

# 10 Vermillion Plain Talk

## 2010 Legal and Public Notices

SEASON CART PASSES  
2 Person Family \$669  
Adult \$489

\*\*\*ALL DAILY RATES IN-  
CLUDE TAXES\*\*\*

### GREEN FEES

9-hole Monday-Friday \$17.50  
18-hole Monday-Friday \$23.50  
9-hole Saturday-Sunday & Holi-  
days \$20.50  
18-hole Saturday -Sunday & Holi-  
days \$31.50  
9-hole punch card (10 rounds)

\$157.50 Mon-Fri  
9-hole punch card (10 rounds)

\$181.00 Anyday\_\_  
9-hole punch card (15 rounds)

\$227.50 Mon-Fri  
9-hole punch card (15 rounds)

\$247.00 Anyday\_\_

### CART RENTAL

9-hole car rental \$11.50  
9-hole car rental punch card (10  
rounds) \$103.50  
18-hole car rental (per person)

\$ 1 6 . 5 0

### DRIVING RANGE

Bag of balls \$4.00  
Punch cards (10 bags) \$36.00

Corporate Punch Card (18 holes  
& \_cart) 30 rounds \$999.00

HANDICAP \$27.00 includes tax

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

B. First Reading of Ordinance 1308 - 2013 Supplemental Budget Appropriations Ordinance

Mike Carlson, Finance Officer, reported that the supplemental appropriations ordinance is needed to adjust the budget for items that have changed since the budget was adopted in September 2013. Mike reviewed the amounts of the changes proposed in the General Fund, Second Penny Sales Tax Fund, Capital Projects Special Assessment Fund, Curbside Recycling Fund, Debt Service TIF 3 Fund, Debt Service TIF 4 Fund and Equipment Replacement Fund. Discussion followed.

358-13

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1308 entitled 2013 Budget Supplemental Appropriations Ordinance of the 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 2nd day of December, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. 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.

C. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing along the North to South Alley in Block 68, Bigelow's Addition from East Clark Street to East Cedar Street

Jose Dominguez, City Engineer, reported that in 2012 Teresa Gilbertson approached the City regarding the paving of the alley located in Block 68 of Bigelow's Addition. Mrs. Gilbertson, along with her north and south neighbor, were concerned with the damage to the alley due to the high traffic utilizing the alley. Mrs. Gilbertson was given a petition, with an estimate, to circulate among the fronting property owners. Jose reported Mrs. Gilbertson returned the petition with signatures of over 45 percent of the property owners requesting the City Council adopt a resolution for the paving of the alley.

Jose stated that the special assessment process provides that the governing body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on January 6, 2014. Following the hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts. Jose stated the affected property owners will be sent a letter notifying them of the hearing and the hearing will be

## 2010 Legal and Public Notices

published in the local paper. Discussion followed on the petition and alley maintenance.

359-13

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION OF CONCRETE SURFACING ALONG THE NORTH TO SOUTH ALLEY IN BLOCK 68, BIGELOW'S ADDITION FROM EAST CLARK STREET TO EAST CEDAR STREET

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 2nd day of December, 2013, that the necessity has arisen for the construction of a concrete alley along the parcels of land hereinafter named, viz:

AFFECTED ADDRESS,  
AFFECTED LEGAL DESCRIPTION, AFFECTED PARCEL NUMBER, ESTIMATED COST  
225 N. HARVARD N \_ OF 6 & ALL OF 7, BLK 68, BIGELOW'S 15050-06800-070-00

\$3,636.60

221 N. HARVARD LOT 5 & S \_ OF 6, BLK 68, BIGELOW'S 15050-06800-060-00 \$3,636.60  
215 N. HARVARD LOT 4, BLK 68, BIGELOW'S 15050-06800-040-00 \$2,424.40  
209 N. HARVARD N \_ OF LOT 2 & ALL OF LOT 3, BLK 68, BIGELOW'S 15050-06800-030-00 \$3,636.60  
205 N. HARVARD LOT 1 & S \_ OF 2, BLK 68, BIGELOW'S 15050-06800-020-00 \$3,636.60  
222 N. YALE LOTS 8 & 9, BLK 68, BIGELOW'S 15050-06800-090-00 \$4,848.80  
218 N. YALE LOTS 10 & 11, BLK 68, BIGELOW'S 15050-06800-110-00 \$4,848.80  
204 N. YALE LOTS 12, 13 & 14, BLK 68, BIGELOW'S 15050-06800-140-00 \$7,273.20

The estimate is based on 2011 estimated costs and includes the 8% fiscal fee.

BE IT FURTHER RESOLVED, that when the cost of construction of the improvement has been determined, the Engineer shall calculate and report to the Governing Body the amount to be assessed against each lot or part of lot fronting or abutting upon the improvement. In determining such assessment, the Engineer shall divide the total cost of the improvement, less the City's share of the cost, by the number of feet fronting or abutting upon said improvement. The quotient, plus and eight percent (8%) fiscal fee, shall be the amount assessed per front foot upon the property fronting or abutting thereon.

BE IT FURTHER RESOLVED, that the lots and tracts of real property likely to be affected by the improvement are those parcels of land set forth after the above named alley.

BE IT FURTHER RESOLVED, that the assessment shall be payable in ten (10) equal annual installments. Any assessment or installment not paid within THIRTY (30) days after filing the approved assessment roll in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of TEN PERCENT (10%) per annum.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00 p.m. on the 6th day of January 2014 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 2nd day of December, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

The motion was seconded by Al-

## 2010 Legal and Public Notices

derman Willson. 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.

D. Agreement with Owner of Lot 1, Block 1, Madison Park Addition and Owner of Outlot B, Block 2, Dakota Addition regarding construction of North Norbeck Street

Jose Dominguez, City Engineer reported in 2012 the City was approached by the developer that purchased the land along the east side of North Norbeck Street south of Roosevelt Street to the Mehlfaf Addition. At the time, the developer was going to be developing the land and wanted the City to start the assessment process for the construction of North Norbeck Street. Jose noted due to some issues that arose with the development, the developer requested that the construction of the street be postponed until a later year.

Jose reported several months ago requests were received from other adjacent property owners wanting to develop along the same stretch of road. Jose stated due to the high density multi-family type of development that was being proposed, the amount of high density dwellings already in this area and the importance to the City for this Norbeck Street to be constructed. Jose stated contacts were made with a majority of the property owners along the street to explain the importance of constructing the street at this time.

Jose reported from the conversations it was determined that the City would have to modify the typical assessment procedures to promote development in the area. Jose stated that some of the issues that the developers had were more with the cash-flow for their developments and interest rates. Jose stated to alleviate some of the effects from these issues, City staff and the developers propose the following agreement:

The City would provide an assessment plan payable in twelve equal annual payments. Where the principal on the first two payments will be deferred and the City would pay the interest on the same two years.

The City will set the interest rate on the assessment at 8% per annum, rather than the typical 10% per annum.

The 8% fiscal fee charged by the City to cover the engineering plans, inspection, geotechnical surveys, mailings, publishing, etc. will be waived due to the work already completed by the City.

Instead of the 8% fiscal fee, the City would enter into a contract with a consulting engineer. The consultant will develop the plans and specifications for the project and this cost would be assessed to the property owner.

The developer agrees not to remonstrate against the proposed assessment for the construction of the improvements.

Jose stated this agreement will essentially set the parameters for the resolution to construct the street. If the resolution were to differ from the agreement then the agreement would be voided and the property owners would be able to remonstrate against the assessment for the proposed improvements. Jose stated that he has one signed agreement and another is in the mail and that even though the agreement is with some of the property owners the agreed stipulations will be applied to all of the owners. Discussion followed on the proposed agreement and it was noted that the interest cost for the two years to be paid by the city is projected at \$24,624 per year to be funded from the housing development funds remaining from the sale of the Lotuswood land.

360-13

Alderman Willson moved approval of the agreements with Owner of Lot 1, Block 1, Madison Park Addition and Owner of Outlot B, Block 2, Dakota Addition regarding construction of North Norbeck Street as presented and authorized the Mayor to execute the same. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 2010 Legal and Public Notices

E. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing and other improvements along North Norbeck Street from Roosevelt Street to East Clark Street

Jose Dominguez, City Engineer, reported that the resolution is for the concrete surfacing and other improvements along North Norbeck Street from Roosevelt Street to East Clark Street. Jose stated that North Norbeck Street has been designated as a collector street in the Comprehensive Plan. Jose stated that for over a year there have been discussions between the City and developers regarding the construction of apartment buildings fronting North Norbeck Street. Due to the high density multi-family type of development that was being proposed, the amount of high density dwellings already in this area, and the importance to the City for this road to be constructed. The developer agreements that were approved in the previous agenda item provide the proposed assessment would be different than others proposed by the City. Jose stated that due to all of those factors staff believes that this would be the most opportune time to construct North Norbeck Street from Roosevelt to East Clark Street. Jose reported this improvement would provide a continuous corridor to a significant amount of traffic to East Cherry Street; which is the main artery of the city.

Jose reported the special assessment process provides that the governing body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The resolution sets a public hearing for January 6, 2014. Jose stated that following the hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

Jose reported the items included in the developer agreement have been included in the resolution. Discussion followed.

361-13

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION OF CONCRETE SURFACING AND OTHER IMPROVEMENTS ALONG NORTH NORBECK STREET FROM ROOSEVELT STREET TO EAST CLARK STREET

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 2nd day of December, 2013, that the necessity has arisen for the construction of a concrete street and other improvements along the parcels of land hereinafter named, viz:

AFFECTED ADDRESS  
AFFECTED LEGAL DESCRIPTION AFFECTED PARCEL NUMBER ESTIMATED COST

1321 ROOSEVELT LOT 15 BLK 1 DAKOTA ADDN 15206-00100-150-00 \$26,973.72  
1326 MADISON LOT 13A BLK 1 DAKOTA ADDN 15206-00100-130-00 \$26,973.72  
1325 MADISON LOT 10 BLK 2 DAKOTA ADDN 15206-00200-100-00 \$37,523.93  
OUTLOT B BLK 2 DAKOTA A D N 15206-00200-000-00 \$30,780.50  
1322 E. CLARK LOT 1 BLK 2 MEHLHAF ADDN 15435-00200-010-00 \$32,072.62  
NONE ISSUED  
(PORTION OF THE 300 BLOCK OF NORTH NORBECK)  
NE \_ SW \_ SE \_ EXC E 33' & MEHLHAF ADDN 18-92-51 MISC 15880-09251-184-12 \$32,118.30  
NONE ISSUED (PORTION OF THE 300 BLOCK OF NORTH NORBECK) LOT 1 BLK 1 MADISON PARK ADDN 21417-00100-010-00 \$68,304.42  
401 N. NORBECK E 16 RDS OF NW \_ SE \_ & W 58 RDS OF NE \_ SE \_ EXC N 219' & EXC WASHINGTON SQUARE & EXC LOT 13 BLK 1 MEISENHOLDER EAST ADDN & EXC MADISON PARK ADDN 1 9 - 9 2 - 5 1 21000-09251-184-04 \$67,345.11

The estimate is based on 2013 costs and includes an estimated consultant fee of approximately \$31,600.

BE IT FURTHER RESOLVED, that when the cost of construction of the improvement has been determined, the Engineer shall calculate and report to the Governing Body the amount to be assessed against each lot or part of lot fronting or abutting upon the im-

## 2010 Legal and Public Notices

provement. In determining such assessment, the Engineer shall divide the total cost of the improvement, less the City's share of the cost, by the number of feet fronting or abutting upon said improvement. The quotient, plus any consultant fees incurred by the City for the creation of the construction plans and specification, shall be the amount assessed per front foot upon the property fronting or abutting thereon.

BE IT FURTHER RESOLVED, that the lots and tracts of real property likely to be affected by the improvement are those parcels of land set forth after the above named street.

BE IT FURTHER RESOLVED, that the assessment shall be payable in twelve (12) equal annual installments. Any assessment or installment not paid by May 1st, 2018 shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of EIGHT PERCENT (8%) per annum.

BE IT FURTHER RESOLVED, that the City will pay all interest for the first two years after the assessment roll is approved by the City Council.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00 p.m. on the 6th day of January 2014 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 2nd day of December, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
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.

F. Appointment of a Director to the Business Improvement District #1

Mayor Powell reported that on November 4, 2013, the City Council confirmed the appointment of Amy Christensen, David Herbster, Joe Eckert, Steve Parker, and Jim Peterson to the Board of Directors for Business Improvement District #1. Since that time, Steve Parker has resigned as he will be relocating out-of-state. Mayor Powell stated Mr. Parker was appointed to a one-year term and that all future terms will be for three years when appointments are made beginning in 2014. Mayor Powell recommended the appointment of Dan Kenton to fill the vacancy of Steve Parker on the board.

362-13

Alderman Zimmerman moved approval of the appointment of Dan Kenton to fill the vacancy of Steve Parker on the Business Improvement District #1 board. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Right-of-Way and Utilities Certification Forms for the Shared Used Path along SD Hwy. 19 from SD Hwy. 50 to West Cherry Street.

Jose Dominguez, City Engineer reported the City, in conjunction with the DOT, will be constructing a shared used path along SD Hwy. 19 from Cherry Street to Highway 50. Jose noted the path will be constructed in order to diminish the amount of pedestrians and bicyclists from using the roadway to either walk or ride on. Jose reported the shared used path will be constructed from SD Hwy. 50 south to West Cherry Street along the east side of the highway. Jose reported that at this point, all of the required easements and right-of-way have been acquired for the construction of the shared used path but that the DOT is re-

## 2010 Legal and Public Notices

quiring that the City certify that the affected utilities have been contacted and notified of the project. Jose noted the utilities involved are the City electric, water and wastewater. Jose stated the agreement provides that any items that would need to be relocated would need to be relocated without any Federal or State financial assistance. Jose reported that two fire hydrants that will have to be moved to allow enough clearance around the shared used path at an estimated cost of \$2,500. Discussion followed.

363-13

Alderman Zimmerman moved approval of the right-of-way and utilities certification forms for the shared used path along SD Hwy 19 from SD Hwy 50 to West Cherry Street as presented and authorize the Mayor to sign on behalf of the City. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Final Plat of Lots 12A and 13A, Addition, Rolling Hills Estates in the SW \_ of Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota

Jose Dominguez, City Engineer, reported on the location of the property being platted noting it is in the extraterritorial area. Jose stated the final plat will replat lot 12 and 13 into 12A and 13A. Jose reported the plat was reviewed and approved by the County's Planning Commission at their November 25 meeting. Jose reported the final plat complies with all code provisions and recommended approval.

364-13

After reading the same once, Alderman Ward moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lots 12A and 13A, Addition, Rolling Hills Estates in the SW \_ of Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Grayson. 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.

I. Resolution dissolving Tax Incremental District number four

Mike Carlson, Finance Officer, reported that Tax Incremental District Number Four was created in November 2004 to fund street and utility extensions in the Brooks Industrial Park. Mike stated to fund the improvements a bond was issued for \$460,000 along with state grant funds. Mike stated that the final payment was deposited with the bond trustee and as such the City Council can adopt a resolution to dissolve the Tax Incremental District. Mike stated that there are funds remaining after the final payment that will be allocated to the County, School, Water District and City based upon the current year tax levy. Discussion followed.

365-13

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

RESOLUTION DISSOLVING TAX INCREMENTAL DISTRICT NUMBER FOUR

WHEREAS, on November 15, 2004 the Vermillion City Council by resolution created Tax Incremental District Number Four; and

WHEREAS, tax incremental district number four consisted of Lots 2, 3, 4, and 5 in Block 2, Brooks Industrial Park Subdivision and 317th Street 66-foot right-of-way between the west line of Norbeck Street extended and the west line of Crawford