

**Unapproved Minutes Council Special Session February 16, 2010**

**Tuesday 12:00 noon**  
The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, February 16, 2010 at 12:00 noon in the City Hall large conference room.

**1. Roll Call**

Present: Edelen (arrived at 12:12 p.m.), French, Hofman (arrived at 12:02 p.m.), Meins, Osborne (arrived at 12:05 p.m.), Powell, Ward (arrived at 12:05 p.m.), Willson, Mayor Christopherson

**2. Educational Session - 2009 Police Department Annual Report**

Alderman Hofman arrived at 12:02, Alderman Osborne and Ward arrived at 12:05. Art Mabry, Police Chief, reviewed the 2009 Police Department Annual Report and answered questions of the City Council.

**3. Educational Session - Overview of South Dakota Housing Development Authority Neighborhood Stabilization Program - Jeff Mehlhoff**

John Prescott, City Manager, reported that, in researching for the property maintenance ordinance, information was made available on the South Dakota Housing Development Authority Stabilization Program. John stated that this State program would be a way to pursue affordable housing which is an issue the City Council had expressed interest in pursuing.

Jeff Mehlhoff, City Manager Intern, reported that the program is available for purchase and rehabilitation of abandoned or foreclosed homes that meet the program criteria. Once completed, the residence is to be sold or rented to individuals at or below the 50% AMI. Jeff reviewed the program requirements and guidelines and requested if this was something that the City Council would want City staff to continue to pursue.

**4. Educational Session - Presentation of Fee Schedule - Jeff Mehlhoff**

Jeff Mehlhoff, City Manager Intern, reviewed the schedule of fees for City services provided for by ordinance that are set by resolution. John Prescott, City Manager, stated that this schedule is a resource document to use in the face of all the individual resolutions that set the rates/fees. Discussion followed on the fees, noting the need to review for timely adjustments.

**5. Briefing on the February 16, 2010 City Council Regular Meeting Agenda**

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

**5. Adjourn**

Alderman Osborne moved to adjourn the Council special session at 1:14 p.m. Alderman French seconded the motion. Motion carried 6 to 0. Mayor Christopherson declared the motion adopted.

**THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA**

**BY Dan Christopherson, Mayor**

**ATTEST: Michael D. Carlson, Finance Officer**

**Unapproved Minutes City Council Regular Session February 16, 2010**

**Tuesday 7:00 p.m.**

The regular session of the City Council, City of Vermillion, South Dakota was called to order on February 16, 2010 at 7:00 p.m. by Mayor Christopherson.

**1. Roll Call**

Present: Edelen, French, Hofman, Meins, Osborne, Powell, Ward, Willson, Mayor Christopherson

**2. Pledge of Allegiance**

**3. Minutes**

**A. February 1, 2010 Special Session; February 1, 2010 Regular Session**

Alderman Edelen moved approval of the February 1, 2010 special session minutes and the February 1, 2010 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

**4. Adoption of Agenda**

Alderman Hofman moved approval of the agenda. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

**5. Visitors to be Heard**

**2. Ratingen Women's Conference Proclamation**

Alderman Meins read the Mayoral Proclamation for Sister City, Ratingen, Germany recognizing the International Women's Conference being held March 6 - 7 in Ratingen.

**B. Introduction of Citizen's Academy Class**

Evie Johnson, City Intern, reported on the establishment of the Citizens Academy, noting that 20 citizens have agreed to participate in the five week course to better understand the operations of the City.

**6. Public Hearings**

**A. Special Adm. License for malt beverage and wine license for the Vermillion Area Arts Council on or about March 17, 2010 at 202 Washington Street**  
Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license from the Vermillion Area Arts Council for their St. Patrick's Day Celebration on March 17th at 202 Washington Street. The Notice of Hearing and Police Chief's Report are included in the packet. Mike noted that Dennis Johnson, representing the Vermillion Area Arts Council, was present to answer questions. 05-10

Alderman Powell moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 17, 2010 at 202 Washington Street. Alderman Osborne seconded the motion.

Discussion followed. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

**B. Request for a density variance at 1710 Baylor Street**

Farrel Christopherson, Building Official, reported that the City has been working with SESDAC, Inc on preliminary plans for a group home in the community. The site that would accommodate the home selected by SESDAC, Inc is 1710 Baylor which is located in the R-1 zone. Farrel noted that the zoning ordinance limits the occupancy in the R-1 zone to no more than four unrelated individuals. He noted that the ordinance provides that the Board of Adjustment shall have the jurisdiction to hear and decide upon petition for variances to vary the strict application of the density requirements as will not be contrary to the public interest.

Farrel noted that the applicant provides support services to individuals with disabilities and is bound by Federal and State rules and regulations. Farrel noted that the applicant provides support services to individuals with disabilities and is bound by Federal and State rules and regulations. Farrel noted that the applicant provides support services to individuals with disabilities and is bound by Federal and State rules and regulations.

Jerry Tracy, Executive Director of SESDAC, Inc., noted the importance of this project to their operation. He reported that the home would meet the mission of their organization of Community Inclusion and Accessibility. He provided scale drawings of the proposed home noting that it would be similar to the surrounding homes. Jerry answered questions of the City Council on the project noting that, if approved, they would be scheduling meetings with the neighbors.

Alderman Edelen reported that she was on the SESDAC Board and would be abstaining from voting. 05-10

Alderman Powell moved approval of the density variance to allow six unrelated persons to occupy a group home at 1710 Baylor but conditioned said approval upon its expiration and subsequent compliance with the City's zoning regulations in the event the group home's usage should change. Alderman Hoffman seconded the motion. Discussion followed. Motion carried 8 to 0 with Alderman Edelen abstaining. Mayor Christopherson declared the motion adopted.

**C. Public Progress Hearing for Cherry Street Utilities Improvement Project**

Mike Carlson, Finance Officer, reported that, in conjunction with the State DOT reconstruction of Cherry Street, the City elected to replace the underground water and sanitary sewer utilities due to their age to avoid damaging the street to repair or replace the utilities in the future. The City portion of the construction was estimated at \$785,000 and with engineering, inspection and contingencies the total project was budgeted at \$990,000. To assist with the funding the City, with the assistance of SECOG, applied for a Community Development Block Grant and in December 2007 was awarded a \$309,000 grant for 31% of the construction costs. The final construction contract amount was \$768,908.15 and grant funds of \$248,976.22 were received. One of the grant requirements is a public progress hearing being advertised for tonight. Harold Holoch, Utility Engineer, will explain the project and Angie Hilton, Planner with SECOG, will be available to answer any questions on the grant. A sign-in sheet is being passed around for all to sign documenting those present at the hearing.

Harold Holoch, Utility Engineer, reported that the water and sanitary sewer was bid as part of the State DOT street reconstruction project so that there was one contractor in charge of the whole project. The project replaced 3,518' of water main from 12" to 16" in diameter, 2,390' of water service lines, 4,314' of sanitary sewer main from 8" to 12" in diameter, 2,240' of sanitary sewer service lines and 980' of sanitary sewer force main.

The final contract amount was \$768,908 for the construction portion of the project. Harold noted that the City was satisfied with the work performed by the contractor. Angie Hilton, Planner with SECOG, noted that SECOG made the grant application and processed the draw-downs and reported on the grant for the City.

Mayor Christopherson opened the public hearing and, upon hearing no comments, requested a motion to close the hearing.

Alderman Edelen noted that the reconstruction of Cherry Street took several years and the citizens are very appreciative of the work done by the SD DOT and the project and SECOG for the assistance on the grant. 05-10

Alderman French moved to close the public hearing as there were no public comments received. Alderman Edelen seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

**7. Old Business**

**A. Second Reading of Ordinance 1227 amending 70.095 to modify the penalty for the unauthorized removal of impounded vehicles**

John Prescott, City Manager, stated that this is second reading of an ordinance to set the penalty for unauthorized removal of impounded vehicles to the same as for all other ordinance violations. Eugene R. Ashmore & Blanche M. Ashmore Revocable Trust, S 1/2 NE 1/4 S12 T93N R52W, 500.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Ordinance No 1227 entitled An Ordinance amending 70.095 to modify the penalty for the unauthorized removal of impounded vehicles 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 1st day of February, 2010 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on the 16th day of February, 2010 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

**ORDINANCE NO. 1227 AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE VII, CHAPTER 70, TO AMEND SECTION 70.095 TO MODIFY THE PENALTY FOR THE UNAUTHORIZED REMOVAL OF IMPOUNDED VEHICLES.**

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same as follows:

SECTION 70.095. UNAUTHORIZED REMOVAL OF IMPOUNDED VEHICLES. No person shall remove a vehicle impounded by the City because of violation of the traffic ordinance which makes it unlawful to tow and storage fees have been paid to the City. A violation of this section is punishable in accordance with section 10.99 and may, in addition, subject the offender to criminal liability and charges therefor.

Dated at Vermillion, South Dakota this 16th day of February, 2010

**THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA**

**BY Dan Christopherson, Mayor**

**ATTEST: Michael D. Carlson, Finance Officer**

Adoption of the Ordinance was seconded by Alderman French. 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 follows: Edelen-Y, French-Y, Powell-Y, Ward-Y, Willson-Y, Mayor Christopherson.

Motion carried 9 to 0. Mayor Christopherson declared that the Ordinance has been adopted and directed publication thereof as required by law.

**A. Resolution electric transmission line easements**

Harold Holoch, Utility Engineer, reported that, as part of the electric transmission line project, DGR, an electrical consulting engineer, has used Midwest Wind Resources to negotiate both permanent and overhang easements for construction of 20 miles of electric line. The agreements for use of the public right-of-way with both the South Dakota DOT and Clay County requested that the line be constructed as close to the right-of-way line as possible. DGR is recommending that the City exercise four permanent easements and 28 overhang easements listed in the resolution for a total cost of \$23,270.00. Discussion followed on the easements. 05-10

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

**RESOLUTION APPROVING EASEMENTS FOR TRANSMISSION LINE**

WHEREAS, the citizens of Vermillion voted to authorize the issuance of bonds for the construction of an electric transmission line and related improvements, and

WHEREAS, the public hearing on the approval given by the State of South Dakota and Clay County Commissioners for the use of the public right-of-way was that the City contact the property owners for the transmission line project to allow the poles to be moved closer to the property line reducing the obstructions in the right-of-way, and

WHEREAS, all the adjoining landowners were contacted about providing a permanent easement or an overhang easement for the transmission line poles and/or conductors, and

WHEREAS, the following property owners have agreed to provide the necessary easements on their property for the transmission line in exchange for the amounts listed: Property Owner, Property Legal Description, Amount

Eugene R. Ashmore & Blanche M. Ashmore Revocable Trust, SW 1/4 NE 1/4 & W 1/2 SE 1/4 S4 T93N R52W, 00

Basin Electric Power Coop., NW 1/4 NE 1/4 S9 T93N R52W, 00

Ernest A. Schmidt & Doris E. Schmidt, SE 1/4 NE 1/4 and NE 1/4 SE 1/4 S22 T93N R52W, 1,000.00

Martin L. Chaney & Julia N. Chaney, E 1/2 NW 1/4 S26 T93N R52W, 500.00

Duane Andersen, NE 1/4 and N 1/2 SE 1/4 S26 T93N R52W, 1,500.00

Richard E. Bottolfsen & Darlene D. Bottolfsen, NW 1/4 S35 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 SW 1/4 S35 T93N R52W, 500.00

Richard W. Osterkamp Estate, SE 1/4 SW 1/4 S35 T93N R52W, 1,000.00

Craig D. Johnson & Christine C. Johnson, NW 1/4 S11 T93N R52W, 1,000.00

Jolly Prescott, Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S11 T93N T52W, 2,000.00

Helen L. Bernson, SE 1/4 S11 T93N R52W, 1,000.00

Craig D. Johnson & Christine C. Johnson, S 1/2 NE 1/4 S14 T93N R52W, 500.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Robert L. Macy & Patricia A. Macy, NW 1/4 S24 T93N R52W, 1,000.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, NE 1/4 S24 T93N R52W, 1,000.00

Daryl R. Johnson & Arlis E. Johnson, S 1/2 SE 1/4 & NE 1/4 SE 1/4 S14 T93N R52W, 1,000.00

Ashmore's Addition & except N 8 rods of W 20 rods, 1,000.00

Rose Marie Osmanson, N 1/2 Lots 1 & 2 NW 1/4 S30 T93N R51W, 500.00

Harry L. Scholten, S 1/2 Lots 1 & 2 NW 1/4 S30 T93N R51W, 500.00

Thorne Ltd. Partnership, Lots 1 & 2 of SW 1/4 except 8 rods east x 10 rods north in SW corner of Lot 2 S30 T93N R51W, 1,000.00

Ruth C. Aine, Tract A S 1/2 Lot 2 of NW 1/4 S31 T93N R51W, 350.00

Harry L. Scholten, Tract B of S 1/2 of Lot 2 of NW 1/4 and Lot 2 SW 1/4 and Tracts C, D & E of Lot 2 SW 1/4 S31 T93N R51W, 1,200.00

Harry L. Scholten, Tract E of W 1/2 of Lot 2 of NW 1/4 S6 T92N R51W, 300.00

Robert L. Macy & Patricia A. Macy, Tract F of W 1/2 of Lot 2 NW 1/4 and S 1/2 NW 1/4 lying N of River & Ditch in S6 T92N R51W, 620.00

Jay R. & Kirstina A. Bottolfsen and Mark R. & Beth A. Bottolfsen, Johnson Tract 2 in W 1/2 S6 T92N R51W, 500.00

Wayne Merrigan Trust & Mary M. Merrigan Trust, S 150 feet N of Lot CM-1, except Lot CM-1 & CM-2 in N 1/2 SE 1/4 S1 T92N R52W, 300.00

Wayne Merrigan Trust & Mary M. Merrigan Trust, NE 1/4 except Lot AR, Lot 1, Lot 2, & Lot 3 all in NE 1/4 S12 T92N R52W, 550.00

Nick J. Merrigan & Mary C. Merrigan, S 10 A SE 1/4 NE 1/4 S12 T92N R52W, 300.00

NOW THEREFORE, BE IT RESOLVED, that the Vermillion City Council approve the execution of the above listed easements and payment of the amounts listed and authorizes the Mayor and Finance Officer to execute the necessary documents on behalf of the City to obtain and preserve the easements on behalf of the City.

Dated at Vermillion, South Dakota this 16th day of February, 2010.

**THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA**

**BY Dan Christopherson, Mayor**

**ATTEST: Michael D. Carlson, Finance Officer**

The motion was seconded by Alderman French. 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 Christopherson declared that the Resolution was adopted.

**B. Change Order No 2 - Wastewater Treatment Facility Phase II improvements**

Harold Holoch, Utility Engineer, reported on the status of the Wastewater Treatment Facility Phase II improvements noting that the completion is scheduled for the 2010 construction season. The original contract amount was \$4,067,000 and Change Order No 1 was approved in December 2009 for \$2,796.22. Change Order No 2 is for minor changes to an overhead door and two interior door locks at the new lift station, partial replacement of the failed concrete floor topping in primary clarifier #1, total replacement of the failed concrete grot floor topping in final clarifier #2, and replacement of the inoperative pressure relief valves in final clarifier #2 for a total of \$35,576.11. Discussion followed. 05-10

Alderman Edelen moved approval of Change Order No 2 for the Wastewater Treatment Facility Phase II improvement contract with PKG Contracting, Inc for an addition of \$35,576.11. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

**C. Change Order No 1 & 2 - CIPP Sanitary Sewer Improvements**

Harold Holoch, Utility Engineer, reported that bids were opened last fall for the cured-in-place pipe project that included 13,958' of CIPP and 1,675' of new pipe installed by pipe bursting for \$797,216.75. The funding for the project was a \$500,000 CDEG grant and \$499,000 SRP loan with 50% principal reduction not to exceed \$249,500. The pipe bursting portion of the project was completed last fall and Change Order No 1 was approved for \$8,381.59. Difficulties encountered with underground utilities in direct conflict with the launch and retrieval pits. As the total project cost is below the financing amounts of \$999,000, the City staff developed a list of additional sewer mains to be included on the project to use the full amount of grant and loan funds. Change Order No 2 is to add 4,020 additional feet of sanitary sewer mains to the project at a cost of \$156,273. Discussion followed and Harold answered questions of the Council on the project. 05-10

Alderman Powell moved approval of Change Order No 1 & 2 with SAK Construction, LLC for the sanitary sewer CIPP project in the amounts of \$9,381.59 and \$156,273. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

**D. Resolution to accept a DENR grant for a landfill bulldozer and designation of a certifying officer**

Phyllis Packard, Solid Waste Director, reported that the City applied for and was awarded a Solid Waste Management Program Regional Landfill Assistance Grant for a bulldozer through the SD Board of Water and Natural Resources. The package is an \$85,000 grant and a \$200,000, 2.25% seven year loan for the purchase of a landfill dozer estimated to cost \$485,000 with the balance to be funded by Joint Powers cash reserves. The new landfill dozer will be equipped with a GPS unit to assist staff to provide fine tuning on dirt cover, which will reduce airspace waste and provide greater accuracy in the final grades for both new cell construction and full cell closure. Requirements of the grant are a resolution of acceptance and the designation of a certifying officer. Discussion followed on the funding. The next item is

the resolution approving the revenue loan.

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

**Resolution Accepting Solid Waste Management Program Regional Landfill Assistance Grant and Designating Certifying Officer**

Whereas, the City of Vermillion, upon the recommendation of the Joint Powers Board, applied for a Solid Waste Management Program Regional Landfill Assistance Grant through the South Dakota Board of Water and Natural Resources and administered through the South Dakota Department of Environment and Natural Resources for the replacement of the landfill bulldozer and related equipment at the landfill facility; and

Whereas, the City of Vermillion was notified of the approval of an \$85,000 Solid Waste Management Program Regional Landfill Assistance Grant through the South Dakota Board of Water and Natural Resources and administered through the South Dakota Department of Environment and Natural Resources for the replacement of the landfill bulldozer and related equipment at the landfill facility; and

Whereas, the City of Vermillion is hereby notified of the approval of an \$85,000 Solid Waste Management Program Regional Landfill Assistance Grant for the landfill bulldozer and related equipment at the landfill facility; and

Whereas, the City of Vermillion is hereby notified of the approval of an \$85,000 grant and that the City Manager is hereby designated as the City's certifying officer for the purpose of signing correspondence, pay requests, and other required documents and forms.

Dated at Vermillion, South Dakota this 16th day of February, 2010.

**THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA**

**BY Dan Christopherson, Mayor**

**ATTEST: Michael D. Carlson, Finance Officer**