

### Unapproved Minutes Council Special Session December 21, 2009

**Monday 12:40 noon**  
The special session of the City Council, City of Vermillion, South Dakota was held on Monday, December 21, 2009 at 12:00 noon at the City Hall large conference room.

#### 1. Roll Call

Present: French, Hofman (arrived 12:01 p.m.), Meins, Osborne, Powell, Ward, Mayor Christopherson  
Absent: Edelen, Willson

Alderman Hofman arrived at 12:01 p.m.

#### 2. Educational Session - "Good Neighbor" Property Maintenance Ordinance - Jeff Mehlfaff, Intern

John Prescott, City Manager, reported that this issue was discussed during a noon session on November 16th at which time the Council Member asked to review the proposed ordinance as to what sections they wanted to keep for further discussion. Research has also been done as to what other cities have for ordinances.

Jeff Mehlfaff, Intern, reported that, since last meeting, he has researched other cities' ordinances. He noted that Brookings has an ordinance and Canton has adopted the International Property Maintenance Code. Jeff handed out the Brookings ordinance that addressed most of the items included in the proposed ordinance. He also provided a list of other cities in the Midwest that had a property maintenance ordinance. Jeff reviewed pictures of some properties within the city that the ordinance would address. Discussion followed on how the ordinance would be implemented and how to assist individuals that would be unable to afford the improvements. The consensus was for City staff to review how other cities address individuals that are unable to make the improvements. John asked the Council Members to review the ordinances handed out for items they want to include and exclude for our city.

#### 3. Educational Session - Odd/Even Parking Review - ROLLIE ISAACSON

Mayor Christopherson stated that he has had a number of citizen inquiries into the odd/even parking that is only in one section of town. ROLLIE ISAACSON, Street Superintendent, stated that a number of years ago a committee reviewed the options for street maintenance for sweeping and snow removal in the areas where there is a high concentration of on-street parking. When the odd/even was first established it was year round, and later the Council changed it to November 1st until March 15th to assist with snow removal. The area is from Clark Street to Main Street and Plum Street to Dakota Street. The odd/even parking restricts the parking between midnight and 6:00 am to allow for the moving of vehicles for snow removal. As this area has narrow streets, when the snow is plowed to the side where the cars are parked on the street, the street width is reduced creating issues. Discussion followed on other options such as snow alerts, expanding the odd/even areas and developing criteria for the odd/even areas. Rollie noted that in any option the owners of the vehicles need to be given a plan for moving the vehicles off the street for snow removal. The consensus was to have City staff bring back information to the Council on the options.

#### 4. Education Session - Dumpsters and Trash cans in Public Right of Way Ordinance - John Prescott

John Prescott, City Manager, reported that he has had citizen complaints about the placement of dumpsters remaining in the public right-of-way. John handed out a proposed ordinance that would allow these items to be placed in the right-of-way 24 hours before and remain 24 hours after collection with exception to properties in the central business district where prior approval has been given for parking and dumpsters in alleys. He also noted that the proposed ordinance requires an enclosed area for dumpsters for all new commercial construction. Discussion followed noting that the proposed changes would be a good idea.

#### 5. Briefing on the December 21, 2009 City Council Regular Meeting Agenda

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

#### 6. Adjourn

419-09  
Alderman French moved to adjourn the Council special session at 1:20 p.m. Alderman Ward seconded the motion. Motion carried 5 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of December, 2009.

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

BY **Dan Christopherson, Mayor**  
ATTEST:

BY **Michael D. Carlson,  
Finance Officer**

### Unapproved Minutes City Council Regular Session December 21, 2009

**Monday 7:00 p.m.**  
The regular session of the City Council, City of Vermillion, South Dakota was called to order on December 21, 2009 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. December 7, 2009 Special Session; December 7, 2009 Regular Session; December 15, 2009 Special Session

420-09  
Alderman Powell moved approval of the December 7, 2009 special session minutes, December 7, 2009 regular session minutes and December 15, 2009 special session minutes. Alderman Edelen seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### 4. Adoption of Agenda

Mayor Christopherson noted that there is a memo for an item to be added to the consensus agenda.

#### 421-09

Alderman Hofman moved approval of the agenda with the addition of Item 12 C. Set a public hearing date of January 4, 2010 for the transfer of the retail on-off sale malt beverage license to Jonathan T. Robertson for the Cherry Street Grille at 1122 East Cherry from JNJ Management, Inc. Alderman Powell seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### 5. Visitors to be Heard - None

#### 6. Public Hearings

#### A. Transfer of retail on-off sale malt beverage license from Mona Lisi, Inc to Sulze and Smart, Inc for Mona Lisi at 7 Court Street Suite 101

Mike Carlson, Finance Officer, reported that the application for the transfer was received and the Notice of Hearing and the Police Chief's report are included in the packet. The ordinance requires a background check that has not been received, so it is recommended that the hearing be continued.

Nicci Sulze, 616 E Lewis Street, reported that the corporation papers are complete. Utility anticipate opening Jan 2nd or 4th.

#### 422-09

Alderman Powell moved approval of continuing the public hearing until such time as the background checks are received. Alderman French seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### B. Retail on-off sale wine license for Sulze and Smart, Inc for Mona Lisi at 7 Court Street Suite 101

Mike Carlson, Finance Officer, reported that the application was received and the Notice of Hearing and Police Chief's report are included in the packet. As with the previous item, the background checks were not available, so it is recommended to continue the hearing.

#### 423-09

Alderman Edelen moved approval of continuing the public hearing until such time as the background checks are received. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### C. First Reading of Ordinance 1223 - An Amendment to the Zoning Ordinance of the City of Vermillion to exclude from the R-2 Residential District and include in the R-1 Residential District certain property located south of Kidder Street between Market Street and Church Street

Farrel Christensen, Building Official, reported that a petition was received requesting the City Council rezone several parcels of property south of Kidder Street, between Church and Market Streets. The request is to change the zoning from R-2 Residential to R-1 Single Family Residential. The R-2 zone allows multi-family structures of up to four dwellings while R-1 is reserved for single family homes. There are 29 properties included in the zone change request with 14 signifying the petition. Farrel reported that the Planning Commission held a public hearing on the zone change with the minutes included in the packet. In reviewing the proposed zone change, the comprehensive plan and future land use map were considered. The comprehensive plan objective was to "down zone historical neighborhoods to single family only zones to help maintain the character of the property." Farrel noted that the Planning Commission recommended approval of the zone change.

Mayor Christopherson noted that there were a number of letters and e-mails from citizens on this issue which are included in the Council packet and he opened the public hearing.

Lydia Freedon, 25 E. Bloomingdale, stated that she is opposed to the zone change as when she purchased the property in the R-2 zone she had the option for multifamily rental. She noted that the City ordinance has been changed requiring the rental property owners to meet with the City if they have three violations in a year to correct the problems.

Robert Stoner, 18 W. Bloomingdale, stated that he has lived in the area for 45 years noting it is a quiet neighborhood close to the downtown. He would like to see the neighborhood preserved by down zoning.

Melvin Walz, 18 1/2 Bloomingdale stated that he is in favor of changing the zoning to R-1 noting that he has only lived there six years.

Hearing no other comments, Mayor Christopherson closed the public hearing.

Discussion followed noting that the Planning Commission recommended approval of the zone change.

424-09  
Mayor Christopherson read the title to the above mentioned Ordinance and Alderman Powell moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1223 entitled An Ordinance amending title 15 chapter 155 section 155.026, Official Zoning Map for the City of Vermillion, South Dakota by rezoning certain real property from the R-2 Residential District to the R-1 Residential District of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21st day of December, 2009 at the City Hall under the provisions of a resolution prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in opposition to the motion. Mayor Christopherson declared the motion adopted.

#### D. Sanitary Sewer Improvements CDBG Sewer hearing

John Prescott, City Manager, reported that Kyle Niemann with SECOG was unable to attend the meeting due to the weather. John reported that a sign-in sheet would be passed around for those present

to sign. Mike Carlson, Finance Officer, and Harold Holoch, Utility Engineer, will explain the project.

Mike Carlson, Finance Officer, reported that the City is in the process of making improvements to the sanitary sewer collection system. The project includes over 15,000 linear feet of existing sewer line that will be pipe-burst or receive cured-in-place pipe to reduce inflow and infiltration. The lines proposed are in areas where conventional open cut replacement methods would not be cost effective due to the depths of the pipe and the existing street surface. The project was originally estimated at \$999,000 with a Community Development Block Grant for \$500,000 for construction, administration and a Clean Water Revolving loan of \$499,000 for the balance with 50% principal forgiveness. A construction bid was awarded for the project with the first bid request of \$275,240 of funds remaining. On the SRF loan, \$31,854 of funds have been received leaving a balance of \$467,146 on the loan.

Harold Holoch, Utility Engineer, reported that the City has approximately 200,000 linear feet of wastewater collection pipe with approximately 15,620 linear feet selected for cured-in-place or pipe bursting improvements. He stated that the wastewater collection system was installed between the 1930's and 1970's in the areas selected for improvements. Even though there are sanitary sewer lines that are the same age throughout the City, lack of accessibility to replace conventionally with open cut construction and age were two criteria used for selection. Also, these pipes were chosen because of the deep intercept lines which are far below the ground water table and therefore take on infiltration year round. Harold reviewed the locations where pipes will be replaced with trenchless construction.

He noted that the trenchless construction reduces the overall project costs by eliminating the need for surface repairs. The reductions in inflow and infiltration will decrease the costs for the station operations, wastewater treatment plant operations and overall maintenance of the wastewater collection system. SAK Construction has completed the pipe burst on East River and the cured-in-place will be started this spring with a completion date of July 30th. As the bid came in under estimate, City staff are working with the contractor to include additional pipe to make use of all the project funds. Harold stated that he would answer any questions on the project.

Mayor Christopherson asked for any comments, as this is a public hearing. Upon hearing none, he closed the hearing noting that no action is required and asked all present to sign the sign-in sheet.

#### E. Application for a conditional use permit to construct a 30 foot telecommunication tower at 1309 N Dakota Street

Farrel Christensen, Building Official, reported that an application was received from East River Electric Power Cooperative to erect a 30' telecommunication tower at 1309 N Dakota Street. Farrel noted that in locating a tower the first item is if it will be compliant with the FAA regulations. The tower exceeding the height of surrounding structures, the FAA permit is not required. The second item is the towers proximity to residential neighborhoods with the proposed tower located in the area between a residential district. Additionally the tower is located more than one half mile from other telecommunication towers and meets the setback requirements of the FAA regulations. Farrel noted that visual screening has not been addressed by the applicant and, as such, would recommend if the application is approved that there be a condition of some type of visual screening.

Curt Donelan, representing East River Electric Power Cooperative, Inc., stated that the tower would be used to relay messaging information from the location to some office. The tower will be free standing steel 30' noting that is free standing taller than the power poles serving the substitution. He stated that the substitution property is on an easement from the University and they would need to work with the University to see if this would be acceptable at that location.

Discussion followed.

425-09  
Alderman Edelen moved approval of the conditional use permit to erect a 30' telecommunication tower at 1309 N Dakota Street conditional on the applicant providing visual screening of the tower base. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### F. Application for a conditional use permit to construct a 30 foot telecommunication tower at 926 N Plum Street

Farrel Christensen, Building Official, reported that an application was received from East River Power Cooperative to erect a 30' telecommunication tower at 926 Plum Street. As with the previous request, due to the height, the FAA permit is not required. This location is within 300 feet of a residential neighborhood. This tower is within 150 feet of the mobile home park but, due to the height of the tower and its location in the substitution, it may not have an adverse impact on residential areas other than what currently exists. The location is more than one half mile from other telecommunication towers, meets the setback requirements provided in ordinance, the site is fenced and inaccessible to unauthorized personnel and visual screening is provided. Based on these items, administration recommends approval of the permit.

426-09  
Alderman Willson moved approval of the conditional use permit to erect a 30' telecommunication tower at 926 Plum Street. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### 7. Old Business

#### A. Second Reading of Ordinance 1222 - Supplemental Appropriations Ordinance

Mike Carlson, Finance Officer, reported that this is second reading of a supplemental appropriations ordinance that will revise the

2009 budget adopted this fall to provide for unanticipated expenses. The ordinance amends a number of line items that are covered in the memo. Mike stated that he would answer any questions on the proposed ordinance.

427-09  
Second reading of title to Ordinance No 1222, entitled A 2009 SUPPLEMENTAL APPROPRIATIONS ORDINANCE AMENDING for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1222 entitled A 2009 Supplemental Appropriations Ordinance was first read and the Ordinance considered substantially in its present form and content at a regular called meeting of the Governing Body on the 7th day of December, 2009 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of December, 2009 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. 1222 2009 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING a 2009 Supplemental Appropriations Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

	2009 Budget	Proposed Budget	Supplemental Budget
<b>General Fund</b>			
Public Liability Insurance	23,000	24,500	1,500
Vehicle Equipment Rental	1,500	1,625	125
Community Service			
Landfill Voucher Program	3,500	5,200	1,700
Engineering			
Vehicle Equipment Rental	2,456	2,546	90
Old Landfill Professional	10,000	15,000	5,000
Police Administration			
Other Repairs & Maint	8,200	7,630	(570)
Furniture & Minor Equip	0	570	570
Police Patrol			
Furniture & Minor Equip	1,150	18,075	16,925
Federal Grant	49,200	49,125	(75)
Appropriation from Reserve	61,761	70,176	8,415
Storm Water Fund			
Professional Services	0	6,000	6,000
Appropriation to Reserve	94,835	88,835	(6,000)
Electric Fund			
Bond Proceeds	6,500,000	7,220,000	720,000
Insurance Costs	0	145,800	145,800
Bond Reserve	0	572,485	572,485
Appropriation to Reserve	3,411,833	3,413,548	1,715
Unemployment Insurance Fund			
Appropriation from Reserve	0	8,665	8,665
Reimbursement to State	700	9,365	8,665

Dated at Vermillion, South Dakota this 21st day of December, 2009.

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

BY **Dan Christopherson, Mayor**  
ATTEST:

BY **Michael D. Carlson,  
Finance Officer**

Adoption of the Ordinance was seconded by Alderman Ward. 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, Hofman-Y, Meins-Y, Powell-Y, Ward-Y, Willson-Y, Mayor Christopherson-Y.

Motion carried 9 to 0. Mayor Christopherson declared that the Ordinance has been adopted and the City of Vermillion calls for an election on the even numbered years to be combined with the primary election. For the City to combine an election with the primary, an agreement is needed with the County. The agreement proposed is the same terms as used in prior years and provides for the City cost to be \$2,500. The last agreement was for \$2,000 but even the special election on the transmission line in January cost over \$2,800 using paper ballots with a smaller voter turnout. Mike recommended adoption of the agreement.

431-09  
Alderman Osborne moved approval of the combined election agreement with Clay County for the 2010 City election to be combined with the June 8th primary. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### E. Investment Policy for Electric Transmission bond proceeds

Mike Carlson, Finance Officer, reported the investment policy adopted in July excluded proceeds from bond issues. With the bond issue, there is a trust agreement put in place that makes that institution responsible for investment of the bond proceeds and reserve requirements. For the electric transmission issue, as well as City Hall, the First National Bank in Sioux Falls was established as the trustee. This investment policy recognizes the First National Bank in Sioux Falls as the financial institution for the investment of these bond proceeds noting they must comply with state laws for cities. Discussion followed.

432-09  
Alderman Edelen moved to approve the investment policy for the electric transmission and City Hall bond proceeds/reserves with the placement of these funds with the First National Bank in Sioux Falls. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### F. Declaration of surplus wide area mower and sale to the City of Beresford

Harold Holoch, Utility Engineer, reported that a bid was awarded for this Fall for the replacement of the wide area mower for the golf course with delivery in early 2010. The 2003 Toro 4000D mower will need to be declared surplus and sold. The City of Beresford has expressed interest in purchasing this used mower and has offered \$11,500. City Administration feels that this is a good offer and recommends the sale. Discussion followed on the surplus and sale of the mower.

433-09  
Alderman Hofman moved approval of declaring the 2003 Toro

#### B. Resolution reserving current year Appropriation for Vermillion NOW

Mike Carlson, Finance Officer, reported that the City Council pledged to match funds raised by the Vermillion NOW! up to \$450,000. The fund drive raised over \$1.6 million. The City proposed to fund the pledge with \$50,000 in 2009 and \$80,000 for the next five years. The 2009 Budget was adopted with \$20,000 of BBB funds and \$30,000 of second penny sales tax funds included in the budget. The \$20,000 of BBB funds have been paid while the \$30,000 from the second penny fund would be used for items that met the definition of the ordinance. As none of these funds have been expended, the resolution proposed is to reserve these funds until they can be included in the 2010 budget to recognize the commitment of the City to the pledge. Discussion followed.

429-09  
Alderman French moved approval of the resolution reserving \$30,000 of second penny sales tax for the Vermillion NOW! pledge until such time as it can be appropriated into the 2010 budget. Alderman Hofman seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### C. Annual commercial Collectors License Renewals

Mike Carlson, Finance Officer, reported that the following have made application for commercial collectors licenses for 2010 including the proof of insurance: Art's Garbage Service - Division of Waste Connections; Independence Waste - K & P Services Inc, Owner; TJP Waste Hauling - Terry Johnson, Owner; Vermillion Garbage Service - Marty Johnson, Owner; Little Garbage Guys -

434-09  
Alderman Ward moved approval of the low bid of Stuart Irby Co. for electric wire of \$1,207,681.00 for a total bid of \$24,153.60. Harold recommended rejecting the low bid on the transformers of Stuart Irby Co. as it does not meet specifications and award the bid for pad mount transformers to the next low bidder, Wesco, with an initial purchase price of \$43,515 and a total evaluated bid of \$67,323.30.

Border States: base bid \$48,842.53, evaluated price \$74,239.43; Wesco: base bid \$43,515.00, evaluated price \$67,323.30; Dakota Supply: base bid \$42,592.00, evaluated price \$67,542.40; Resco: base bid \$43,326.00, evaluated price \$68,372.80; Stuart Irby: base bid \$37,333.00, evaluated price \$62,762.30

434-09  
Alderman Ward moved approval of the low bid of Stuart Irby Co. for electric wire of \$1,207,681.00 for a total bid of \$24,153.60. Harold recommended rejecting the low bid on the transformers of Stuart Irby Co. as it did not meet specifications, and to award the transformer bid to the next lowest bidder, Wesco, for a total evaluated bid of \$67,323.30 on an initial purchase price of \$43,515.00. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### 10. City Manager's Report

A. John recommended citizens of the need to clear their sidewalks of snow within 24 hours after the end of a snow event.

B. John reported that the Christmas tree collection site is open to accept real trees. The site is located on the south side of Broadway Street west of Dakota Street.

C. John reported that the curbside recycling collections would be adjusted for the Christmas and New Year's Day holidays. Residents with a Friday collection will be able to place their curbside recycling bins out for collection on Monday, December 21st, 28th or January 4th.

D. John reported that City offices would be closed on December 25th and January 1st.

#### PAYROLL ADDITIONS AND CHANGES

Police Administration: Janna Mollet \$15.98/hr; Communications: Laura Bergelien \$12.74/hr; Ambulance: Joni Neuharth \$6.00/hr call, \$6.00/hr shift; Library: Michelle Koller \$14.88/hr, Joyce Moore \$15.31/hr; Recreation: Tyler Robinson \$7.50/hr, \$25.00/game; Recycling: Dave Christopherson \$18.70/hr

#### 11. Invoices Payable

435-09  
Alderman Edelen moved approval of the following bills:

1. WILLSON FLOREST, SUPPLIES, 17.70

Alderman French seconded the motion. Alderman Willson requested to abstain. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### D. Combined election agreement

Mike Carlson, Finance Officer, reported the investment policy adopted in July excluded proceeds from bond issues. With the bond issue, there is a trust agreement put in place that makes that institution responsible for investment of the bond proceeds and reserve requirements. For the electric transmission issue, as well as City Hall, the First National Bank in Sioux Falls was established as the trustee. This investment policy recognizes the First National Bank in Sioux Falls as the financial institution for the investment of these bond proceeds noting they must comply with state laws for cities. Discussion followed.

432-09  
Alderman Edelen moved to approve the investment policy for the electric transmission and City Hall bond proceeds/reserves with the placement of these funds with the First National Bank in Sioux Falls. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### F. Declaration of surplus wide area mower and sale to the City of Beresford

Harold Holoch, Utility Engineer, reported that a bid was awarded for this Fall for the replacement of the wide area mower for the golf course with delivery in early 2010. The 2003 Toro 4000D mower will need to be declared surplus and sold. The City of Beresford has expressed interest in purchasing this used mower and has offered \$11,500. City Administration feels that this is a good offer and recommends the sale. Discussion followed on the surplus and sale of the mower.

433-09  
Alderman Hofman moved approval of declaring the 2003 Toro

4000D mower surplus and authorizing the sale to the City of Beresford for \$11,500.

Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

#### 9. Bid Openings

#### A. Electric wire and transformers

Harold Holoch, Utility Engineer, read the bids received on underground electric wire and pad mount transformers for 2010 electric projects.

Harold recommended the low bid on the electric wire of Stuart Irby Co of \$1,207,681.00 for a total bid of \$24,153.60.