

12 Vermillion Plain Talk

2010 Legal and Public Notices

Board Rules ARSD 74:02:01:01 thru 74:02:01:25:02; 74:02:01:35:01.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$190.99.

Published February 14, 2014.

NOTICE TO BIDDERS

Notice is hereby given that the Governing Body of the City of Vermillion, South Dakota will meet at the City Hall meeting room of said City on the **25th day of February, 2014, at 10:00 a.m.** at which time bids and proposals will be received, publicly opened and read at that time. The bids will be acted upon by the City Council at City Hall on the 3rd day of March, 2014 at 7:00 p.m. The equipment required is as follows:

One new 1/2 ton pickup truck.

Copies of the specifications may be obtained from the City of Vermillion Engineering Department, 25 Center Street, Vermillion, South Dakota, 57069.

Bid security is required according to state law and the bid specifications.

Payment for the services herein provided for will be in cash.

The City of Vermillion reserves the right to reject any or all bids and to waive any irregularities therein.

Dated at Vermillion, South Dakota this 3rd day of February, 2014.

CITY OF VERMILLION

by _____
Jason Anderson,
Asst. City Engineer

Publish twice at the approximate cost of \$30.98.
Publish: February 7 & 14, 2014.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

Civil No. 14-16

NOTICE OF HEARING FOR ADULT NAME CHANGE

In the Matter of the Petition of Nancy Rhoades

For a Change of Name to Nancy Rumney

NOTICE IS HEREBY GIVEN

a Verified Petition for Adult Name Change has been filed by Nancy Rhoades the object and prayer of which is to change Petitioner's name from Nancy Rhoades to Nancy Kay Rumney. On the 19th day of March, 2014, at the hour of 9:00 a.m. said verified petition will be heard by this Court before the Honorable Steven R. Jensen Presiding, at the Court Room in the Clay County Courthouse, City of Vermillion, Clay County, South Dakota, or as soon thereafter as is convenient for the court. Anyone may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 29 day of January, 2014 at Vermillion, South Dakota.

Jessica Bosse, Clerk of Court

ATTEST:

Clerk of Court
By:
Nadyne Zimmerman
Deputy

Published: February 7, 14, 21, and 28, 2014.

STATE OF SOUTH DAKOTA
COUNTY OF CLAY: SS

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE
ESTATE OF
CAROL ANN BYE

DECEASED.

PRO 14-5

NOTICE TO CREDITORS

Notice is given that on the 11th day of February, 2014, Jeanette Hubert, whose address is 46624 315th Street, Vermillion, SD 57069, was appointed as personal representative of the estate of

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Carol Ann Bye, Deceased.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Jeanette Hubert
46624 315th Street
Vermillion, SD 57069
(605)624-6230

JESSICA BOSSE
CLERK OF COURTS
211 W. MAIN STREET
VERMILLION, SD 57069
(605)677-6756

CRAIG K.. THOMPSON
CRAIG K.. THOMPSON LAW OFFICES
P.O. BOX 295
VERMILLION, SD 57069
(605)624-2097
craig@cktlaw.net

Published three times at the total approximate cost of \$55.51.
Published: February 14, 21, & 28, 2014.

Unapproved Minutes

Council Special Session

February 3, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, February 3, 2014 at 12:00 noon at the Eagle Creek Building 1012 Princeton Street.

1. Roll Call

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

Absent: Ward

2. Informational Session - Tour of Eagle Creek Building - 1012 Princeton Street

Steve Howe, Executive Director of the VCDC, provided a tour of the building being built by the VCDC for Eagle Creek Software Services. Steve stated that the building is to be completed by May 1st with landscaping dependent upon the weather. Steve answered questions of the City Council on the building.

3. Briefing on the February 3, 2014 City Council Regular Meeting

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

4. Adjourn

30-14

Alderman Osborne moved to adjourn the Council special session at 12:26 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of February, 2014.

THE GOVERNING BODY OF
THE CITY OF VERMILLION,
SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
February 3, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, February 3, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Peterson

2. Pledge of Allegiance

3. Minutes

A. Minutes of January 20, 2014 Special Session; January 20, 2014 Regular Session, January 28, 2014 Special Policy and Procedures meeting

31-14

Alderman Willson moved approval of the January 20, 2014 Special Session, January 20, 2014

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Regular Session and January 28, 2014 Special Policy and Procedures meeting minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

32-14

Alderman Grayson moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings - None

7. Old Business - None

8. New Business

A. Asian Carp in the Missouri River -8th grade Middle School students

John Prescott, City Manager, stated that Mrs. Natasha Gault and the 8th grade middle school students were named the South Dakota state winner in the 2014 Samsung Solve for Tomorrow contest. John stated that part of their work is to bring awareness of the project to the community and, as such, the students have requested to make the presentation to the City Council.

Mrs. Gault stated that contest topics are to be chosen that provide an innovative approach in advancing interest in science, technology and math among students and in the community. She introduced the students present stating that the topic the students chose was Asian Carp Invasion. The students made their presentation on the Asian Carp Invasion providing information on the impact of the invasion of the Asian Carp in the Missouri River. Mrs. Gault explained the process for the national competition. The students answered questions of the City Council on the presentation. Mayor Powell and the City Council thanked the students for the presentation.

B. Business Improvement District #1 Plan

John Prescott, City Manager, reported that in September 2013 the City Council adopted a resolution designating the boundaries of Business Improvement District #1 as the corporate city boundaries. The Council also adopted a resolution establishing the Board of Directors for Business Improvement District (BID) #1 and appointed the five member board. The BID Board has met several times over the last couple of months developing a plan to present to the City Council. John noted that, as part of the research for the BID Board, thirteen South Dakota communities have a community-wide BID lodging fee of \$2.00 per night. He stated that Mitchell actually has a second BID that includes three motels at \$2.00 per night in addition to the city wide BID of \$1.00 per night. John noted that the other communities reported the BID receipts are primarily used to market the individual communities. John stated that, based upon the research gathered and discussion of how BID receipts could be used to help increase lodging and related tourism expenditures in Vermillion, the BID Board approved a Plan at their January 16, 2014 meeting. The findings of the BID Board Plan were reported at the January 20th City Council meeting. John stated that the BID Plan was included in the Council packet. The BID Board recommended an initial fee of \$1.00 per night and that the amount is reviewed annually as State law permits the lodging fee of up to \$2.00 per night. John reported that the BID Board has set its next meeting for February 20th to meet with the lodging representatives to further explain the proposal. John reviewed the next steps if the plan is adopted. Discussion followed on the Plan, use of funds and estimate of amount of funds to be generated, noting that there may be a need to increase the fee to \$2.00 per night.

33-14

Alderman Davies moved approval of the acceptance of the Vermillion Business Improvement District #1 Plan as presented. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Resolution of Intent to impose a lodging establishment fee

John Prescott, City Manager stated that the next step in the process is consideration of a Resolution which provides a Notice of Intent to adopt an Ordinance to impose a lodging fee. John stated that the Resolution of Intent provides background on the steps that have taken place to date and sets a public hearing date for consideration of an ordinance.

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John reported that state statute requires that the public hearing be at least 30 days after adoption of the Resolution of Intent. John stated the resolution sets the public hearing for March 17, 2014. John noted that the BID Board is planning a public meeting with lodging owners on Thursday, February 20th at 1:30 p.m. at City Hall. John stated that all of the lodging owners will receive notice of the meeting along with a copy of the resolution of intent. Discussion followed on the amount of the fee which the BID Board has recommended at \$1. The consensus of the City Council was to change the wording in the resolution of intent that the fee not exceed \$2.00 per room per night.

34-14

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

RESOLUTION PROVIDING A NOTICE OF INTENT TO ADOPT AN ORDINANCE TO IMPOSE A LODGING FEE ON HOTEL AND MOTEL ROOMS IN BUSINESS IMPROVEMENT DISTRICT #1

WHEREAS, the proposed boundaries of a Business Improvement District were established by a Resolution adopted on September 16, 2013; and

WHEREAS, the City Council has appointed a Business Improvement Board of Directors and adopted bylaws for the Board; and

WHEREAS, the Business Improvement Board has submitted a Plan recommending the imposition of a lodging fee and the use of the proceeds from a collection of the fee; and

WHEREAS, the City Council has approved the Plan and uses of a lodging fee collected through the Business Improvement District; and

WHEREAS, a resolution of intent is required prior to the consideration of an ordinance which provided for the imposition of a lodging fee in Business Improvement District #1.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vermillion, South Dakota that:

1. The boundaries of Business Improvement District #1 are defined as the non-contiguous properties to include all hotels and motels situated within the corporate limits of the City of Vermillion.

2. A public hearing shall be held before the Governing Body of the City of Vermillion, South Dakota on the 17th day of March, 2014 at 7:30 p.m. in the City Council Chambers of City Hall at 25 Center Street to consider the imposition of a lodging fee in Business Improvement District #1.

3. The BID Board finds and the City Council concurred that there is a city wide need to fund a portion of the costs of creation, promotion and marketing of visitor facilities, events, attractions and activities which benefit the City and the hotels, motels and lodging establishments located in the District.

4. Eligible expenses may include payment for the costs of acquisition, construction, maintenance, operation and funding of public improvements, facilities for the enhancement, expansion, marketing, and promotion of visitor facilities, events, attractions and activities, and the necessary staff to execute these efforts.

5. The revenue to support the activities within the district shall be raised in the amount not to exceed \$2.00 per night, per occupied room lodging fee.

6. The Finance Officer shall cause a notice of public hearing for the creation of the proposed business improvement district to be mailed to each property owner or user of space in the proposed district at least thirty (30) days prior to the public hearing.

Dated at Vermillion, South Dakota this 3rd day of February, 2014.

FOR 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

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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 between City of Vermillion and Vermillion Chamber of Commerce and Development Company to allocate TIF 6 bond proceeds for improvements

John Prescott, City Manager, reported that the City Council approved the boundaries of Tax Increment District #6 on July 15, 2013. The boundaries of TIF #6 are Blocks 1-6 of Bliss Pointe Addition. John noted that the City Council approved the Project Plan for TIF #6 on August 19, 2013. John stated that the purpose of the Project Plan is to assist the VCDC with grants for the construction of infrastructure to serve approximately 77 lots in the first phase of the Bliss Pointe development. John stated that the financing of the infrastructure improvements is coming from a \$1,732,000 private placement bond. The bond proceeds will be used for grants to the VCDC for street, water, sanitary sewer and street light construction. John noted that, as with other developments in the community, the City is responsible for storm sewer installation costs. John stated that the attached agreement is the final step in establishing the TIF. The agreement between the City and VCDC provides for the actual transfer of the bond proceeds. The agreement provides that the City will setup a TIF 6 fund where the property tax receipts will be deposited. John noted that the infrastructure must be complete by September 30, 2014 or the City has the option to terminate the agreement. John stated that the agreement also restates the eligible costs and dollar amounts from the TIF Plan. John stated that the agreement has been reviewed by the City Attorney. John reported that the VCDC Board approved the agreement at their meeting on January 20, 2014. Discussion followed.

35-14

Alderman Grayson moved approval of the agreement as presented between the City of Vermillion and Vermillion Chamber of Commerce and Development Company to allocate the TIF #6 bond proceeds. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Resolution for Financial Agreement between the South Dakota Department of Transportation and the City of Vermillion for Project No. AP0056-2013

Jose Dominguez, City Engineer, reported that in 2013 the City completed a couple of repairs at the airport. The repairs consisted of replacing the septic tank and absorption field at the terminal building and replacing a precision approach path indicator (PAPI) light. Jose noted that the repairs met with the approval of the DENR for the septic tank replacement project and the DOT for the PAPI lights repairs. Jose stated that the City requested permission from the State to utilize money from the City's portion of the State's Fuel Tax Fund. The State allows the City to utilize this money for repairs and maintenance at the airport. Jose reported this fund is managed by the State for the City. Jose stated that, in order to use the money, the State requires the City to enter into a financial agreement. The agreement requires that the City assume all maintenance and financial costs associated with the replaced items for the next twenty years. Jose noted that the two repairs cost \$9,175 and the agreement will reimburse the City \$5,000 of these costs. Discussion followed.

36-14

Alderman Grayson moved approval of the Financial Agreement between the South Dakota Department of Transportation and the City of Vermillion for the airport Project No. AP0056-2013 as presented. Alderman Meins seconded the meeting. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all three items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.9809, Brunick's Service \$3.02; Item 2 - 3,000 gal No. 1 & No. 2 Diesel fuel dyed: Stern Oil \$3.3942, Brunick's Service \$3.48; Item 3 - 1,000 gal No. 1 & No. 2 diesel fuel-clear: Stern Oil \$3.6307, Brunick's Service \$3.76

37-14

Alderman Meins moved approval of the low quote of Stern Oil on

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all three items. Alderman Osborne seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Water and Waste Water Chemicals

Jason Anderson, Assistant City Engineer, stated that bids were opened on January 28, 2014 for the annual supply of quicklime and soda ash for use in the water and waste water treatment facilities. Jason stated that the bid documentation was sent to eleven potential bidders with bids received from three bidders for quicklime and three for soda ash. Jason stated that the low bid for quicklime was from Graymont, LLC at \$153.80/ton. For soda ash, the low bid was from Univar USA, Inc at \$307.75/ton but, in reviewing the bid, it did not meet specifications as to the bag size so it is recommended that the low bid be rejected and the soda ash bid be awarded to Thatcher Company of Montana at \$308.52/ton.

Quicklime bidders price per ton: Graymont, LLC - unit price \$153.80, freight charge 0 total \$153.80; Mississippi Lime - unit price \$180.00, freight charge \$59.69 total \$239.69; Pete Lien & Sons Inc. - unit price \$98.00, freight charge \$68.50 total \$166.50.

Soda Ash bidders price per ton: Thatcher Company of Montana unit price \$308.52; BHS Specialty Chemicals unit price \$334.76; Univar USA, Inc unit price \$307.75 (did not meet specifications).

38-14

Alderman Willson moved to award the quicklime bid to the low bidder Graymont, LLC at \$153.80/ton and reject the low bid on soda ash of Univar USA, Inc as it did not meet specifications and award to the next low bidder Thatcher Company of Montana at \$308.52/ton. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Surplus Street Department Skid Steer

Jason Anderson, Assistant City Engineer, reported that the Street Department skid loader was received in January and the 2001 Bobcat 773T skid loader and breaker attachment were declared surplus and authorized to be sold by sealed bids. Jason reported only one bid was received at the bid opening on January 29, 2014. Jason noted the bid was above 90% of the appraised value. Jason recommended awarding the bid to the only bidder Sooland Bobcat for \$10,400 for the skid loader and \$3,000 for the breaker attachment.

39-14

Alderman Zimmerman moved to award the sale of the surplus 2001 Bobcat 773T skid loader and breaker attachment to Sooland Bobcat for \$10,400 for the loader and \$3,000 for the breaker attachment. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reminded citizens that sidewalks are to be cleared of snow 24 hours after the end of a snow event. John stated that snow should be stored on your property not across the street on neighbor's property without permission. John noted that, if snow is moved across the street, windrows of snow should not be left on the street.

B. John reported that the City Council Policy and Procedures Committee will be meeting to discuss the proposed Minimum Standards for Operators of Commercial Activities at the airport on Tuesday, February 4th at 9:30 a.m. in the large conference room on the second floor of City Hall.

C. John reported that the Citizens Academy program will be starting on Tuesday, February 18th. John noted that, over the course of seven evening sessions, the free program provides an insight and firsthand look at City services and facilities. John asked interested citizens to contact City Hall for program information.

D. John reported that the City Update will be included in Tuesday's Equalizer

E. John reported on raffle requests approved:

A raffle notification form from Cru-Wells for Africa at USD will be selling \$1 tickets or 8 for \$5 from February 3 to February 7, 2014. The drawing is on February 10, 2014. Half of the money from ticket sales will go to the winning ticket holder while the balance will go toward Wells for Africa.