

10 Vermillion Plain Talk

2010 Legal and Public Notices

BLK 26 ORIGINAL TOWN 15530-02600-010-00 \$183.75
109 E. NATIONALE 48' OF N 20' OF LOT 13 & E 48' OF LOT 14 BLK 33 SNYDERS 15720-03300-140-03 \$1,580.25
17 ELMLOT 11 BLK 33 SNYDERS 15720-03300-110-00 \$330.75
23 ELMW 85' OF LOT 14 & W 85' OF N 20' OF LOT 13 BLK 33 SNYDERS 15720-03300-140-00 \$918.75
121 KIDDERLOTS 14, 15, 16 & 17 BLK 29 ORIGINAL TOWN 15530-02900-170-00 \$1,800.75
5 LUXEMBURGN 70' OF 18, 19 & 20 BLK 31 ORIGINAL TOWN 15530-03100-200-00 \$3,057.60
9 LUXEMBURGS 52' OF 18, 19 & 20 BLK 31 ORIGINAL TOWN 15530-03100-200-03 \$235.20
5 MARKETN 23'4 OF S 27' 2 1/2 OF LOT 2 BLK 29 ORIGINAL TOWN 15530-02900-020-03 \$1,396.50
11 MARKETLOT 5 & 6 BLK 29 ORIGINAL TOWN 15530-02900-050-00 \$2,164.58
14 MARKETLOT 10 & N 20' OF E 50' & S 24' OF LOT 11 BLK 28 ORIGINAL TOWN 15530-02800-100-00 \$3,307.50
17 MARKETLOTS 7, 8 & 9 BLK 29 ORIGINAL TOWN 15530-02900-070-00 \$3,770.55
19 MARKETLOT 11 BLK 29 ORIGINAL TOWN 15530-02900-100-00 \$1,675.80
21 MARKETLOT 11 BLK 29 ORIGINAL TOWN 15530-02900-110-00 \$404.25
23 MARKETLOT 12 BLK 29 ORIGINAL TOWN 15530-02900-120-00 \$588.00
24 MARKETLOT 9 BLK 28 ORIGINAL TOWN 15530-02800-090-00 \$3,381.00
26 MARKETLOT 8 BLK 28 ORIGINAL TOWN 15530-02800-080-00 \$6,438.60
116 MARKETLOTS 10, 11 & 12 BLK 23 ORIGINAL TOWN 15530-02300-110-00 \$595.00
5 PROSPECTLOT HD-1 LOT 15 BLK 35 SNYDERS 15720-03500-150-03 \$1,521.45
16 PROSPECTLOT 3 BLK 36 SNYDERS 15720-03600-030-00 \$1,102.50
25 PROSPECTN 1/2 OF LOT 13 & ALL OF LOT 14 BLK 35 SNYDERS 15720-03500-140-00 \$441.00
111 W. KIDDERLOT 13 BLK 29 ORIGINAL TOWN 15530-02900-130-00 \$3,351.60
121 W. KIDDERLOTS 14, 15, 16 & 17 BLK 29 ORIGINAL TOWN 15530-02900-170-00 \$10,032.17
1 W. MAINS 60.5' OF LOT 25 BLK 35 SNYDERS ADDN 15720-03500-250-00 \$6,618.68
2 W. MAINLOT 25 BLK 28 ORIGINAL TOWN 15530-02800-250-00 \$11,502.75
3 W. MAINLOT 24 BLK 35 SNYDERS 15720-03500-240-00 \$771.75
4 W. MAINLOT 24 BLK 28 ORIGINAL TOWN 15530-02800-240-00 \$367.50
5 W. MAINLOTS 22 & 23 BLK 35 SNYDERS 15720-03500-230-00 \$735.00
9 W. MAINLOT 21 BLK 35 SNYDERS 15720-03500-210-00 \$183.75
10 W. MAINLOT 21 BLK 28 ORIGINAL TOWN 15530-02800-210-00 \$551.25
12 W. MAINLOT 20 & ALL VAC ALLEY ADJ TO LOT 20 BLK 28 ORIGINAL TOWN 15530-02800-200-00 \$955.50
13 W. MAINE 23 1/2' OF LOT 19 BLK 35 & ALL OF VAC ALLEY SNYDERS 15720-03500-190-03 \$661.50
16 W. MAINLOT 18 & W 25' OF E 50' OF LOT 12 BLK 28 ORIGINAL TOWN OF VERMILLION 15530-02800-180-00 \$367.50
15 W. MAINE 5.5' OF LOT 18 & W 12.5' OF LOT 19 BLK 35 SNYDERS 15720-03500-190-00 \$183.75
18 W. MAINW 25' OF N 20' OF E 75' OF 11 & W 25' OF E 75' OF 12 & ALL LOT 17 BLK 28 ORIGINAL TOWN 15530-02800-170-00 \$183.75
19 W. MAINLOT 17 & W 12.5' OF 18 BLK 35 SNYDERS 15720-03500-180-00 \$183.75
23 W. MAINE 25' OF LOT 15 BLK 35 SNYDERS 15720-03500-150-06 \$183.75
24 W. MAINW 30' OF LOTS 12 & 15 EXC W 5' & N 10' & N 3.4' OF W 31.4' LOT 11 EXC W 5' BLK 28 ORIGINAL TOWN 15530-02800-150-03 \$6,063.75
25 W. MAINW 25' OF LOT 15 EXC LOT HD-1 BLK 35 SNYDERS 15720-03500-150-00 \$6,004.95
101 W. MAINLOT 24 BLK 36 SNYDERS ADDN 15720-03600-230-00 \$4,134.38
108 W. MAINLOT B BLK 29 ORIGINAL TOWN 15530-02900-020-00 \$3,333.17
113 W. MAINLOTS 15, 16 & 17 BLK 36 SNYDERS 15720-03600-170-00 \$4,005.75
114 W. MAINLOTS 19 & 20 BLK 29 ORIGINAL TOWN 15530-02900-200-00 \$3,785.25
120 W. MAINN 78' OF LOT 18 BLK 29 ORIGINAL TOWN 15530-02900-180-03 \$477.75
200 W. MAINN 125' OF LOTS 18, 19, 20 BLK 30 ORIGINAL TOWN 15530-03000-200-03 \$1,433.25
211 W. MAINLOTS 1 TO 14 BLK 37 SNYDERS 15720-03700-140-00 \$3,675.00
212 W. MAINE 10' OF 16 & ALL IF 17 BLK 30 ORIGINAL TOWN 15530-03000-170-00

2010 Legal and Public Notices

\$1,102.50
222 W. MAINLOT 15 & W 40' OF 16 BLK 30 ORIGINAL TOWN 15530-03000-160-00 \$3,439.80
301 W. MAINLOT PE-1 A PT OF LOTS 5 & 6 BLK 38 SNYDERS 15720-03800-000-00 \$4,998.00
309 W. MAINTRACT D-1 BLK 38 SNYDERS 15720-03800-000-06 \$1,653.75
315 W. MAINE 100' OF S 24' OF 11 BLK 38 SNYDERS & LOT 16 & 17 BLK 38 SNYDERS 1 5 7 2 0 - 0 3 8 0 0 - 1 1 0 - 0 6 15720-03800-170-00 \$1,929.38
317 W. MAINLOT 15 & W 50' OF S 24' OF LOT 11 BLK 38 SNYDERS ADDN 15720-03800-150-00 \$1,837.50
320 W. MAINLOTS 4 & 5 & N 1/2 OF 6 BLK 31 ORIGINAL TOWN & LOTS 15, 16, 17 BLK 31 ORIGINAL TOWN & LOTS 8, 9, 10, & 11 BLK 31 ORIGINAL TOWN 1 5 5 3 0 - 0 3 1 0 0 - 0 6 0 - 0 0 1 5 5 3 0 - 0 3 1 0 0 - 1 1 0 - 0 0 15530-03100-170-00 \$551.25
14 WASHINGTONLOT 4 BLK 38 SNYDERS 15720-03800-040-00 \$1,286.25
16 WASHINGTONS 1' OF LOT 2 & ALL 3 BLK 38 SNYDERS 15720-03800-030-00 \$1,653.75
22 WASHINGTONLOT 1 & N 43' OF LOT 2 BLK 38 SNYDERS 15720-03800-020-00 \$955.50
115 MARKETLOTS 4, 5, 6 & 7 BLK 22 ORIGINAL TOWN 15530-02200-070-00 \$3,601.50
7 MARKETS 3' 10.5" OF LOT 2 & N 19' 10.5" OF LOT 3 BLK 29 ORIGINAL TOWN 15530-02900-030-00 \$1,675.80
The estimate is based on 2013 estimated costs.
BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be completed by the 30th day of June, 2015, or be under contract to be completed no later than the end of 2015. A no cost permit is required to be filed at the City for any repairs performed to the sidewalks. This permit is required to be filed whether the owner is performing the work himself, hiring a contractor to complete the work or electing to have the City perform the work. The permits will be due to the City no later than June 30, 2015.
BE IT FURTHER RESOLVED, that if a property owner does not repair their sidewalk properly within the time specified, the City of Vermillion will cause the repairs to be made and assess the costs, plus a fiscal fee. The fiscal fee will be EIGHT PERCENT (8%) of the cost or FIFTY DOLLARS (\$50.00), whichever is greater.
BE IT FURTHER RESOLVED, that the assessment shall be payable in two (2) 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 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 16th 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 Grayson. 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. Developers Agreement with Dr. Duane Mehlhaf owner of Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota
Jose Dominguez, City Engineer, reported that Duane Mehlhaf is in the process of platting a portion of his land for the construction of a

2010 Legal and Public Notices

15 unit multi-family apartment building. Jose reported on the location of the property noting that city ordinance requires that the property owner construct sidewalks, grading, curb and gutter, street surfacing, street lights, water and sewer improvements on all streets abutting a property to be developed. Jose stated that the lot in question is a corner lot that will front North Norbeck Street and East Clark Street with the agreement providing for when the improvements need to be completed. Jose recommended that the Mayor be authorized to sign the developers agreement with Duane Mehlhaf owner of Lot 1, Block 3 Mehlhaf Addition. Discussion followed on the agreement.
377-13
Alderman Osborne moved approval of the developer's agreement with Duane Mehlhaf owner of Lot 1, Block 3 Mehlhaf Addition and authorized the Mayor to execute the agreement. Alderman Davies seconded the motion. Discussion followed on the agreement. Motion carried 7 to 0. Mayor Powell declared the motion adopted.
C. Final Plat of Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota.
Jose Dominguez, City Engineer, reported on the location of the property being considered for the final plat. Jose stated that the Planning Commission reviewed the plat and recommended approval contingent upon the approval of the developer's agreement. Jose stated that this agreement was just approved in the previous item and recommended approval of the plat.
378-13
After reading the same once, Alderman Zimmerman 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: Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, 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 Vermillion 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 Davies. 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.
D. Commercial Collectors License Renewals
Mike Carlson, Finance Officer, reported that the following have made application, including the proof of insurance, for commercial collectors licenses for 2014: Loren Fischer Disposal - Loren Fischer, Owner; Fischer Disposal, LLC - Lonnie Fischer, Operator; Art's Garbage Service - Division of Waste Connections; Vermillion Garbage Service - Marty Johnson, Owner; Independence Waste - K & P Services Inc, Owner; Waste Management of South Dakota; Matt Mulheron, Owner of Little Garbage Guys; and Giedd Sanitation, LLC - Travis & Nicole Giedd, Owners. 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. Mike stated that Fischer Disposal, LLC had submitted their renewal with the violations blank and, as the Police Chief noted some violations, it was sent back as incomplete and a complete application was received today. Discussion followed on the license renewals, ordinance violations and the steps the City Council may consider when renewing the licenses. Upon request, Jim McCulloch, City Attorney, reported that the ordinance stated that the City Council reserves the right to terminate a license. Discussion followed on what criteria to consider in the renewal process. Mayor Powell requested that the Policy and Procedures Committee

2010 Legal and Public Notices

review and report on a process for addressing ordinance violations by licensed contract haulers.
379-13
Alderman Osborne moved approval of the commercial collectors licenses for 2014 for the businesses listed above. Alderman Zimmerman seconded the motion. Discussion followed on the commercial collection process. Motion carried 7 to 0. Mayor Powell declared the motion adopted.
E. Utility Committee meeting report on electric rate adjustment
John Prescott, City Manager, reported that the Utility Committee met on December 11th to review electric rates in response to a rate increase in 2014 from our supplemental power supplier, Missouri River Energy Services (MRES). John reported that the city purchases about 40% of its power needs from MRES and the balance is purchased from Western Area Power Administration (WAPA). John noted that the City last increased electric rates in May 2011 by 2.2% and implemented the revenue neutral seasonal rates starting in 2012. John stated that the MRES is not projecting a rate increase in 2015 and the best projection is that WAPA will have a 2% increase in 2015. John stated that City staff and MRES are proposing an overall 2.2% rate increase to provide the necessary revenue to meet the increased purchase of power costs. The rate increase of \$0.002/kWh will be uniform across all rate classes. The rate is proposed to start with the billing sent out in February that is due no later than March 10, 2014. Discussion followed on the committee report. John noted that the state statute does not allow the City Council to act on a committee report until the next meeting. The consensus was to acknowledge receipt of the report and consider the rate resolution at next meeting.
F. Public Safety Center Board appointment
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 Dave Thiesse (2015), Bruce Plate (2014) and John Storm (2013). As John Storm has moved, Sheriff Howe and Police Chief Betzen recommended the appointment of Robert Fuller for a three year term ending December 31, 2016. Discussion followed on the Safety Center Board.
380-13
Alderman Willson moved approval of the appointment of Robert Fuller to the Public Safety Center Board for a term that expires December 31, 2016. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.
G. Resolution Authorizing the Purchase of Electric Pad-mount Switches
Jason Anderson, Assistant Engineer, reported that the City has elected to purchase electrical pad-mount switches off other governmental bids to take advantage of volume discounts, annual price increases or costs associated with preparation of bid specifications. Jason stated that the City of Watertown recently took bids on six switches meeting our standards with the bid awarded to Stuart C. Irby Co. Jason reported that Stuart C. Irby Co has agreed to sell the City four pad-mount switches at the Watertown bid amount. Jason stated that the resolution provides for the purchase of the four switches for \$55,620 and noted that the electric utility has funds budgeted for this purchase.
381-13
After reading the same once, Alderman Willson moved adoption of the following:
RESOLUTION
AUTHORIZING PURCHASE OF
PAD-MOUNT SWITCHES
WHEREAS, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State or United States at the accepted bid price and the concurrence of said bidder; and
WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the City of Watertown, South Dakota for pad-mount switches from Stuart C. Irby Co. in the amount of \$13,765 each for S&C PME-9 and \$14,325 each for S&C PME-11 pad-mount switchgear offers an advantageous price to the City for said items; and
WHEREAS, the City has con-

2010 Legal and Public Notices

tacted Stuart C. Irby Co. and they have agreed to allow the City to purchase three S&C PME-9 and one S&C PME-11 pad-mount switches for the awarded prices and terms as they have contracted with the City of Watertown, South Dakota.
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the City Finance Officer is hereby authorized to purchase three (3) S&C PME-9 and one (1) S&C PME-11 pad-mount switches at the awarded prices and under the same terms as the City of Watertown, South Dakota for a total amount of \$55,620.
Dated at Vermillion, South Dakota this 16th 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 Zimmerman. 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.
H. Declaration of Street Department surplus skid steer loader
Jason Anderson, Assistant City Engineer, reported that the new skid loader for the Street Department is scheduled for delivery the first week of January 2014. As such, the 2001 Bobcat 773T Hi-Flow skid loader and related attachments will need to be declared surplus and appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Jason recommended that the skid loader and the breaker attachment be appraised separately.
382-13
Alderman Zimmerman moved approval of declaring the 2001 Bobcat 773T Hi-Flow skid loader and related breaker attachment as surplus and authorized the appraisal by the Surplus Property Appraisal Committee. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.
I. Resolution to purchase a Chevrolet Caprice Police vehicle from State contract
Jason Anderson, Assistant City Engineer, reported the 2014 budget included the replacement of the 2011 police patrol car. Jason stated that the State Contract for police patrol cars was awarded to Billion Auto of Sioux Falls for a Chevrolet Caprice at a base price of \$25,899. Jason stated that Billion Auto will honor this price to the City for a 2014 Chevrolet Caprice patrol car plus \$820 of additional options for a total price of \$26,719. Jason reviewed the costs involved in switching from the Ford Crown Victoria cars that are no longer made to the Chevrolet Caprice. Jason answered questions on the patrol cars including the cost of outfitting a new car with the police equipment.
383-13
After reading the same once, Alderman Grayson moved adoption of the following:
RESOLUTION
AUTHORIZING THE
PURCHASE OF
A POLICE VEHICLE
WHEREAS, SDCL 5-18-18 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State at the accepted bid price and the concurrence of said bidder; and
WHEREAS, the City of Vermillion has reviewed and determined that the 2014 bid awarded by the State of South Dakota for a Chevrolet Caprice police vehicle from Billion Auto of Sioux Falls, South Dakota for the base bid of \$25,899 plus additional options in the amount of \$820, for a total cost of \$26,719, offers an advantageous price to the City for said item; and
WHEREAS, the City has contacted Billion Auto and they have agreed to allow the City to purchase the police vehicle for the awarded price and terms as they have contracted with the State of South Dakota in October 2013.
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 2014

2010 Legal and Public Notices

Chevrolet Caprice police package vehicle from Billion Auto of Sioux Falls, South Dakota at the above stated price and under the same terms as the State of South Dakota 2013 bid.
Dated at Vermillion, South Dakota this 16th 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 Willson. 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.
J. Professional services agreement for annual audit - Williams & Company
Mike Carlson, Finance Officer, reported that the City is required to have an annual audit as a requirement of bond resolutions. Mike noted that the Department of Legislative Audit has oversight on all municipal audits. Mike stated that the written letter has not been received from the Department of Legislative Audit but upon inquiry they have not scheduled the City for an audit this year due to their work load. The current three year agreement with Williams & Company has ended and, as we have been satisfied with their work, a request was made for a updated professional services agreement. Williams & Company recommended a five year agreement in order to keep the per year price more reasonable. Mike stated that at the noon meeting the City Council had asked if the requests for proposals had been sent to local auditing firms for this work and requested that local firms were to be contacted to determine their interest in the City audit. Mike stated that he had attempted contact but the individual was out of the office and, as such, this item would need to be tabled until a report could be made. Discussion followed on the annual audit along with the timing of when the yearend work would begin and if this item should be delayed until the next meeting. Mike answered questions of the City Council on the annual audit. Discussion followed on the annual audit.
384-13
Alderman Willson moved approval of the professional services agreement with Williams & Company, P.C. for the annual City audit for 2013-2017 as presented subject to the annual approval of the Department of Legislative Audit. Alderman Davies seconded the motion. Discussion followed on the need to consider local firms in requesting proposals for professional services in the future. Motion carried 7 to 0. Mayor Powell declared the motion adopted.
K. Letting Authorization for Shared Used Path along SD Hwy 19 from SD Hwy 50 to West Cherry Street
Jose Dominguez, City Engineer, reported that the City, in conjunction with the SD DOT, will be constructing a shared used path along the east side of SD Hwy 19 from West Cherry Street to Hwy 50. Jose stated that all the required easements and right-of-way have been acquired for the construction of the shared used path. Jose stated that the DOT is requesting a document that will allow them to bid, review and award the bid without the City's review. He stated that this process was followed on the Stanford Street reconstruction project. Jose reviewed the proposed project costs stating there are grant funds to cover 81.95% of the project costs with the city share to be paid estimated at \$37,365. Jose recommended approval of the agreement with the DOT. Discussion followed on the shared used path with concerns for pedestrian safety in crossing Cherry Street.
385-13
Alderman Grayson moved approval of the letting authorization for shared used path along SD Hwy 19 from SD Hwy 50 to West Cherry as required by the DOT and authorized the Mayor to sign the document. Alderman Collier-Wise seconded the motion. Discussion followed on ways to increase motorist awareness of pedestrians crossing the streets in this area. Motion carried 7 to 0. Mayor Powell declared the motion adopted.
9. Bid Openings