

Vermillion "Snowcoming" Celebrates Students' Talents

By Thomas Hatzenbuhler
For the Plain Talk

As the VHS "Snowcoming" week reached its penultimate day of festivities and celebration, students, staff and faculty took the time on Friday to appreciate the talents—specifically of the musicianship variety—of VHS students. After a day of classes, and a jocular yet nonetheless

ruthless game of dodgeball, a variety of solo and group performances were held in the VHS auditorium.

To kick off the talent show, the VHS Dance Inferno team performed a lively routine called "Collapse."

"We decided to perform our hip-hop dance, because we have perfected it," explained junior Kylee Retzlaff, a Dance Inferno member, of the team's performance. "It is everyone's favorite."

A number of musical acts followed Dance Inferno's routine that ranged from the sublime to the face-meltingly intense. The wonderful cross-section of talented VHS students was on full display for all in the rather crowded auditorium to enjoy.

One of the stand-out performances was given by VHS sophomore Huy Nguyen. Singing in Vietnamese, Nguyen performed an emotional and lengthy ballad inspired by a story of a brother and sister separated by the violence of the Vietnam War.

The following acts featured a solo guitar performance by senior Alex Cotton, a beautifully articulated acoustic song by senior Kobe Provost (who was to appear later as the drummer for the show's final act), a piano-adapted pop song performed by sophomore Abril Telleria, a wonderfully animated and well-sung adaptation of an "Addams Family" musical number by senior Savannah Kirsch and, after a quick briefing on the forthcoming "Snowcoming" Dance Marathon event, a rather humorous and noisy number called "Eyes of a Panther" performed by a group of young men including juniors Rob McFall and Mitchell Sand and seniors Tim Ellison and the aforementioned Provost.



A game of dodgeball is played between VHS classes last Friday as a part of the "Snowcoming" festivities, leading up to the talent show later that night and the dance the next evening (left). Huy Nguyen performs a ballad of wartime strife at the VHS "Snowcoming" talent show as a quieted audience listens on in curious awe. (top). The VHS Dance Inferno team performs their hip-hop routine "Collapse" at the VHS "Snowcoming" talent show in the VHS auditorium last Friday afternoon (above).

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FEES

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Plaintiff's claims."

They also added that they felt the "plaintiff could have avoided incurring the entirety of the fees it now requests...the court should decline to award attorneys' fees to the plaintiff."

Some of the reasons also cited for not believing they have to pay these legal fees included a number of references to precedents on cases they felt similar to this one, and that the plaintiff could have avoided this situation if the VCDC's "counsel simply consented to Defendant filing its answer on Dec. 11, rather than insisting on moving forward with its application for a default judgment."

They also cited that default judgments in South Dakota are "disfavored" especially if the defendant shows an intent to answer the claim against them.

Yet the VCDC did not receive an answer to the complaint for nearly six weeks longer than required according to the legal paperwork.

The defense also counters that most of the fees incurred for the VCDC came after a Dec. 11 email exchange between the sides. "In other words, every minute of time Plaintiff's counsel spent on the default judgment proceeding could have been avoided."

Yet nowhere in the Eagle Creek answer to paying the VCDC legal fees does it state that they had an answer ready when contacted, thus extending the time for one to be forthcoming on Dec. 11 and further past the required 30 days.

The answer to the original complaint was not received until Dec. 24, exactly eight weeks – 56 days – after the suit was filed.

Eagle Creek claimed in its answer to the lawsuit that they refused to move into the new Eagle Creek building located on 1012 Princeton Street due to the fact that the Governor's Office of Economic Development (GOED) and the VCDC declined to provide the software company with the

incentives indicated in the original agreement.

However, nowhere in their answer to the VCDC suit, does the literature explain specifically what incentives were truly not met.

Calls to GOED asking for a specific list of what incentives were answered by Mary Lehecka Nelson. In documentation provided by Nelson via a letter dated Dec. 13, 2012, sent to Eagle Creek officials from Pat Costello, commissioner of GOED, it listed the incentives offered to Eagle Creek which are as follows:

1. GOED will provide 50 percent of the tuition and fees for 225 students selected by Eagle Creek to complete the 12 credit hour IT Certificate Program at the University of South Dakota and who are offered and take full-time employment at the Vermillion Project Center. GOED's assistance for tuition and fees shall not exceed \$2,000 per student. To remain eligible for financial support the students must maintain good academic standing at USD. Projected value: \$450,000.

2. GOED will reimburse Eagle Creek for 50 percent of the stipend cost, up to \$2,000 per intern for 220 interns working at the Vermillion Project Center and who are offered and take full-time employment at the Vermillion Project Center. Projected Value: \$440,000.

3. GOED will provide \$590,000 of \$1,480,000 offered in the Vermillion Project Center incentive package in education and training assistance during the project period. The funds may be used to reimburse up to 1/3 of Eagle Creek training costs up to \$2,000 per employee making \$50,000 or more per year and up to \$1,000 per employee making less than \$50,000 per year in the following areas of: Graduate education program for Eagle Creek employees working in the Vermillion Project Center, Training costs for up to 20 replacement employees at the Vermillion Training Center, Additional Vermillion Project Center growth, behind the initial 200 employees of Eagle Creek customers establishing their own project center (this would

include IT consultant certificate cost for employees beyond the initial 200; and additional costs associated with the Vermillion Project Center as mutually agreed upon by GOED and Eagle Creek.

"Vermillion" was then listed to provide a total incentive package of \$1.5M for the Vermillion Project Center via a handful of ways. For reading purposes "Vermillion" was used as a stand-in term for the VCDC.

1. Vermillion would provide 50 percent of the tuition and fees for 225 students selected by Eagle Creek to complete the 12 credit hour IT certificate program at USD and who are offered and take full-time employment for at least two years at the Vermillion Project Center. Vermillion's assistance for tuition and fees shall not exceed \$2,000 per student. To remain eligible for financial support the students must maintain good academic standing at USD. Projected value: \$450,000

2. Vermillion would reimburse Eagle Creek for 25 percent of the stipend cost up to \$1,000 per intern, for 220 interns working at the Vermillion Project Center and who are offered and take full-time employment for at least two years that the Vermillion Project. Projected value: \$220,000.

3. Vermillion would provide an additional \$830,000 in education

and training assistance during the project period. The funds may be used to match company and GOED investments in areas including - documented additional specialized training for Eagle Creek interns who become eligible employees or current eligible employees working in the Vermillion project center; recruitment or other transition training costs for eligible employees while Eagle Creek transitions to the IT Consultant Certificate training model; graduate education program for eligible Eagle Creek employees working in the Vermillion Project Center; Training Costs for up to 20 eligible replacement employees at the Vermillion Project Center.

Total training and tuition reimbursement was not to exceed \$7,500 per employee. Additionally, the incentive was to expire with full allocation of the committed \$1.5M or for the term of a valid lease (including subsequent renewals) on a VCDC owned facility, or should Eagle Creek cease operation in Vermillion, whichever came first.

Nelson told the Plain Talk that GOED had not changed its incentive plan but could not speak for any others if they had or not.

RANGE

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bond in November, and other potential sources including, \$1M from the general fund reserve, \$1M from the Penny Fund reserve, and \$250,000 from Grants and Fundraising. This would help meet the goal to complete pool, parking lot, and basketball court projects along with some other possible smaller items.

They decided to look for the malt liquor markup in lieu of raising property taxes.

The hope was to help use the markup as a way to retire the \$3M debt service for the bond.

The estimate is that the city hopes to average an annual debt service of \$222,127 per year for the 20-year lifespan of the bond.

Mayor Jack Powell opened proceedings with a statement that emphasized a need for a city like Vermillion to offer top amenities such as parks, golf courses, and top medical facilities as a key component in making any community viable.

Powell reflected on a similar project involving the improvement of the city library, but when additional funding wasn't available the project was put on hold and not able to be completed.

"We know the pool has been in operation for over 50 years and it is no longer feasible to keep it operational," Powell said. "The problem is where do we get the necessary resources to fund this project?"

"The city voters with just over a 75 percent approval vote, passed a 20-year bond issue to offset just over \$3M. This, along with money put aside for the last several years, leaves us short by about \$230,000. We promised the city we wouldn't seek increases in property taxes to fund this bond."

Powell also added that some comments made at the proceeding week's city council meeting were opinions and not facts and wanted to set the record straight on a few items.

"Fact: At the Dec. 15 noon meeting the council passed to bring the option to the Jan. 5 meeting," Powell said. "Fact: The council discussed this option at several meetings last fall. Fact: Two public meetings were held at the Vermillion Public Library to provide information to the community. Fact: The first reading was held at the Jan. 5 regular council meeting and was announced ahead of time. Fact: A presentation was made at the Vermillion Rotary Club. "I think it's important that as we discuss this issue tonight that it's based on facts and not opinions."

Powell took exception to

comments made at the Jan. 19 council meeting where some people stated that they weren't given ample or any notice of the consideration of the markup.

Some spoke up on how vital the need for a strong park and other amenities would aid in Vermillion's ability to attract future residents and businesses and help develop its profile.

"It seems that the general consensus is that the park and pool improvements are the right thing to do and I am definitely supportive of that," Sheila Gestring, VP of Finance and Chief Financial Officer at the University of South Dakota said. "I like the approach that (the council) has used. You can not take and obligate each and every source, especially when you have the infrastructure and size of community you have to deal with here. Taking every amount of that second penny tax seems to me, to be a bit reckless. This is a wonderful way to solve the problem. It does not tax property and it does not take from the city's ability to be flexible. "It continues to treat the way the city deserves to be treated. To clear the streets to keep the streets well maintained and have the kind of community that's important to the kind of employees we attempt to recruit and maintain. Amenities like these are critical."

Council member Steve Ward expressed concerns that the city has not moved progressively to attract businesses and build amenities that people are looking for to either move and/or bring new commerce to Vermillion.

"One of the things I am very interested in doing with this council is to make this town more attractive to people who could move here and live here and make it more attractive to businesses," Ward said. "I believe that this tax – and it is a tax – can help in that endeavor to help create a pool and a park that will be the envy of the area."

It was reiterated that a number of these business owners were not given ample notice of the earlier discussions on this topic.

"I would like to apologize myself, to the businesses in my district, because I don't think I got the word out," council member Parker Erickson said and added his concerns about the potential pitfalls of such a markup being put into place.

"(Having a business) in this town is hard as it is. Driving down Main Street alone you can tell...Raziel's (closing, for example). I would hate to punish a business that has been successful in this town to pay for a pool... We have to figure out a way..."

For an extended version of this story please visit www.plaintalk.net

Adult Programs for February



EDITH B. SIEGRIST
VERMILLION PUBLIC LIBRARY

FEBRUARY

4

Wednesday, February 4th
Artists & Authors presents
Author Matthew Moen
Kozak Community Room, 7 pm

7

Saturday, February 7th
Picture this Presents
Altered Book Workshop
Kozak Community Room, 2-4 pm
(please register at the circulation desk)

11/12


Wednesday & Thursday, February 11th & 12th
Long Overdue series presents
12 Years a Slave Film Screening
Small Conference Room, (Wed.) 7 pm & (Thurs.) 2:30 pm

18/19

Wednesday & Thursday, February 18th & 19th
Fine Fiction Book Club
The Invention of Wings, by Sue Monk Kidd
(Wed.) 7 pm & (Thurs.) 4 pm
(Thurs. discussion facilitated by Prof. Nancy Zuercher)

25/26

Wednesday & Thursday, February 25th & 26th
Non-Fiction Book Club
12 Years a Slave, by Solomon Nothrup
(Wed.) 7 pm & (Thurs.) 4 pm
(books available at our circulation desk)



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