2010 Legal and Public **Notices** 

seconded the mo-Collier-Wise tion. Motion carried 8 to 0. Mayor Powell declared the adopted.

## 4. Adoption of Agenda

#### 440-12

Alderman Meins moved approval of the agenda. Alderman seconded the motion. Grayson Motion carried 8 to 0. Mayor declared Powell the motion adopted.

#### 5. Visitors to be Heard - None

6. Public Hearings - None

## 7. Old Business

A. Second Reading of Ordinance No. 1291 - 2012 Budget Supplemental Appropriations Ordinance

Mike Carlson, Finance Officer, reported that this is second reading of a supplemental appropriations ordinance to provide for unexpected expenditures in the General Fund, Second Penny Sales Tax Fund, E911 Fund, Library Fine and Gift Fund, Library Capital Projects Fund, Electric, Water, Wastewater and Landfill Funds. Mike reviewed the line item changes and recommended adoption of the appropriation ordinance.

#### 441-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1291 entitled 2012 Budget Supplemental Appropriations Ordinance 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 3rd day of December, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of December, 2012 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 PROPOSED NO. 1291 2012 SUPPLEMEN-TAL APPROPRIATIONS ORDI-NANCE

AN ORDINANCE ADOPTING a 2012 Supplemental Appropriations Ordinance for the City of Vermillion South Dakota

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

2012 Proposed Amount Budget Budget o Supplemental

Budget

General Fund: Revenues:

Federal Grants through State 48,700 48,700 Contributions and Donations 3.385 27.200 30.585 Transfer from Library Fund 250 250 Appropriation from Reserve

Expenditures: Finance Office Equipment Repairs & Main 6.080 7.080 1.000 Police Patrol

222,424 228,514 6,090

Personnel Services 1.055.113 1.051.063 (4.050)Capital Expenditures 20,250 20,250 Ambulance Capital Expenditures 27,200

Library Personnel Services 337,033 338,873 1,840

Electricity 11,700 13,350 1,650 Community Services VCDC Job Training Grant 32,500 32,500

Transfer to E911 Fund 239,853 241,703 1,850

Second Penny Sales Tax Fund Revenues: Appropriation from Reserve 758,407 983,907 225,500

Expenditures: Parks Equipment 80,000 80,500 500 Transfer to Library Building 920,375 1,145,375 225,000

E911 Special Revenue Fund Revenues: County Payments 239,853 241,703 1,850 Transfer from General Fund

Expenditures: Capital Expenditures 6,385 3,700 2,685

239,853 241,703 1,850

Library Special Revenue Fund Appropriation from Reserve

#### Legal and Public 2010 2010 Notices

90,268 92,092 1,824 Expenditures

Transfer to Library Building 91.842 1.574 90.268 Transfer to General Fund

Revenues: Sales Tax Transfer In 920,375 1,145,375 225,000 Library Board Transfer In 90,260 91,842 1,582

Library Capital Projects Fund

Expenditures: **Building and Structures** 1,994,000 2,220,582 226,582

Electric Utility Fund Expenditures: Finance Equipment Repairs 12,728 3,000 Appropriation to Reserve 40,945 37,945 (3,000)

Water Utility Fund Revenues: Grants

3,200 58,200 55,000 State Revolving Loan 523,800 495,000 28,800 575,380 576,880 1,500

Expenditures: Finance Equipment Repairs 8.512 10,012 1,500 Distribution Other Capital 125,000 675,000 550,000

Wastewater Utility Fund Revenues: Reserve

140,612 141,612 1,000

Expenditures: Finance Equipment Repairs 7,080 1,000

Landfill Utility Fund

Revenues: Insurance Proceeds 750,000

Expenditures: Machinery and Auto 403,282 603,282 200,000 Fire Related Expenditures 150,000 150,000 Insurance Reserve 400,000

Dated at Vermillion, South Dakota this 17th day of December,

THE GOVERNING BODY OF THE CITY OF VERMILLION,

BY\_ John E. (Jack) Powell, Mayor ATTEST:

SOUTH DAKOTA

Michael D Carlson, Finance Offi-

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as Davies-Y. follows: Collier-Wise-Y, Gravson-Y. Meins-Y. Osborne-Y. Willson-Y. Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

# 8. New Business

A. Ordinance No. 1293 Amending Chapter 51 Electrical and Chapter 53 to provide for right of entry for inspection, tampering, and meter access

Mike Carlson, Finance Officer, reported that the issue has arisen lift station that was due by Deabout the need for access to an cember 31, 2012. Mr. Patel's letter electric meter for reading or any maintenance. During a remodeling project, the stairs that served as access to the electric meter located on the second floor were removed and another egress was developed. As such, there is no access to the meter without the use of a basket truck. In reviewing the ordinance, the water section attached agreement has been pre-53.036 provides for the right of entry for the water meter but the electric ordinance section does not include this language. The ordinance adds 51.08 right of entry for inspection and 51.09 tampering prohibited to the electric section as similar language already existing in the water section. The proposed ordinance change also added language to require the customer to make the meter accessible along with the ability to shut off the service if access is not provided to the meter. Discussion followed noting the need to include notice to customers on the utility application of these requirements.

# 442-12

Mayor Powell read the title to the above mentioned Ordinance and Alderman Willson moved adoption of the following Resolu-

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1293 entitled An Ordinance adding sections 51.08 and 51.09 and amending section 53.036 of the Revised Ordinances

## **Legal and Public** Notices

City of Vermillion, South Dakota 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 17th day of December, 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 Gravson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. Tapping Fee Agreement with RADHA, Inc - Holiday Inn Express, Lot 1, Block 5, Partridge Addition (1200 N. Dakota Street)

Mike Carlson, Finance Officer, reported that, at the March 5, 2012 meeting, the City Council adopted a resolution establishing a tapping fee for the sanitary sewer lift station and a resolution establishing a tapping fee for the sanitary sewer line. For all properties, except the three where customers are currently utilizing both the sanitary sewer line and sanitary sewer lift station, the tapping fees will be paid when sanitary sewer service is requested. For the existing three customers utilizing the sanitary sewer lift station and sanitary sewer line, each resolution provided for a specific payment date in 2012 or 2013.

Mike stated that the resolution adopting the tapping fee for the sanitary sewer lift station provided that the tapping fee, for the three existing customers, is due December 31, 2012. The resolution adopting the tapping fee for the sanitary sewer line provided that the tapping fee for the three existing customers is due March 31, 2013. Both resolutions also included language that existing sanitary sewer customers could enter into an agreement with the City to establish a later payment date. The resolution required that any agreement to establish a payment date after December 31, 2012 or March 31, 2013 had to be agreed upon by the City and property owner by April 30, 2012. One of the customers (Wal-Mart) has paid the fee in full and another (Blue Square Partners) entered into an agreement on March 19, 2012 to extend the tapping fee in lieu of assessment for the lift station from December 31, 2012 until June 30, 2013 and the tapping fee in lieu of assessment for the sanitary sewer from March 31, 2013 to December 15, 2013.

RADHA, Inc., owner of the Holiday Inn Express, has contended that this was an expense that the previous owner is responsible for as it was for expenses incurred prior to their acquisition of the property in 2005. The reference to these fees was included in a developer's agreement that was recorded in April 2003 prior to the platting of the property. Paul Rickert, agent brokering the sale in 2005, contacted the City in November and December on behalf of RADHA, Inc. requesting some relief on the amount due. It was explained to Mr. Rickert that one property owner has paid in full and another has entered into an agreement, as provided when the resolution was adopted, to extend the payment until December 15, 2013. If Mr. Rickert had a proposal for extending the payment, it will be forwarded to the City Council noting that it was after the date provided in the resolu-

The attached letter was received on December 10th from Raja I. Patel along with a check in the amount of \$1,750.08 for payment of the tapping fee in lieu of assessment for the sanitary sewer requests an extension in paying the tapping fee in lieu of assessment in the amount of \$10,624.86 for the sanitary sewer line. Their proposal is for the adopted amount due by March 31, 2013 to be extended into four payments with 1/4 due by March 31st of 2013, 2014, 2015 and 2016. The pared based upon this request. The agreement was sent to Mr. Patel asking if it met with their proposal but a response has not been received. Mike stated that it is recommended that the Council give consideration to the request of RADHA, Inc to establish four annual payments dates of March 31, 2013-2016 for the tapping fee in lieu of assessment for the sanitary sewer line.

Discussion followed on the agreement.

Alderman Grayson moved approval of the agreement with RADHA, Inc. for the payment of the tapping fee in lieu of assessment for the sanitary sewer line by allowing the four payments with a quarter due March 31, of 2013-2016. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Commercial Collectors License renewals

## Legal and Public 2010 **Notices**

Mike Carlson, Finance Officer, reported that the following have made application, including the proof of insurance, for commercial collectors licenses for 2013: Art's Garbage Service - Division of Waste Connections: Independence Waste - K & P Services Inc, Owner; TJP Waste Hauling Terry Pickett, Owner; Vermillion Garbage Service - Marty Johnson, Owner; Little Garbage Guys Matt Mulheron, Owner: Loren Fischer Disposal - Loren Fischer, Owner; Fischer Disposal, LLC -Lonnie Fischer. As part of the renewal, applicants were requested to include any violations of City ordinance and the Police Chief did a local records check on each applicant with his results included in the memo. Discussion followed on the license renewals.

## 444-12

2010

Alderman Zimmerman moved approval of the commercial collectors licenses for 2013 for the businesses listed above. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Memorandum of Understanding between Mr. David Howard and the City of Vermillion

Jose Dominguez, City Engineer, reported that David Howard's airport hanger lease includes four lots and would like to transfer two of the lots to the University of South Dakota to construct a hangar. The memorandum will provide that these lots would revert back to Mr. Howard if the University does not start construction by April 30, 2013 or have the construction completed by December 21. 2013. Jose stated the next items on the agenda amend the hanger lease with Mr. Howard to remove the two lots and then lease the lots to USD. Jose answered questions on the agreement.

#### 445-12

Alderman Zimmerman moved approval of the memorandum of understanding between Mr. David Howard and the City of Vermillion as it applies to airport lots G-2 and K-2. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Amendment to Hangar Lease Agreement with Mr. David How-

Jose Dominguez, City Engineer, reported that the addendum is to release lots G-2 and K-2 from the hanger lease with Mr. David Howard so they can be leased to the University of South Dakota. The lease amount with Mr. Howard would be reduced from \$40 to \$20 per year and the current lease will expire in 2015.

# 446-12

Alderman Zimmerman moved approval of the Hangar Lease Amendment No. 1 with Mr. David Howard as it applies to the removal of lots G-2 and K-2 from the lease. Alderman Willson seconded the motion. Motion carried motion adopted.

Hangar Lease Agreement with the University of South Da-

Jose Dominguez, City Engineer, reported that this airport hanger lease is for lots G-2 and K-2, which were just removed from the lease with Mr. Howard in the previous item, to be leased to the University of South Dakota to build a hanger. Jose stated that the lease is similar to current leases which run for 20 years with the lease rate for the first 10 years of \$775.75 per year and provides that the lease amount can be adjusted for the second 10 years, but not over \$1,000 per year.

Alderman Grayson moved approval of the Hanger Lease Agreement with the University of South Dakota for Lots G-2 and H-2 as presented. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor declared the Powell motion

G. Public Safety Center Board

Mike Carlson, Finance Officer, reported that an agreement with the County on the Public Safety Center created the Public Safety Center Board that would resolve any issue between the City and County on the use of the facility. The current Board members are Bruce Plate (2014), John Storm (2013) and Dave Thiesse (2012). Sheriff Howe and Police Chief Betzen recommended the reappointment of Dave Thiesse for a three year term ending December 31, 2015. Discussion followed on the Safety Center Board.

# 448-12

Alderman Willson moved approval of the reappointment of Dave Thiesse to the Public Safety Center Board for a term that expires December 31, 2015. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

H. Resolution to authorize the purchase of a Landfill Wheel

## Legal and Public 2010 Notices

loader utilizing the City of Vermillion's February 2012 bid

neer, reported that the 2012 Caterpillar 914G wheel loader was destroyed in the fire on October 22nd at the landfill building. Jason noted that State statute allows the City to purchase from a competitive bid within one year if the vendor is willing to honor the price. The City awarded the bid on the 914G wheel loader to Butler Machinery Company, the low bidder, on February 21, 2012 for \$118,275. Butler Machinery Company has agreed to honor the bid price if the City enters into a purchase agreement prior to year end. Jason noted that the insurance will be reimbursing the City for the market value of the equipment and recommended approval of the resolution to purchase the wheel

of the following:

## RESOLUTION CHASE OF A WHEEL LOADER

WHEREAS, SDCL 5-18A-22 der of another governmental enrence of said bidder, and:

WHEREAS, on February 21, bidder of Butler Machinery Company for the base bid amount of \$118,275, and;

WHEREAS, on October 22, 2012 the 2012 wheel loader was destroyed in the landfill baler building fire and the landfill has determined a need for the replacement of this equipment in the op-

WHEREAS, the City has conthey have previously contracted with the City of Vermillion.

Loader from Butler Machinery January 1, 2013.

Dated at Vermillion, South Dakota this 17th day of December,

8 to 0. Mayor Powell declared the  $\,$  THE  $\,$  GOVERNING  $\,$  BODY  $\,$  OF SOUTH DAKOTA

> John E. (Jack) Powell, Mayor ATTEST:

Michael D Carlson, Finance Offi-

The motion was seconded by Alderman Zimmerman. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

# I. Library Change Order #5

City Manager, reported that Change Order #5 consists of three ing for the replacement of the cebuilding as it was noticed during brary Board had discussion on

# Alderman Willson moved ap-

ject Change Order #5 with Welfl Construction for \$20,565 as presented. Alderman Osborne sec-

Jason Anderson, Assistant Engi-

After reading the same once, Alderman Willson moved adoption

# AUTHORIZING THE PUR-

authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidtity, including a bid awarded by the governmental entity, or State or the United States at the accepted bid price and the concur-

2012 the City of Vermillion awarded a bid for a Caterpillar 914 G wheel loader to the low

eration of the landfill, and;

tacted Butler Machinery Company and they have agreed to allow the City to purchase a wheel loader for the awarded price and terms as

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a new 2012 Caterpillar 914G Wheel Company of Sioux Falls, South Dakota at the above stated price and under the same terms as the previous City of Vermillion bid with delivery and payment after

THE CITY OF VERMILLION,

BY

Andy Colvin, Assistant to the

items. The first item is a deduct of \$1,100 based upon the plans calldar soffit along the west side of the existing building. Upon inspection, the cedar soffit was found to be in very good condition and would only be replaced for aesthetics. It is recommended to not change the soffit. The second item is to replace the glass along the west side of the existing construction that the window seals are starting to fail. The cost of this item is \$4,613. The third item would be to replace the original duct board in the existing building with new insulated metal ducts. The HVAC consultant stated that if he knew this duct board was in the existing building he would have included the replacement in the contract. The cost to replace the duct board is \$17,052. The total change order is \$20,565 and with the architects 8% fee is an increased project cost of \$22,210. Discussion followed with Alderman Osborne noting that the Liitems and would recommend approval of the change or-

proval of library construction pro-

## **Legal and Public Notices**

onded the motion. Discussion followed questioning why items were not included by the architect in the project. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

#### 9. Bid Openings

A. Fire Department Pumper

Jason Anderson, Assistant Engineer, reported that the 2013 included the replacement Budget of the 1992 Fire Department pumper truck. He stated that bids were opened on December 10th with three bids received. The low bid was from Danko Emergency Equipment of \$323,373. The bids included four deducts in case the bids were above the budgeted amount of \$335,000. Jason noted that the City has purchased fire vehicles from Danko Emergency Equipment in the past and is satisfied with their service. Jason recommended accepting the low bid of Danko Emergency Equipment for the new pumper truck base bid of \$323,373 less the deduct for performance bond for a net purchase price of \$320,066.

Bids: Base Bid, Deduct Option #1 - Eliminate the rear intake with electric valve, Deduct Option #2 -Eliminate the aluminum hose bed cover and install vinyl cover, Deduct Option #3 - Eliminate the 8KV Smart Power hydraulic generator and install Command Light 12V LED, Deduct Option #4 -Deduction for performance bond delete.

Allegiant Emergency Services; Base Bid \$335,892, Deduct Option #1 \$3,810, Deduct Option #2 \$1,560, Deduct Option #3 \$5,580, Deduct Option #4 \$3,325

Danko Emergency Equipment; Base Bid \$323,373, Deduct Option #1 \$3,490, Deduct Option #2 \$1,142, Deduct Option #3 \$5,513, Deduct Option #4 \$3,307

Heiman Fire Equipment; Base Bid \$341,261, Deduct Option #1 \$3,819, Deduct Option #2 \$2,422, Deduct Option #3 \$5,735, Deduct Option #4 \$1,710

#### 451-12

Alderman Grayson moved approval of the low bid of Danko Emergency Equipment for the new pumper truck base bid of \$323,373 less deduct #4 of performance bond for a net purchase price of \$320,066. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

# 10. City Manager's Report

Andy Colvin, Assistant the City Manager, presented the City Manager's report.

A. Andy reported that City offices will be closed on Tuesday, December 25th and Tuesday January 1st in observance of the Christmas and New Years Day holiday. Andy noted that curbside recycling for the two Tuesday holidays will take place on the Monday following the holiday.

B. Andy reported that the following two minor plats were approved by the City Engineer:

Replat of Lots 1A and 8a in Block 1 in Potter's Addition. This plat involves lots fronting E. Main Street and Mulberry Street. Replat of Lots 4A, 4B, 7A and 7B in Block 1 of Cottage Place Addi-

tion. All of the lots in this plat

front Cottage Place.

C. Andy noted that the Christmas tree collection site is open and accepting real trees. The site is located on the south side of Broadway Street just west of Dakota Street. Users are requested to remove any plastic, lights and decorations. The site will be open until January 18th.

#### PAYROLL ADDITIONS AND **CHANGES**

Police: Isaac Voss \$18.18/hr; Fire: Richard Draper \$27.29/hr; Code: Eric Birkland \$14.91/hr

## 11. Invoices Payable

ARCHITECTURE INC.

PROFESSIONAL SERVICES

# 452-12

Alderman Gravson moved approval of the following invoices:

2,715.00 BROADCASTER PRESS ADVERTISING 893.77 BUREAU OF ADMINISTRA-LONG DISTANCE TION 276.04 TECHNOLOGIES, CANNON SUPPLIES 799.68 CANON FINANCIAL COPIER LEASE ICES 196.27 CENTURYLINK T E L E -PHONE 1,510.38 CITY OF VERMILLION LANDFILL VOUCHERS 180.00

SERV-

ELECTRIC

CLAY-UNION ELECTRICITY CORP 782.37

DEPT. ENVIRONMENT NATL RES LANDFILL OPERA-2,773.64

TIONS FEE EUGENE HULT REFUND AMB OVERPAYMENT