

A look ahead at 2015: City Manager John Prescott

By Katie Clausen
For the Plain Talk

With 2014 behind us, and 2015 laid out in front of us, the City of Vermillion has quite a few plans in the pipeline that are geared towards improving our fair city.

City manager John Prescott is in charge of the administration of City of Vermillion Business.

What do you predict for Vermillion in 2015 in terms of what the City's influence will be on potential growth and change?

"The City will continue to lead change in some cases and be a partner to change in other situations," Prescott said. "Improvements to Prentis Park is one area where the city will be leading change in 2015."

The City works in conjunction with the Vermillion Economic Development entity, as well as managing their own projects. The relationship between the City and the Development side is critical to growth in Vermillion.

"The City supports the lead economic development agent for

the community, the VCDC, in a number of ways," Prescott said. "The City is a partner in supporting economic development projects such as Bliss Pointe."

The landscape will be changing at Prentis Park significantly.

"The current schedule has the former Prentis Park caretaker's house being removed by the middle of May," Prescott said. "New basketball courts will be constructed."

The popular pool will be also experience changes this summer. Bids will be accepted on the construction of the new structure, with demolition slated to happen around August.

"The plan right now is that our current pool will open on Memorial Day, weather permitting," Prescott said. "Then we will close just a few weeks early around August 1."

In the less distant future, the City will also be investigating changes on Main Street. There will be a test of removing a stoplight and some street repairs. "West Main Street will be

milled and receive a new asphalt coating," Prescott said. "While the work is being completed as a maintenance project, these projects also provide a spark for development with the new, smooth surface."

Q: What about progress on projects like the stoplights on Main Street? Where do you see that standing in 2015?

"The City will begin a traffic study next week that will last at least 90 days," Prescott said. "During the traffic study, Center Street and Court Street will be stopped with a stop sign."

The purpose of this study is to determine if traffic flow can be improved through Main Street. The City will be looking towards the public for their feelings on the change. During the study, the traffic lights will be shut off and covered.

"The City will be seeking comments and feedback from the public during the traffic study about how the intersection functions," Prescott said. "After the traffic study is complete, the City Council will determine what happens next."

Q: What are some goals you would love to see long term happen? Maybe some projects?

"As the policy makers, the City Council determines the goals and projects that the City will undertake in the future," Prescott said. "In 2016, the City is scheduled to have all of the Main Street traffic signals updated. Planning for this project is what led to the discussion about the future traffic control at Main, Center, and Court Streets."

In addition to traffic control and improvement, the updates made to Prentis Park will carry into 2016 as well. Prentis, however, is not the only play area that may see some improvements.

"The City has been looking at projects to replace a number of the park restroom facilities that need to be updated," Prescott said.

Aside from changes that are obvious to the eye, such as the parks and roadways, the City is also making sure they evaluate the infrastructure of Vermillion. The City's General Fund is broken into four segments:

Maintenance and Transportation, Human Development and Leisure, Policy and Administration, and Public Safety and Security.

"A new substation that will serve the northeast side of the community is in the early planning stages," Prescott said. "Additional circuits are being planned to expand the electrical system."

The City Council and Prescott are in charge of managing Vermillion's frame, making sure we grow at a rate at which we can support ourselves.

"A number of maintenance projects to upgrade facilities and infrastructure are in the planning stages," Prescott said.

Among all of the items coming down the pipeline for the City in 2015, Prescott is excited about improvements to facilities that are used by all.

"The Prentis Park improvements are what we are looking forward to the most," Prescott said. "It's going to benefit a lot of people. The park is used by all segments of our community."

Have an opinion on the Wheel Tax?

Recently the Clay County Commissioners adopted a Wheel Tax for the county in order to help raise funds for needed road improvements. *The Plain Talk* has presented the merits of 'why' the tax is necessary and now we hope to hear from those who might have a difference of opinion. Contact us at 624-4429 or alan.dale@plaintalk.net and share your thoughts.

LOOK

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"I love it, it's great, it's exciting. I said (Sunday night) 'it just makes me want to work here.' For employees that we work with and work here every day it's exciting to be able to help the customers we hear from every day about what they need and this is how they wanted it to look."

Now customers can take a look at the new Vermillion Wine & Liquor Store and take in an appreciation of large rows of items to purchase sitting on new shelving that looks like they had just been unwrapped on Christmas day.

"It's very nice and colorful," Nikki Peters said, beaming like a little kid still celebrating the holiday.

The new store, which can be reached at 605-677-7062, is open 10 a.m. - 11 p.m. Monday through Saturday and Noon to 6 p.m. on Sunday.

You can also visit their website at http://jonesfoodcenter.net/vermillion_wine_liquor.php.

Side note: At the now former location for the store, a new clothing boutique will be moving in come March.

Meet City Council member Steve Ward

By Zach Wetzel
For the Plain Talk

Steve Ward truly cares about the Vermillion community and makes an important contribution as a City Council member.

Ward works at the Academic and Career Planning Center at the University of South Dakota. Ward, who is the director of this office, has been an academic adviser since 2001.

According to Ward, it is a great experience to help students who need academic support, and it is an especially busy job around this time of year.

Ward attended college in Indiana and pursued his postgraduate studies in South Dakota.

Initially Ward was more interested in politics, and even worked on Capitol Hill for a couple of years.

When an opportunity to become an academic adviser in Vermillion became available, Ward didn't hesitate.

According to Ward, this job is a great fit, and was the right place to go after Capitol Hill.

"The thing I like about my job is that I get to do a little bit of everything," Ward said. "I get to teach, work one-on-one with students, create policy, and manage people in this job. I also get to work at a very nice institution."

Ward grew up in Vermillion, and was essentially a child of the University since his father was the chair of the history department and his mother was the secretary at the School of Business.

Ward spent about 10 years away from Vermillion on the East Coast before moving back to his hometown.

Ward recalled his time on Capitol Hill as being a very special experience.

"Whenever I go to Capitol Hill I get very

emotional about it," Ward said. "There are so many cool things that happened there. It was an eye-opening experience working on Capitol Hill."

Ward's involvement with the Prentis Park pool was what sparked his interest in serving on the City Council.

"I spent a lot of time there as a kid," Ward said. "I was also a long-time competitive swimmer in Vermillion and swam a little bit competitively in college."

Ward has served on both of the pool committees in the Vermillion community.

As a member of the City Council, Ward got involved in helping the University and assisting with other local projects.

The main reason Ward ran for City Council was to help people have a better perspective about setting goals for the city of Vermillion. Ward is always

looking ahead and enjoys considering where the community will be in ten years.

"It is very important that we set goals and get a vision of where we want to be in the future so that we can make decisions that are tied to that vision," Ward said.

"Steps have been taken in the right direction by increasing housing opportunities and building houses in Vermillion," Ward explained.

Ward enjoys living in Vermillion because it provides an accessible small-town environment in a university setting.

Ward and his wife Carol are both alumni of Vermillion High School. They have two sons who are both very active in sports and community life.

Ward enjoys playing golf and basketball, as well as travelling and vacationing with his family.

Ward also participates in the community theatre program here in Vermillion.



ANSWER

From Page 1A

might have missed the email sent to them from CT Corporation System, regarding the action against them.

Questions asking if both sides were aware that CT Corporation System had done more than just send an email to the defendants regarding the pending lawsuit were not known by either side at press time.

Calls to CT Corporation System asking what other method they used to inform Eagle Creek of the lawsuit besides an email were not answered at press time.

CT Corporation System is a registered agent for companies outside the state of South Dakota doing business within the state. Eagle Creek is a company based in Minnesota.

An employee at CT Corporation System who wished not to be identified stated that a client will instruct her company on how information is communicated. She said that if a client tells her company that they want information to come via registered or certified mail, a process server, and/or email, CT Corporation System is to follow those directions to the letter. So a company such as Eagle Creek could in fact ask to receive any documents strictly via email and no other method.

The employee also stated that CT Corporation System could not comment on their clients' predetermined protocols.

It wasn't known at press time what Eagle Creek's specific protocols were for receiving this type of communication from CT Corporation System.

Damgaard told the court, after Jensen announced he would allow for answer from Eagle Creek, that one had been filed with Clay County. An answer was received for the court late last month.

Jensen asked Brett Lavrien, attorney for the VCDC, how long he would need to respond to Eagle Creek's answer, and granted the plaintiffs 20 days to do so. Lavrien said it probably wouldn't take that much time.

In the Eagle Creek response they stated that they seek a trial by jury on all claims that can be fought in court. They hope to have the lease agreement to be voided and that it would be awarded damages in "an amount proven at trial."

Eagle Creek's answer to the suit consisted of 18 pages which included a number of bullet points including:

- That on Dec. 13, 2012, "the Governor's Office of Economic Development (GOED) and the VCDC approached Eagle Creek with a package of economic incentives aimed at enticing Eagle Creek to expand its business

operation in Vermillion. The answer states that GOED and the VCDC promised among other things to make certain payments to Eagle Creek in connection with its hiring, training, and retention of employees in Vermillion and to construct a suitable facility to house Eagle Creek's expanded business operation." Eagle Creek's legal team says these incentives weren't met.

In the VCDC's lawsuit they claimed that a joint incentive proposal was given to Eagle Creek and offered to make "substantial monetary payments" to the software company in exchange for them setting up its business in Vermillion and providing training employment for the local work force. The lawsuit also claimed a proposal to construct a building to Eagle Creek's specifications in exchange for entering into a long-term lease agreement to occupy the Princeton location.

Eagle Creek states that they have proceeded to expand its operations to Vermillion in "good faith and reasonable reliance on the promises contained in the joint proposal." Eagle Creek has hired new employees and has expanded its business in the city.

- That Eagle Creek was "fraudulently induced" into signing an "unenforceable" lease agreement with the VCDC in June of 2013.

They claim "fraudulent concealment by VCDC" in the signing of the lease and that it signed it in good faith based on "specific promises" and representations made by GOED in the joint proposal with the VCDC.

- That any and all work on the Princeton premises were done under a promise of incentives that were not followed by the GOED and VCDC contracts and that "any steps it took to install equipment at the property constructed by the VCDC were taken in reliance on the Economic Authorities' promises to fully perform the economic incentives and other promises" made in the original proposal.

- That Eagle Creek did not have to pay the best rent sums because the contract was "void and unenforceable" due to the aforementioned failure to address the incentives promised.

- That Eagle Creek's move to Cherry Street occurred due to "bad faith conduct of either the VCDC and/or GOED or their agents" and that the landlord terminated Eagle Creek's tenancy which resulted in the need for an alternative work location.

- That none of the rent not paid is owed due to a void and unenforceable contract signed with the plaintiffs.

- That their August payment of \$40,115 was made to the VCDC "in reliance on the Economic Authorities' promises to

fully perform the economic incentives and other promises made in the" proposal.

It added the mutual mistake of both the "VCDC and Eagle Creek regarding GOED's fraudulently concealed intention not to perform pursuant to the Economic Authorities' joint proposal, and/or the unilateral mistake of fact accompanied by fraudulent concealment by VCDC."

Nowhere in the Eagle Creek's answer to the lawsuit does the document state what specific incentives were promised, if they even existed, and what promises if they indeed were offered weren't honored by the plaintiffs.

Requests for the Eagle Creek legal team to go on record were declined by Damgaard and co-counsel Michael Obermuller.

In its defense, the Eagle Creek answer states the potential financial damages to the VCDC are not the software company's responsibility because they "had no control or right of control."

In its counterclaim against the VCDC, Eagle Creek states:

- That they were promised economic incentives to locate in Vermillion, yet they do not list what those promises were.

- That payments were promised to Eagle Creek for hiring, training, and retention of employees in

Vermillion, and to construct a suitable facility to house its business. They do not list what specifically was promised.

- That all actions Eagle Creek performed in setting up in Vermillion were based on these promised incentives that were not delivered upon. Nowhere in the document does it state specifically which "promises" were not kept.

- That the plaintiffs had "no way of knowing that GOED lacked the intention and/or ability to perform under" the agreement at the time between the two sides or that it "fraudulently induced Eagle Creek to sign the purported lease agreement."

However, no lawsuit against the GOED has been filed by Eagle Creek as of press time and the Eagle Creek legal team declined to be interviewed on the record.

"The case with the GOED is a separate matter, they haven't been brought in," Lavrien said during court proceedings. "They haven't been named and frankly that's between Eagle Creek and GOED. It is not something that should be held against the plaintiff."

Lavrien also requested that the plaintiff's legal fees be compensated due to the extended period of time it took to hear a response from Eagle Creek.

No decision by Jensen on that was made at press time.

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