Legal and Public 2010 2010 **Notices**

NOTICE TO BIDDERS

Notice is hereby given that the Board of County Commissioners of Clay County, South Dakota will meet in the commissioners room at the Courthouse on Tuesday the 26th day of February, 2013 at 9:30 a.m. at which time and place, bids and proposals will be received, publicly opened, and read for the furnishing of the following described equipment for the Highway Department:

ONE (1) 2013 Class CL Truck (3/4) Three-Quarter Ton 4X4 Crew Cab Short Box 6'

Specifications may be inspected and procured at the office of the

Bids and proposals will be received at the office of the County Auditor in the Courthouse at 211 West Main, Suite 200, Vermillion, SD, up to but not later than 4:45 p.m. on the 25th day of February, 2013 and such bids must be placed in a sealed envelope and endorsed on the outside of the envelope with the bidders name and address.

No bids will be considered unless they are accompanied by a certified check, cashiers check or draft for at least 5% of the net amount of the bid; said check to be certified or issued by either a State Bank or National Bank domiciled within the State of South Dakota, and made payable to Clay County, or in lieu thereof a bid bond for 10% of the amount of the bid; such bond to be issued by a surety authorized to do business in this state payable to Clay County.

The Board of County Commissioners reserves the right to reject any or all bids, to waive irregularities and informalities, and to accept the bid, which they deem to be in the best interest of Clay County.

Ruth A. Bremer Clay County Auditor Published twice at the total approximate cost of \$43.20 Published: February 15 & 22, 1. Roll Call

PUBLIC NOTICE

Clay County Planning Commission to Hold Public Hearing On Re-Zoning application.

Notice is hereby given that a Public Hearing will be held before the Clay County Planning Commission at 5:15 pm on February 25, 2013 at the Clay County Courthouse to consider the fol-

A request to re-zone land from Agriculture to Commercial for a commercial business by Heine Electric and Irrigation, Inc. for property located in the Southeast Quarter of Section 5, Norway Township, Clay County, South

All interested persons are encouraged to attend this public hearing. Those interested persons not able to attend are invited and encouraged to send written comments before February 25, 2013 to the Clay County Planning Commission, 211 W. Main Street, Suite 203, Vermillion, SD, 57069.

Cynthia Aden **Zoning Administrator**

Published once at the total approximate cost of \$14.07. Published: February 15, 2013

Unapproved Minutes Council Special Session February 4, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, February 4, 2013 at 12:00 noon in the City Hall large confer-

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Willson, Zimmerman, Mayor Powell

Absent: Osborne, Ward

Informational Session VCDC ICAP Program - Steve

Steve Howe, Executive Director

of the VCDC, reported that the Housing Study completed in the fall of 2012 recommended design and development of an Integrated Community Advancement Program (ICAP) along with a listing of other recommendations. To start this process, Steve stated that a group consisting of representatives from the City Council, School Board, County Commission, USD and community stakeholders needs to be established to develop the Integrated Community Advancement Program and review the recommendations included in the study. He stated that the recommendations in the study will most likely have long term and short term capital needs that the group can review before a funding package is put together. Steve noted that he was not asking for funding now but would re-

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Notices quest funding in the future. Steve wanted to know if the City Coun-ICAP and would appoint a representative. He reported that workitems listed in the study recommendations. Steve answered questions of the City Council noting that he hoped to have the group put together by the end of Februand that in another two months have a report.

The consensus of the City Council was that they supported the idea and Mayor Powell stated he would appoint a representative from the City Council.

Briefing on the February 4, 2013 City Council Regular Meeting Agenda

Council reviewed items on the agenda with City staff. No action 4. Adjourn

Alderman Grayson moved to adjourn the Council special session at 12:12 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of February,

GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Unapproved Minutes City Council Regular Session February 4, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on February 4, 2013 at 7:00 p.m. by Mayor Powell.

Present: Collier-Wise, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Rachelle Nor-

Absent: Osborne

2. Pledge of Allegiance

Mayor Powell welcomed Student Representative Rochelle Nor-

A. January 21, 2013 Special Session; January 21, 2013 Regular Session

Alderman Willson moved approval of the January 21, 2013 special session minutes and the January 21, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

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

- 5. Visitors to be Heard None
- 6. Public Hearings None

7. Old Business

A. Second reading of Ordinance 1292 - Rezoning Lee Tract 1A in Lee Tract 1 in the SE1/4 of the SE1/4 of Section 11, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota, from the A-1 Agricultural District to the C Commercial District

Andy Colvin, Assistant to the City Manager, reported on the property that is located in the joint jurisdictional area to be rezoned from agricultural to commercial. The County Commission and City Council held a joint public hearing for the first reading of this ordinance on December 11, 2012 which was approved providing submission of the plat of the area where the sign is located. The plat has been received and recommended for approval by the County Planning Commission for City Council consideration later on the agenda. Administration recommends approval of the second reading.

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

BE IT RESOLVED that the minthat the title to the proposed Ordi- AND nance No. 1292 entitled Rezoning Lee Tract 1A in Lee Tract 1 in the SE 1/4 of the SE 1/4 of Section 11, Township 92 North, Range 52 West of the 5th P.M., Clay

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County, South Dakota, from the A-1 Agricultural District to the C cil was in support of creating this Commercial District was first read group to design and develop the and the Ordinance considered substantially in its present form and content at a specially called force housing is just one of the meeting of the Governing Body on the 11th 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 4th day of February, 2013 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as

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

ORDINANCE NO. 1292

AMEND-ORDINANCE ING APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR COUNTY AND CLAY THE CITY OF VERMILLION, CHAP-TER 2, SECTION 2.03(A) ZON-MAP, BY REZONING CERTAIN REAL PROPERTY FROM THE A-1, AGRICUL-DISTRICT, DISTRICT THE C, COMMERCIAL DISTRICT

BE IT ORDAINED, BY THE GOVERNING BODY OF VER-MILLION, SOUTH DAKOTA:

That Section 2.03(A) is hereby amended as follows:

Lee Tract 1A in Lee Tract 1 in the SE1/4 of the SE1/4 of Section 11, Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota, is hereby rezoned from the A-1 Agricultural District to the C Commercial District, and the official zoning map referred to in Section 2.03(A) of the 2012 Joint Zoning Regulations for Clay County and the City of Vermillion, is amended to include such land in the C Commercial District.

Dated at Vermillion, South Dakota this 4th day of February,

GOVERNING BODY OF CITY OF VERMILLION, SOUTH DAKOTA

BYJohn E (Jack) Powell, Mayor

ATTEST: BY

Adoption of the Ordinance was seconded by Alderman Willson.

Michael D. Carlson, Finance Offi-

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 Collier-Wise-Y, follows: Davies-Y, Grayson-Y, Meins-Y. Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and dipublication thereof quired by law.

B. Second Reading of Ordinance 1295 - amend Chapter 52 Garbage and Trash to require licensed collectors to display the business name of the licensed collector on the vehicle

Tyler Klatt, City Manager Intern, reported that there have been no comments since First Reading of the ordinance to require the business name on commercial collector vehicles and recommended approval of second reading of this ordinance.

Upon request, Jim McCulloch, City Attorney, reported that violation of this ordinance would be a Class 2 Misdemeanor and would also be an ordinance violation that provides for revocation of the collector's license.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1295 entitled - Amend Chapter 52 Garbage and Trash to require licensed collectors to display the business name of the licensed collector on the vehicle 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 21st day of January, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 4th day of February, 2013 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:

PROPOSED ORDINANCE NO. 1295

ORDINANCE AMENDutes of this meeting shall show ING CHAPTER 52 GARBAGE TRASH, AMENDING SECTION 52.11 OF THE RE-VISED ORDINANCES OF THE OF VERMILLION, DAKOTA, TO RE-CITY SOUTH LICENSED COLLEC-QUIRE

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TORS OF GARBAGE AND/OR SOLID WASTE TO DISPLAY THE BUSINESS NAME OF THE LICENSED COLLECTOR ON THE VEHICLE

2010

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 52, Sections 52.11 be amended and it is hereby ordained by authority of the same as follows:

§ 52.11 VEHICLES FOR COL-LECTION

Licensed collectors of garbage and/or commercial solid waste and industrial waste shall provide themselves with suitable vehicles which shall be all metal, watertight, and be of the packer type. The vehicles shall display business name of the licensed collector; the lettering shall be no smaller than four (4) inches tall. The name shall be clearly displayed on both the driver and passenger side of the vehicle. The letters shall be colored in contrast to vehicles color. The vehicles shall be thoroughly washed at times, not to exceed once each day, as may be directed by the supervising department or as may be necessary to keep vehicles in proper sanitary condition when conveying and garbage shall be so loaded and unloaded that the contents shall not fall or spill upon the ground. No article or item shall be carried on the vehicles so as to drag upon the streets. Licensed haulers of yard waste and large trees and limbs shall provide themselves with suitable vehicles which, when transporting or loading, the contents shall not spill upon the ground. No articles or items shall be carried on the vehicles so as to drag upon the streets.

Dated at Vermillion, South Dakota this 4th day of February,

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

BY

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 Collier-Wise-Y, follows: Davies-Y, Grayson-Y, Meins-Y, Willson-Y, Ward-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. Final Plat of Lot 1, Block 1, Madison Park Addition to the City Vermillion, Clay County, South Dakota (Southeast corner of Madison Street and N. Norbeck

Jose Dominguez, City Engineer, reported on the location of the approximately 4.2 acres being platted. He noted that the Planning Commission recommended approval of the plat at their January 14, 2013 meeting. Jose stated that the owner is aware that a developer's agreement will be required prior to construction taking place to address utility extensions and street improvements. Administration recommended approval of the

After reading the same once, Alderman Davies 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 in Block 1 of Madison Park Addition to the City of Vermillion, Clay County, South Dakota for ap-

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 Willson. 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

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Resolution was adopted.

B. Request by Haan Development to reduce building permit and tap fees for a tax credit, income qualified apartment complex proposed for Lot 1, Block 1, Madison Park Addition

John Prescott, City Manager, reported that Haan Development contacted the City indicating they were interested in developing a 40 unit apartment complex in Vermillion. The current plan for the 40 unit complex is to have five buildings with eight units per building. Apartment units would be rented to qualifying individuals having an income between 30% and 60% of the adjusted median income for Clay County with the rent not exceeding 30% of the household income.

John stated that part of the funding for construction of the complex is federal tax credits. Haan Development will be submitting an application to the South Dakota Housing Development Authority seeking the award of a portion of the State's share of federal tax credits for the project. The awarding of tax credits is a competitive process. The applications are evaluated on a 1000 point scale. An application can receive 25 points through the demonstration of local financial support for the project. Haan Development has submitted a request seeking a reduction in the City building permit fees and tap fees related to this project. A copy of the email making the request and a template letter which would be submitted as part of the application, if the request is funded, were included in the council packet. John noted that without a building permit application detailing building plans and desired utility service connections it is difficult to determine the exact building permit value but an estimate of the building permit cost for the five buildings is \$7,075, estimated water tapping fees for five buildings is \$6,250 and the sanitary sewer tapping fees for five buildings is \$1,175 for an estimated total of \$14,500.

John reported that, over the last couple of years, the City Council members, business leaders and VCDC officials have expressed the need for additional housing of all types. The market study completed by Haan Development for their tax credit application as well as the housing study completed by the City and VCDC in 2012 all have indicated a need for additional affordable housing units. New multi-family units which are rented based on 30% to 60% of the average median income for Clay County are typically not constructed with 100% private financing due to the limited rent income potential. The financing to this project happen is tax credits. To assist in helping the project earn tax credits, the City is asked to reduce building and tap

John noted that the question for the City Council is to what extent, if any, the fees should be reduced and how a fee reduction can be justified to others seeking building permits. Staff would suggest that building permit fees and tapping fees only be reduced when such reduction is needed to earn points in a competitive, tax-credit project to meet a need documented by the City Council. The City Council may also want to consider capping the dollar value of fees forgiven. The City Council may also want to consider reimbursing a portion or all of the fees once the project is constructed. As noted below, the respective fees go to a variety of funds. As the utility funds are generally tighter and are supported by users vs. general tax dollars, it may be worth considering a smaller reduction in utility fees and a larger reduction in the building permit fee. The building permit fee goes in the General Fund which will benefit from the property tax generated by the project.

Discussion followed on the project, qualifying individuals, life of the project and amount of the fee reduction. John stated that he was told the project application is being made for a 40 year life with the income and qualifying individuals needing to comply with the housing authority requirements.

035-13

Alderman Davies moved approval of the reduction of the building permit fees, water tapping fees and sanitary sewer tapping fees for the Madison Park Apartment project in an amount not to exceed \$14,500 contingent upon the project being awarded tax credit by the South Dakota Housing Development Authority and that the request for building permit is received prior to December 31, 2013; and to authorize the City Manager to submit the letter of support for the tax credit application. Alderman Grayson seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Lee Tract 1A in Lee Tract 1 of the SE _ of the SE _ of Section 11, T92N, R52W, 5th P>M>, Clay County, South Dakota (northeast of the corner of Highways 50 and 19)

Jose Dominguez, City Engineer,

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reported on the location of the plat noting that the area is approximately 2,500 square feet in size located in the Joint Jurisdictional area. The County Planning Commission recommended approval of the plat at their January 28th, 2013 meeting. This plat is for the property that the Valiant Vineyard billboard sign is located. Administration recommended approval of the plat.

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: Lee Tract 1A in Lee Tract 1 of the SE _ of SE _ of Section 11, Township 92 North, Range 52 West of the 5th P.m., City of Vermillion, Clay County, South Dakota for ap-

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

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 Meins. 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.

D. Tract 1, Heine Addition in the SW _ of the NW _; and Tracts 1 and 2, Ufford Addition in the Se of the NW _; all in Section 21, T92N, R51W of the 5th P.M., Clay County, South Dakota

Jose Dominguez, City Engineer, reported on the property being platted noting that it is in the Joint Jurisdictional area consisting of roughly 37 acres. The County Planning Commission recommended approval of the plat at the January 28, 2013 meeting. Administration recommended proval of the plat.

After reading the same once, Alderman Willson 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: Tract 1, Heine Addition in the SW _ of the NW _; and Tracts 1 and 2, Ufford Addition in the Se _ of the NW _; all in Section 21, T92N, R51W of the 5th P.M., 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 allevs 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 Ward. 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.

9. Bid Openings

A.Water Treatment and wastewater treatment chemicals

Jason Anderson, Assistant City Engineer, reported that bids were opened January 30th for the annual supply of water and wastewater quickline and soda ash. Jason recommended the low bid of Graymont, LLC on Proposal #1 for quicklime at \$155 per ton and the low bid of Thatcher Company on Proposal #2 for soda ash of \$310.84 per ton. Jason noted that the lime bid was the same as last