; (Repairs/Maintenance) Charlie's Bus Service \$15.00; Hansen Locksmithing Inc. \$276.00; Johnson Electric Inc. \$69.67; Johnson Feed Inc. \$75.00; Office Elements \$1.26; Office Systems Company \$109.50; Wieman Construction \$580.00; CPS Technology Solutions \$1,537.61 and Microfilm Imaging Systems \$467.00; (Clay Creek Ditch Expense) Crum, Carri R \$29.44; (Supplies/Materials) A-OX Welding Supply Co. \$153.76; Amsan LLC \$140.05; Appera \$21.52; Benco Products Inc. \$158.44; Bierschbach Equip & Supply \$2,054.00; Bob Barker Co Inc. \$104.40; Campbell Supply Co. \$199.27; Charlie's Bus Service \$2.00; Concrete Materials \$14,550.29; Davis Pharmacy \$80.42; First Bank & Trust Visa \$66.01; Hansen Locksmithing Inc. \$1,675.00; JCL Solutions \$404.19; Jensen, Andrew \$82.64; John Deere Financial \$423.86; Johnson Feed Inc. \$5.25; Lawson Products Inc. \$364.11; Midwest Bldg. Maint. \$42.00; Orr Farm Supply \$55.72; Quill Corporation \$96.19; Stockmen's Trailer Sales \$2,043.30; Walmart Community \$182.92; Sturdevant's Auto Parts \$160.38; Truenorth Steel \$54,756.00; True Value \$36.44; Western Office Tech \$41.10; Wieman Construction \$11.60; Yankton Janitorial Supply \$615.00; American Tire Distribution \$421.52; First Bank & Trust Visa \$90.96; Henderson's Exhaust Plus \$100.00; Vermillion Federal Credit Union \$879.81; (Travel/Conference) Aden, Cynthia \$37.00; First Bank & Trust Visa \$53.35; Howe, Andy \$978.40 and Jensen, Andrew \$12.58; (Car Expense) Brunick Service Inc. \$5430.67; Quality Motors \$470.11; (Utilities) Anders, Jeffrey \$120.00; Armstrong, Aaron \$120.00; City of Vermillion \$1,922.52; Fischer's Disposal \$50.00; Howe, Andy \$240.00; Husby Tiffany \$240.00; Kyte, David \$120.00; Midamerican Energy \$235.50; Midcontinent Comm. \$270.00; Pederson, Paul \$120.00; Smith, Michael \$120.00; Verizon Wireless \$280.07; Verm/Clay Co. Landfill \$97.48; Vermillion Garbage Svc \$216.00 and West, Jerami \$120.00; (Disbursements) Beresford Rural Fire \$6,945.88; Centerville Rural Fire \$5,541.99; Domestic Violence \$320.00; Dept of Revenue \$1,545.00; Gayville Rural Fire Asc. \$4,204.40; Irene Rural Fire Asc. \$1,286.22; Verm. Rural Fire Asc. \$29,280.81; Volin Rural Fire Asc. \$1,096.75 and Wakonda Rural Fire \$11,045.46; (Jury/Witness) Aden, Cynthia \$8.14; Erikson, John \$150.00; Lias, David \$10.00; Murray, Peter \$18.88; Bak, Carol \$74.42; Houts, Ester \$50.00; Jacobson, Sheila \$50.00; Rasmussen, Micky \$50.00; Schlenker, Evelyn \$50.00; Settles, William \$50.00; Sommerfeld, Donna \$52.96; Roberts, Alectra \$20.00; Ahrlin, Sandi \$10.00; Andersen, Gary \$22.58; Anderson, Randy \$10.00; Anthofer, Joshua \$150.00; Ashes, Severn \$10.00; Boppert, Millie \$10.00; Brown, Danny \$150.00; Brown, Deanne \$10.00; Chasing Hawk, Teresa \$10.00; Christensen, Nichole \$150.00; Dibley, Charles \$10.00; Dickenson, Amanda \$10.00; Dodge, Deborah \$10.00; Dunham,

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Randall \$10.00; Durkin, Harland \$10.00; Dwyer, James \$10.00; Ebel, Nicole \$10.00; Ellison, Nancy \$150.00; Fairley, Teresa \$189.96; Feimer, Steve \$10.00; Gilbertson, Glen \$15.92; Gobell, Mary \$15.18; Goodman, Timothy \$10.00; Gray, Bernard \$150.00; Greenfield, Molli \$10.00; Hall, Lanie \$10.00; Hammer, Matthew \$150.00; Hawley, Linda \$10.00; Heidebrecht, Dylan \$28.50; Henning, Lauren \$10.00; Henriksen, Kevin \$24.80; Hubbard, Kristina \$165.54; Huber, Mackenzie \$10.00; Ihnen, Bridget \$10.00; Ihnen, Casey \$10.00; Jensen, John \$10.00; Johnson, Janis \$10.00; Joy, Keith \$150.00; King, Thomas \$10.00; Klemme, Shaun \$10.00; Knutson, Douglas \$194.40; Knutson, Richard \$13.70; Larson, June \$10.00; Lewis, Joshua \$10.00; Lopour, Seth \$10.00; Lundberg, Gary \$10.00; Lyso, Donald \$23.32; Manning, Tanner \$10.00; McCabe, Thomas \$172.20; Mehlhaf, Jeanne \$10.00; Mitchell, Lawrence \$10.00; Mockler, Ryan \$150.00; Munter, Terry \$10.00; Nelson, Michael \$28.50; Neuharth, Kelly \$10.00; Nygaard, Lois \$13.70; Olson, Amber \$28.50; Olson, Mary \$10.00; Reddick, Carron \$10.00; Renken, Donald \$25.54; Schmied, Wilza \$10.00 and Szymonski, Deann \$10.00; (Building Improvements) Precision Mechanical \$43,576.71; (Furniture/Minor Equipment) Microfilm Imaging Systems \$120.00 and Netsys Plus Inc. \$319.48.

At 12:14 p.m. Kephart moved, seconded by Mockler and carried to adjourn and reconvene Tuesday, July 29, 2014 at 9:00 a.m.

Raymond Passick, Chairman Board of County Commissioners ATTEST:

Carri R. Crum, County Auditor

Published once at the total approximate cost of \$140.75. Publish: August 1, 2014.

Unapproved Minutes Council Special Session July 21, 2014 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 21, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Holland, Clarene Meins, Holly Meins, Price, Willson, Mayor Powell

Absent: Erickson, Ward

2. Education Session - Liquor Store Management Agreement

John Prescott, City Manager, reported that the current liquor store management contract expires the end of this year and the building lease expires February 28, 2015. John provided background on the management contract as well as the building lease. John reported that over the last couple of years both Hy-Vee and Wal-Mart have expressed interest in the municipal license to sell liquor in their store. John stated that staff is seeking direction from the City Council on how to move forward with the management contract and store lease. John reviewed four possible options for the contract listing pro's and con's of each. He noted that there may be more and different combinations of options. The four options were: A) Negotiate with the current Manager to run the operation at the current location, B) Negotiate management agreement with current Manager for a different location, C) Have interested parties submit proposals to manage operations in current location, D) Open up Manager and location process completely. Discussion followed on the options with the consensus to request proposals for both the management and location for future Council consideration.

3. Briefing on the July 21, 2014 City Council Regular Meeting

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

5. Adjourn

237-14 Alderman Clarene Meins moved to adjourn the Council special session at 1:04 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of July, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA
BY _____
John E. (Jack) Powell, Mayor
ATTEST:

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BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes City Council Regular Session July 21, 2014 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 21, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Willson, Mayor Powell, Student Representative Tordsen

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 7, 2014 Special Session; July 7, 2014 Regular Session; July 8, 2014 Special Session.

238-14 Alderman Clarene Meins moved approval of the July 7, 2014 Special Session, July 7, 2014 Regular Session and July 8, 2014 Special Session minutes. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

John Prescott, City Manager, reported that for 6. Public Hearings F, G & H and 8. New Business C, D, E, F, G & H the events will be on Kidder Street from Court Street west to the east side of the alley not the full block from Court Street to Market Street.

239-14

Alderman Willson moved approval of the agenda with the corrections to the items listed above by the City Manager. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Sharon Gray, 32 East Bloomingdale, stated that she represents a group of citizens interested in saving the Market Street water tower. She stated that following editorial by Dave Lias she created a face book page that has many likes. She requested that the City Council postpone the demolition for up to a year to allow the group time to work with an engineer to save the historic structure. She reviewed options to repurpose the water tower. Sharon closed with a request for the City Council to delay the demolition.

John Prescott, City Manager, upon request of the City Council, reported that contracting for the demolition of the Market Street tower has not been done and is not anticipated until the new tower is completed and in service later this year.

NOTICE BY THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION OF THE PROPOSED SALE OF LOCAL TELEPHONE EXCHANGES

On July 15, 2014, the South Dakota Public Utilities Commission (Commission) received a joint application to approve the sale of certain local telephone exchanges from Kite Parent Corp. (a subsidiary of WideOpenWest Finance, LLC. ("WOW!")), on behalf of itself and its subsidiaries Knology of the Plains, Inc.; Knology of the Black Hills, LLC; Knology Community Telephone, Inc.; Knology of South Dakota, Inc.; and Black Hills Fiber Systems, Inc. (collectively referred to as "WOW! South Dakota") and Clarity Telecom, LLC ("Clarity"). WOW! South Dakota proposes to sell its local telephone exchanges to Clarity. The proposed sale affects a number of local telephone exchanges and includes the following communities: Alsen, Belle Fourche, rural Beresford, Black Hawk, Box Elder, Canton, Centerville, Central City, Chancellor, Colman, Davis, Deadwood, Elk Point, Flandreau, Flyer, Gayville, Harrisburg, Hurley, Irene, Lead, Lennox, Madison, Monroe, North Sioux City, Parker, Piedmont, Rapid City, Sioux Falls, Spearfish, St. Onge, Sturgis, Summerset, Tea, Vermillion, Viborg, Volin, Wakonda, Watertown, Whitewood, Worthing, and Yankton. The application states that the sale is in the public interest for the following reasons: 1) while under the previous two owners many operational functions were completed out of state, Clarity's focus will solely be the operation and expansion of the networks located in South Dakota, Minnesota, and Iowa; 2) Clarity plans to upgrade the network infrastructure; 3) there will be no change in rates for local telephone services offered in the telephone exchanges resulting from the purchase; 4) Clarity will continue to provide enhanced 911; 5) there will be no reduction in tax revenues to the state of South Dakota resulting solely from the purchase and sale of the telephone exchanges; 6) Clarity is committed to providing modern state-of-the-art telecommunications services; and 7) and there will be no discontinuance, reduction, or impairment of any of the services presently offered.

The public is invited to participate by providing written comments to the Commission within 15 days of publication of this notice. Any member of the public may petition for intervention as a formal party in the proceeding by following the procedure set forth in ARSD 20:10-01:15.02, which is available at <http://legis.sd.gov/rules/DisplayRule.aspx?Rule=20:10-01:15.02> or which may be obtained by contacting the Commission. Petitions for intervention must be received by the Commission within 15 days of publication of this notice. If sufficient public interest is demonstrated or if requested by a party, the Commission may schedule a public hearing on the application. The Commission shall issue a final decision on the application in accordance with SDCL 49-31-59.

The public may offer comments or obtain copies of the application and other non-confidential filings in the case by contacting the South Dakota Public Utilities Commission, 500 E. Capitol Avenue, Pierre, SD 57501; phone 1-800-332-1782 or (605) 773-3201; fax 1-866-757-6031; e-mail: puc@state.sd.us. The application is also available on the Commission's website at: <http://puc.sd.gov/Dockets/Telecom/2014/TC14-073.aspx>. Published once at the approximate cost of \$76.50.

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6. Public Hearings

A. Request for variance submitted by Brookings Municipal Utilities d/b/a Swifitel Communications to construct a Telecommunications Tower at (approximately) 604 High Street, Vermillion, Clay County, South Dakota.

Andy Colvin, Assistant to the City Manager, reported that Swifitel Communications currently leases space on the Market Street Water tower for their wireless communications antennas. Andy noted that, with the City's plan to abandon and demolish the Market Street Tower, Swifitel contacted City staff to find a new location for a tower. Andy reported Swifitel first inquired about constructing a new tower in the location of the Market Street water tower site however the location is too close to residential uses to reasonably obtain a variance and towers are not a permitted use in residential districts. Andy noted that after a site visit the best location appears to be within the fairgrounds which is owned by the City and leased to the County, who then leases the property to the Fair Board. Andy reported that notices were sent to the County and Fair Board about the proposed project and hearings. Andy reported that the proposed monopole tower is 140 feet tall and will look similar to the tower northwest of the Best Western Vermillion Inn on W. Cherry Street. Andy reported that the application packet submitted by Swifitel provides a number of exhibits to give an idea of what the tower will look like. Andy stated that it should be noted that the proposed location would be suitable for some type of lighting since it would be in proximity to the softball fields south of the demolition derby arena. Swifitel has expressed willingness to allow the City to utilize the tower for lighting or similar purposes as part of the lease agreement, so there could be a public benefit in having the tower in the proposed location.

Andy reported that Swifitel submitted an application for a conditional use permit and a variance to construct the tower. Andy noted that new towers may only be built via a conditional use permit, which was approved on July 14th by the Planning Commission. A variance is necessary due to the proposed tower's proximity to an existing wireless tower and height. The City Council acts as the Board of Adjustment to consider variance requests. Andy stated that ordinance requires a minimum of 1/2 mile from an existing tower, 300 feet from a residential district and no more than 100 feet in height. The tower meets the required distance from residential uses, but is proposed to be 140 feet in height and is just over a quarter mile away from another tower. The City Council is able to vary height and distance at a public hearing. The height would make it more attractive for other companies to co-locate on the tower, which may reduce the number of future towers in the community. Andy stated the Planning Commission felt that the proposed location is the best option available to allow Swifitel to provide an adequate level of wireless service in the community.