

2010 Legal and Public Notices

CST (Central Standard) time not later than February 22, 2013, at 5:00 p.m., or mailed by registered mail not later than February 22, 2013, at 5:00 p.m.
Sheila R. Beermann
Business Manager
Vermillion School District 1-1
Published twice at the total approximate cost of \$21.08
Published: January 18 & 25, 2013

NOTICE TO BIDDERS

Notice is hereby given that the Parks and Recreation Department of the City of Vermillion, South Dakota requests bids for the RENTAL OF THE CONCESSION STAND at the Prentis Park Baseball Field, the RENTAL OF THE CONCESSION STAND at the Prentis Park Pool, and the RENTAL OF THE CONCESSION STAND at the Softball Complex on the USD Campus during the 2013 season.

Sealed bids shall be received at the City Administration Office, City Hall, 25 Center Street, Vermillion, SD 57069 no later than 2:00 p.m. on the 8th day of March, 2013. At such time bids will be publicly opened and read.

Copies of the bid documents may be obtained at the City Administration Office, 25 Center Street, Vermillion, South Dakota, 57069 or at www.vermillion.us/bids.

The City of Vermillion reserves the right to reject any or all bids, waive technicalities, and make award as deemed to be in the best interest of the City of Vermillion, SD.

CITY OF VERMILLION

by Ryan Baedke, Recreation Office
Publish twice at the approximate cost of \$28.30

Published: January 18 & February 1, 2013

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 **30th day of January, 2013, at 2:00 p.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 4th day of February, 2013 at 7:00 p.m. The equipment required is as follows:

Water Treatment Chemicals for Water and Wastewater Treatment Plants

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

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

Payment for the materials and 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 8th day of January, 2013.

CITY OF VERMILLION

by Jason Anderson, Asst. City Engineer
Publish twice at the approximate cost of \$33.97

Published: January 11 & 18, 2013

NOTICE TO BIDDERS

Notice is hereby given that the governing body of Clay County will be accepting sealed bids for the service of providing breakfast cereal and on a daily basis a noon and evening meal for inmates of the Clay County Jail.

Deadline for receiving sealed bids will be no later than 5:00 pm Monday, January 28, 2013 Bids will be opened at 10:30 am on Tuesday, January 29, 2013 Clay County reserves the right to refuse all bids or to accept a bid based on cost effectiveness, quality and efficiency To be bid for a one year period, February 1, 2013 until January 31, 2014.

Bid Items: A covered disposable bowl containing at least 1 cup of cereal with sugar packet enclosed if applicable and plastic spoon for serving at breakfast, cereal shall be varied by at least 4 kinds each month and may be repeated the following month. This item will be delivered with lunch or supper for storage at the jail.

A noon meal to consist of not less than one 4 oz. hot or cold sandwich or a main entree with bread and butter, two side dishes at least 4 oz; one may be snack/potato chips. To be served in a disposable covered container with plastic silverware and napkin included with each meal. To be delivered to the Clay County Jail between the hours of 11:30 a.m.

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and 12:00 p.m. daily.
An evening meal to consist of not less than one 8 oz. hot main dish, two side dishes at least 4 oz. each, bread and butter. To be served in a disposable covered container with plastic silverware and napkin included with each meal. To be delivered to the Clay County Jail between the hours of 5:30 p.m. and 6:00 p.m. daily.

Receipt of all deliveries/meals must be acknowledged and received by the Jailor on duty.

Menu to be varied daily and not to be duplicated within 10 consecutive meals.

Main entree with evening meal may not be cold. Cold side dishes with hot main entree shall be in separate covered container, at least 4 oz. in size.

Bidder must also provide special menu requests (i.e. non-pork, vegetarian, etc.), when requested by the jail.

Bidder will provide ketchup, mustard, salt and pepper packets.

Bidders must meet all federal and/or state requirements for sale of food to the public.

Non-bid Item:

Daily grocery delivery with the delivery of the noon meal and with evening meal when necessary.

Ruth A. Bremer
Clay County Auditor
Published twice at the total approximate cost of \$60.48.

Published: January 18 & 25, 2013

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 **29th day of January, 2013, at 2:00 p.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 4th day of February, 2013 at 7:00 p.m. The equipment required is as follows:

15 KV Power Cable & Pad-mount Distribution Transformers

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

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

Payment for the materials and 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 7th day of January, 2013.

CITY OF VERMILLION
by Jason Anderson, Asst. City Engineer

Publish twice at the approximate cost of \$33.07.

Published: January 11 & 18, 2013

Unapproved Minutes Council Special Session January 7, 2013 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, January 7, 2013 at 12:00 noon at the Bluff's Clubhouse.

1. Roll Call
Present: Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell
Absent: Collier-Wise

John Prescott, City Manager, introduced Richard Shannon Draper as the Fire Chief.
2. Informational Session - Discussion of 50 meter swim area vs. 25 yard swim area at proposed Aquatics Facility - John Prescott
John Prescott, City Manager, reported that the swimming pool committee presented a conceptual design of an aquatics facility in August 2012. Following the presentation, there was discussion about the proposed 25 yard open swim area vs. a larger 50 meter open swim area. John stated that he has been working with the consultant on estimates to determine the increased cost of this addition along with projected increased operating costs. John noted that if more exact numbers are wanted the consultant will provide a detailed analysis for \$3,000 to \$5,000.
John stated that in working with

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the consultant the assumption was made that by increasing the pool open area there would not be any projected increase in usage as compared to adding a water slide or other play feature. John did note that the swim club projected a swim meet to generate \$2,760 of sales tax for the City but most likely any admission fees would go to the swim club. As to the footprint of the aquatic facility, increasing the open area will also take more space out of the park. John reported that, as to the numbers, the expanded open area would increase the construction costs from \$6.15 to \$6.95 million or \$800,000. The annual operating costs are projected for the base design at \$201,000 to \$336,000 and for the expanded design the range is \$261,000 to \$436,000 or a \$60,000 to \$100,000 annual increase in operating costs. The major item here is that the number of lifeguards will go from 8 at the current pool to 16 for the base design to 20 for the expanded design. John noted that currently at the end of the season there is difficulty in retaining the needed lifeguards which will be harder with the new facility that requires more lifeguards. He reported that the current pool revenues are \$42,000 while the operating expenses are \$94,000, so the operations are subsidized by general fund. John stated that the new facility will attract more users and the fees will be increased, but the amount of the general fund subsidy is not known. He noted that the construction of a new facility is going to be a challenge as the funds for construction of either option are not available but will require a combination of sources over several years.

Discussion followed on pool fees, tiered rate options for residents, concessions and other facility improvements for Prentis Park noting the financial differences do not justify the increased water area. The consensus of the Council members was to proceed with the base design as presented by the Swimming Pool Committee.

3. Educational Session - Discussion of a Naming policy for City Buildings - John Prescott

John Prescott, City Manager, provided an updated policy for naming/renaming City facilities noting that he has included the input from the Council from the December meeting. John reviewed the changes included in the proposed policy noting that it is ultimately the City Council's decision on naming facilities. Discussion followed on the proposed policy. The consensus of the Council was to include the proposed naming policy on the next agenda for consideration.

4. Briefing on the January 7, 2013 City Council Regular Meeting Agenda

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

5. Tour of the Bluffs Clubhouse renovations

Rusty Jensen, Golf Course Professional, noted that the renovations are just finishing. Rusty stated that the project started with a new roof, replaced ceiling tile and lighting in the pro shop, painting, carpet, bathroom renovations including secure storage in the shower area, updated appliances in the kitchen, new doors to the pro shop and new doors to the cart storage. The City Council toured the facility and Rusty answered questions.

6. Adjourn

001-13
Alderman Osborne moved to adjourn the Council special session at 12:50 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of January, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY John E (Jack) Powell, Mayor
ATTEST: Michael D. Carlson, Finance Officer

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

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

1. Roll Call
Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. December 17, 2012 Special Session; December 17, 2012 Regular Session

002-13

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Alderman Grayson moved approval of the December 17, 2012 special session minutes and the December 17, 2012 regular session minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

003-13
Alderman Collier-Wise moved approval of the agenda. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

John Prescott, City Manager, introduced Shannon Draper as Fire Chief. Shannon expressed his appreciation to be chosen as Chief of the Fire Department.

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1293 - amending Chapter 51 Electrical and Chapter 53 to provide for right of entry for inspection, tampering and meter access

Mike Carlson, Finance Officer, reported that this was second reading of an ordinance to provide for access to electric meters as is provided for water meters. At first reading, the issue was raised about providing notice of this requirement to utility customers and the utility application has been changed to include this language. Mike stated that there have been no comments since first reading and recommended approval of the second reading of the ordinance.

004-13

Second reading of title to Ordinance No. 1293, entitled AN ORDINANCE AMENDING Chapter 51 Electricity adding Sections 51.08 and 51.09 and Chapter 53 Water, Sewer and Sewer Disposal amending Section 53.036 of the Revised Ordinances for the City of Vermillion, South Dakota.

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. 1293 entitled AN ORDINANCE AMENDING Chapter 51 Electricity adding Sections 51.08 and 51.09 and Chapter 53 Water, Sewer and Sewer Disposal amending Section 53.036 of the Revised Ordinances for the City of Vermillion, South Dakota 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 17th 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 7th day of January, 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. 1293

AN ORDINANCE AMENDING CHAPTER 51 ELECTRICITY, ADDING SECTIONS 51.08 AND 51.09 AND CHAPTER 53 WATER, SEWERS AND SEWER DISPOSALS AMENDING SECTION 53.036 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO PROVIDE FOR RIGHT OF ENTRY AND TO PROHIBIT TAMPERING IN THE ELECTRIC UTILITY AND AMEND SECTIONS FOR THE WATER UTILITY FOR ACCESS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 51, Sections 51.08 and 51.09 be added and Chapter 53, Section 53.036 be amended and it is hereby ordained by authority of the same as follows:

§ 51.08 RIGHT OF ENTRY FOR INSPECTION; OTHER POWERS OF CITY OFFICIALS.

(A) The City Engineer, the Electric Superintendent, or other officer or employee of the City Electric Department shall have the power to enter the premises or building of consumer at any reasonable hour for the purpose of reading, removing, installing, testing, or repairing meters or for examining wiring. Customer shall make the meter accessible without interference from pets and/or physical barriers.

(B) The official or employee shall have the power to shut the electricity off to any premises for nonpayment of electric bills, to enforce repair of service between meter and city infrastructure or for failure to provide access.

(C) The official or employee shall have the right to shut off any electric service for the purpose of repairs or improvements to the electric system.

§ 51.09 TAMPERING PROHIBITED.

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No person, except by permission of the Electric Superintendent, shall remove, repair, or tamper with any electric meter, or shall open any junction box or pedestal, or other part of the electric system.

§ 53.036 RIGHT OF ENTRY FOR INSPECTION; OTHER POWERS OF CITY OFFICIALS.

(A) The City Engineer, the Water Superintendent, or other officer or employee of the City Water Department shall have the power to enter the premises or building of consumer at any reasonable hour for the purpose of reading, removing, installing, testing, or repairing meters or for examining piping. Customer shall make the meter accessible without interference from pets and/or physical barriers.

(B) The official or employee shall have the power to shut the water off to any premises for nonpayment of water bills, or to enforce repair of service between water main and the meter, or to prevent waste of water, or for failure to provide access.

(C) The officials shall have the right to shut off the water from any main or mains for the purpose of repairs or improvements.

Dated at Vermillion, South Dakota this 7th day of January, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY John E. (Jack) Powell, Mayor
ATTEST: Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Zimmerman. 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: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

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

8. New Business

A. Mid American Energy report

John Prescott, City Manager, reported that when the City Council renewed the natural gas franchise in January 2007 with MidAmerican Energy, the Council requested that the company provide an annual update. He stated that representatives are present to provide information and answer questions.

John Brannum, MidAmerican Energy Operations Supervisor, reported on the staffing levels in the area, that they responded to 164 gas leaks and that in two cases the response time was in excess of 60 minutes. John noted that they connected 14 new services in the community.

Brad Howard, MidAmerican Community Relations and Economic Development Representative, stated that he works closely with Steve Howe from the Vermillion Area Chamber of Commerce and Development Company to provide the needed information for natural gas service for business prospects.

Brad and John answered questions of the City Council.

B. Fifth Amendment to the Joint Powers agreement for an integrated solid waste management system between the Cities of Vermillion and Yankton and the Counties of Clay and Yankton

Bob Iverson, Solid Waste Director, reported that the Clay County, Yankton County, City of Yankton and the City of Vermillion are members of the Joint Powers for operating the landfill, transfer station and recycling center. In 2012, the City was awarded a SRF loan and solid waste grant for cell 5 and the leachate pond by DENR. The DENR has requested the amendment to the Joint Powers Agreement to recognize the 2012 SRF loan before the loan will be processed. Bob stated that the agreement has been approved by Yankton and Clay County and will go to the City of Yankton next week.

005-13

Alderman Grayson moved approval of the Fifth Amendment to the Joint Powers Agreement for an integrated solid waste management system between the cities of Vermillion and Yankton and the counties of Clay and Yankton. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance 1294 - Amending Chapter 152 Signs to modify regulations for signs within the joint jurisdictional zoning area

Andy Colvin, Assistant to the City Manager, reported that recently the County and City had a joint meeting to approve a zone change for a billboard in the joint jurisdictional area. The joint jurisdictional ordinance provides for sign regulation by the City sign ordinance and the proposed

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change is to include the joint jurisdictional zoning districts into the City sign ordinance. Discussion followed.

006-13

Mayor Powell read the title to the above mentioned Ordinance and Alderman Willson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1294 entitled An Ordinance Amending Chapter 152 Signs to modify regulations for signs within the joint jurisdictional zoning area 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 7th day of January, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Ward. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. 2013 Payroll resolution

John Prescott, City Manager, reported that State Statute requires the City Council to adopt a resolution setting the wages/salaries for all employees for 2013 at its first meeting following the beginning of the fiscal year. John noted that both the AFSCME and Teamsters Union agreements provide for a 2% increase for 2013 and this same increase was used for non-union employees. Discussion followed.

007-13

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

CITY OF VERMILLION 2013 PAYROLL RESOLUTION

WHEREAS, effective and responsive delivery of City goods and services is dependent upon the employment of a highly competent and motivated workforce; and

WHEREAS, the City of Vermillion, as an employer, makes periodic adjustments to wages and compensation for inflation and in comparison to other municipal employers; and

WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with AFSCME Local 1052 covering the calendar year 2013 that includes a 2% increase to the wages of employees covered by AFSCME; and WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with General Drivers & Helpers Local 120 (Teamsters) covering the calendar year 2013 that includes a 2% increase to the wages of Police and Emergency Communications employees; and WHEREAS, the City of Vermillion desires to increase wages and salaries for management, professional, and non-union employees by 2% on January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion hereby approves and adopts the following wage rates for the calendar year 2013.

Elected Officials/Boards/Commissions:

Mayor: John Powell \$10,155.86; City Council: Tom Davies \$5,879.64, Kelsey Collier-Wise \$5,879.64, John Grayson \$5,879.64, Clare Meins \$5,879.64, Kent Osborne \$5,879.64, Dennis Zimmerman \$5,879.64, Steve Ward \$5,879.64, Howard Willson \$5,879.64; Planning Commission: Matthew Fairholm \$15.00/Meeting, Don Forseth \$15.00/Meeting, Steve Howe \$15.00/Meeting, Robert Iverson \$15.00/Meeting, Mike Manning \$15.00/Meeting, Ted Muenster \$15.00/Meeting, Thomas Reasoner \$15.00/Meeting, Debra Gruhn \$15.00/Meeting, Douglas Tuve \$15.00/Meeting; Library Board: Cyndy Chaney \$15.00/Meeting, Jon Flanagan \$15.00/Meeting, Carl Gutzman \$15.00/Meeting, Janet Hoff \$15.00/Meeting, Fern Kaufman \$15.00/Meeting.

FULL-TIME/PART-TIME:

Ambulance: Lee Huber \$41,906.16, Lisa Wood (EMT) \$ 8 . 0 0 / h r - \$ 3 0 . 6 0 / 1 s t - \$ 1 7 . 3 4 / 2 n d - \$ 9 . 0 0 FTO, Lisa Wood (Quality Specialist) \$10.00/hr, Merritt Groh \$8.00/hr-\$30.60/1st-\$17.34/2nd-\$9.00/hr FTO, Michael Wilder \$ 8 . 0 0 / h t - \$ 8 . 0 0 / h r - \$ 3 7 . 1 4 / 1 s t - \$ 2 3 . 3 5 / 2 n d - \$ 9 . 0 0 / F T O , Valerie Hower \$ 8 . 0 0 / h r - \$ 3 6 . 4 1 / 1 s t - \$ 2 2 . 8 9 / 2 n d - \$ 9 . 0 0 / F T O , Nicole Huber \$ 8 . 0 0 / h r - \$ 3 6 . 4 1 / 1 s t - \$ 2 2 . 8 9 / 2 n d - \$ 9 . 0 0 / F T O , Anthony Klunder \$ 8 . 0 0 / h r - \$ 3 6 . 4 1 / 1 s t - \$ 2 2 . 8 9 / 2 n d - \$ 9 . 0 0 / F T O , Brandon Hansen \$ 8 . 0 0 / h r - \$ 3 6 . 4 1 / 1 s t - \$ 2 2 . 8 9 / 2 n d - \$ 9 . 0 0 / F T O , Mandy R e e d \$ 8 . 0 0 / h r - \$ 3 6 . 4 1 / 1 s t - \$ 2 2 . 8 9 / 2 n d - \$ 9 . 0 0 / F T O , Kevin Oliver \$ 8 . 0 0 / h r - \$ 3 5 . 7 0 / 1 s t - \$ 2 2 . 4 0 / 2 n d -