

2010 Legal and Public Notices

Lavin, to approve open enrollment requests #13-2-OE for school year 2012-2013.

Aye: Unanimous.

Item #11-2312

Motion by Fairholm, seconded by Lavin, to adjourn the meeting at 7:35 p.m.

Aye: Unanimous.

Mark Bottolfson, President

Sheila R. Beermann
Business Manager

Vermillion School District 13-1 Board Report For Newspaper

Vendor Name, Vendor Description, Amount;

Anderson, Patrick Supplies/Services 70.82; Apple Computer Supplies 1,797.00; Apple Computer Supplies, 121,348.29; Automatic Building Controls, Inc. Services, 78.04; Avera St Luke's, Services 751.36; Beermann, Sheila R. Supplies/Services, 263.22; Best Business Products, Inc. Supplies 1,041.23; Bottolfson, Mark Supplies/Services, 91.76; Broadcaster Press, Inc., Services 73.24; Capitol Inn & Suites Services 97.90; Centurylink Phone Lines 506.30; Chemco Inc Supplies 352.35; Children's Care Hospital & School Services 9,436.05; City Of Vermillion Services 19,011.62; Convention Center Supplies, 152.00; Coyote Twin Theatres, Services 398.50; Cumbee, Luke Supplies 188.00; Dakota Pc Warehouse Supplies 379.97; Dakota Security Systems Inc., Supplies/Services 868.68; Employers Mutual Casualty Company Services 13,097.16; Fred Haar Co Inc., Supplies/Services 128.64; Glass Works Services 95.00; Heartland Paper Company Supplies, 44.00; Heartland Paper Company Supplies 1,333.19; Hy-Vee, Inc., Supplies 232.91; Ivy's Painting, Services 300.00; Jones' Ace Hardware, Inc. Supplies/Services, 70.33; Little Italy's Supplies, 97.23; Marco Products Inc., Supplies 36.03; Nygren's True Value Supplies/Services, 4.17; Nygren's True Value, Supplies/Services 43.22; Pitney Bowes, Inc. Services 340.05; Pmb 0112 Phone Services 95.64; Presto-X-Company, Llc, Supplies 310.00; Pro's, Services 200.00; Sanford Vermillion Medical Center Services, 8,436.50; Sd Board Of Accountancy Supplies/Fees 50.00; Secoia, Inc. Supplies 268.90; Sertoma Butterfly House Services, 173.50; Sesdac, Inc Services, 672.03; Southeast Area Cooperative Services 298.33; Terry, Jake Supplies/Services 644.07; Turner Plumbing, Inc. Services, 30,167.27; Usa Stay Hotel & Suites - Hot Springs Travel, 418.50; Vermillion Athletic Boosters Supplies 540.00; Vermillion School District, Misc. 604.58; Walking Billboard, The Supplies/Services, 307.40; Warren Hinrichs, Services 360.00; Wells Fargo Remittance Center Fees 1,785.42; Westside Inn Services, 90.00; Yankton Fire & Safety Company, Inc.Services, 101.00

Published once at the total approximate cost of \$100.84

Estimated publishing cost per published copy \$.0542

Published: July 13, 2012

Unapproved Minutes Council Special Session July 2, 2012

Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 2, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Informational Session - Swimming Pool Project Update

John Prescott, City Manager, reported that, in planning for the Prentis Park swimming pool reaching the end of its useful life, a committee was formed and charged with reporting on if there is a need for a new pool, where should it be and, if needed, what features should it have. John reported on the committee members noting that the first step was a review of the current pool with the committee decision that a new pool is needed. To assist the committee with the next steps, the committee interviewed firms that would serve as an architect with the recommendation of Waters Edge Aquatic Design. Next the committee, with the assistance of the architect, reviewed locations and recommended that the pool stay in Prentis Park. Following that, the committee did a citizen survey and also polled middle school students on features to include in a new pool. The committee worked with the architect to bring forward the proposed design of the pool. Proposed designs were handed out to all members and the individual features were reviewed. John reported that the architect cost estimate for the proposed plan was \$6.8 million that included a 15% contingency.

John reviewed funding options available to the City for such a project that included General Obligation bonds that would require a 60% voter approval. The other bonding option would be a revenue bond that would pledge sales tax to repay the bond. This would commit second penny sales tax revenues for 20 years. The City Hall bond payment is already pledged for second penny sales tax.

John noted the committee discussed using BBB sales tax as the admissions to the pool would include this penny of sales tax and as it is anticipated that the pool will draw from a larger area. John noted that this tax revenue would not be large enough in relation to the bond payment or cost of the project and suggested using other sources.

John noted that there may be some reserves in the general fund that, at the option of the City Council, could be used for this project and second penny sales tax should be reviewed to determine if there are funds available there similar to the library project.

John reported that there will be two maybe three tax increment districts paid off in 2013 that is projected to increase the general fund tax receipts by \$180,000 providing another revenue stream.

In conclusion, John noted that a com-

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bination of funding sources may be the best option along with the timing of the project will determine the amounts of funds available. The Committee is looking to the City Council for direction on timing of the project as well as size. John noted that the committee plans public meetings to review the proposal in the near future. John wanted to thank the committee members who have worked hard on this project.

Discussion followed with the Committee answering questions of the City Council. The Council requested time to consider the options including a 50 meter pool and what would be the impact on property taxes of a general obligation bond.

3. Briefing on the July 2, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

225-12

Alderman Osborne moved to adjourn the Council special session at 12:56 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 2nd day of July, 2012.

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

July 2, 2012

Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 2, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Thiel

2. Pledge of Allegiance

3. Minutes

A. June 18, 2012 Special Session; June 18, 2012 Regular Session

226-12

Alderman Zimmerman moved approval of the June 18, 2012 regular session minutes and the June 18, 2012 special session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

227-12

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

5. Visitors to be Heard - None

6. Public Hearings

A. Second Reading of Ordinance No. 1282 - Repealing Section 51.32(F) relating to the removal of a fee charged to mobile home court owners upon installation of service

John Prescott, City Manager, reported that this ordinance follows the report by Mark Koller, Electric Superintendent, made at the June 4, 2012 information session whereby the existing City Code Section 51.32 provides that the City will install pedestals for mobile home park units and wire the mobile home court. John noted that it had been explained and included in the packet that the ordinance has led to the City providing a higher level of service to mobile home courts than other utility customers. He reported that the ordinance would remove section 51.32(F) that provides that the City will provide electric service to the individual mobile home lots. John stated the ordinance would be effective on October 1st to allow time to notify the court owners.

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. 1282 - Repealing Section 51.32(F) relating to the removal of a fee charged to mobile home court owners upon installation of service 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 18th day of June, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 2nd day of July, 2012 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:

ORDINANCE NO. 1282
AN ORDINANCE AMENDING TITLE V, CHAPTER 51, SECTION 51.32 SPECIAL SERVICE, REPEALING SECTION 51.32(F) RELATING TO THE REMOVAL OF A FEE CHARGED TO MOBILE HOME COURT OWNERS UPON INSTALLATION OF SERVICE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA, THAT CHAPTER 51 BE AMENDED AS FOLLOWS:

Repeal Section 51.32(F). Effective October 1, 2012.

BE IT FURTHER ORDAINED, that Sections 51.32(G) through 51.32(I) are numbered 51.32(F) through 51.32(H).

Dated at Vermillion, South Dakota, this 2nd day of July, 2012. FOR THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: _____
John E. (Jack) Powell, Mayor

ATTEST:

BY: _____
Michael D. Carlson, Finance Officer

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

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Powell-Y.

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

7. Old Business

A. Proclamation of Appreciation for Jennifer French

Mayor Powell read the Proclamation of Appreciation for Jennifer French for her service on the City Council and to the community. Mayor Powell presented the proclamation to Jenny.

8. Adjourn

229-12

Alderman French moved to adjourn the Council Meeting at 7:07 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 2nd day of July, 2012.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY: _____
John E. (Jack) Powell, Mayor

ATTEST:

BY: _____
Michael D. Carlson, Finance Officer

NEW CITY COUNCIL

1. Installation of Alderman

Mike Carlson, Finance Officer, administered the Oath of Office to Alderman Collier-Wise, Meins, Ward and Willson.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 2, 2012 at 7:10 p.m. by Mayor Powell.

2. Roll Call

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

3. Adoption of the Agenda

230-12

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

4. Election of Officers

A. President

Mayor Powell opened nominations for President of the Council.

Alderman Zimmerman nominated Alderman Osborne for President. Alderman Meins seconded the nomination.

231-12

Alderman Willson moved that nominations cease and a unanimous ballot be cast for Alderman Osborne for President of the City Council. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Vice President

Mayor Powell opened nominations for Vice President of the Council.

Alderman Meins nominated Alderman Willson for Vice President. Alderman Ward seconded the nomination.

232-12

Alderman Osborne moved that nominations cease and a unanimous ballot be cast for Alderman Willson for Vice President of the City Council. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Appointment of Administrative Officers

A. Finance Officer

Mayor Powell recommended the appointment of Mike Carlson as Finance Officer.

233-12

Alderman Willson moved approval of the appointment of Mike Carlson as Finance Officer. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. City Attorney

Mayor Powell recommended the appointment of James McCulloch as City Attorney.

234-12

Alderman Grayson moved approval of the appointment of James McCulloch as City Attorney. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

6. Other Appointments and Designations

A. City Council Committees and Other Committee Assignments

Mayor Powell read the appointments to the City Council committees for Labor and Finance, Policies and Procedures, Utilities and Surplus Property Appraisal.

235-12

Alderman Zimmerman moved approval of the following City Council Committee appointments: Labor and Finance: Davies - Chair, Collier-Wise, Ward and Zimmerman; Policies and Procedures: Osborne - Chair, Davies, Meins and Willson; Utilities: Powell - Chair, Grayson, Ward and Willson; Surplus Property Appraisal: Meins - Chair, Grayson, Osborne and Zimmerman. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Mayor Powell read his recommendations for other City committee assignments.

236-12

Alderman Willson moved approval of the Mayor's recommendations for the following appointments to other City boards: Joint Jurisdictional Committee - Collier-Wise and Willson; Joint Powers - Grayson; Library Board - Osborne; Tree Board - Aaron Baedke, Pete Jahn, Jim Stone, Sol Redlen, Alderman Willson; Other City liaison/representatives: Clay County - Mayor Powell; Clay County Fair Board - Mike Carlson; Clay County Fire Company - Lee Huber; Clay County Health Liaison - Lee Huber; Clay County Park Board - Jessica Kennedy; GVAC - Matt Betzen and John Prescott; Missouri River Energy Services - John Prescott and Jason Anderson as alternate; SECOG - John Prescott and Mayor Powell as alternate; Dakota Hospital Foundation - Mike Carlson; University of South Dakota - Mayor Powell, Vermillion Chamber of Commerce & Development Company - Mayor Powell

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and John Prescott; Vermillion NOW! - Mayor Powell and Vermillion Watershed RC&D - John Prescott. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Official Newspaper

Mike Carlson, Finance Officer, reported that State law requires the designation of an official newspaper, which has been the Vermillion Plain Talk.

237-12

Alderman Davies moved approval of the designation of the Vermillion Plain Talk as the official newspaper. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Official Depositories

Mike Carlson reported that State law requires the designation of official depositories of the City funds and requested designation for the following: CoTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and First National Bank in Sioux Falls.

238-12

Alderman Zimmerman moved approval of the designation of the following as official depositories: CoTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and First National Bank in Sioux Falls. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Consolidated Board of Equalization

Mike Carlson, Finance Officer, reported that the County, School, and City have adopted a resolution to consolidate the Board of Equalization and the County requests that the entities reaffirm their intent before November of each year.

239-12

Alderman Zimmerman moved approval of the consolidation of the Board of Equalization with the County and School for the coming year. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Determination of Rules of Order

John Prescott, City Manager, stated that the City Council Rules and Procedures call for the City Council to designate an edition of Robert's Rules of Order. He stated that the City is currently using the 9th edition and has copies of this version available. The City Council, in 2006, developed a rules and procedures manual for the Council and now, with a new Council, it would be a good time to adopt the rules and procedures again.

240-12

Alderman Ward moved approval of the determination of Robert's Rules of Order 9th Edition as the rules of order for City Council meetings and to reaffirm the City Council Rules and Procedures dated March 2006. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Visitors to be Heard - None

8. Public Hearings

A. Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 4, 2012 in Barstow Park

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Fraternal Order of Eagles for the 4th of July events in Barstow Park. The Notice of Hearing and Police Captain's report are included in the packet.

241-12

Alderman Willson moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles on or about July 4, 2012 in Barstow Park. Alderman Zimmerman seconded the motion. Alderman Osborne requested to abstain. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Retail on-off sale malt beverage license for Guo Fei Zheng for the Asian Buffet at 404 Bower Street

Mike Carlson, Finance Officer, reported that an application was received from Guo Fei Zheng for a retail on-off sale malt beverage license for Asian Buffet at 404 Bower Street. The applicant completed the DCI background check that was provided to the Chief of Police. The notice of hearing and Police Chief's report are included in the packet. Mia Weng representing the Asian Buffet is present to answer any questions.

242-12

Alderman Davies moved approval of the retail on-off sale malt beverage license for Guo Fei Zheng for the Asian Buffet at 404 Bower Street. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Old Business - None

10. New Business

A. Request to close Main Street from Bank of the West entrance to Prospect Street, one-half block south on Court Street, and one-half block north on Center Street from 4:00 p.m. to 8:00 p.m. on Wednesday, July 18, 2012 for the Tri-State Cruisers/Dakota Classic Cruisers

Mike Carlson, Finance Officer, reported that a street closing request was received from Dakota Classic Cruisers to close Main Street from Bank of the West drive-up to Market Street, Court Street to one half block south and Center Street from Main Street to one half block north on July 18, 2012 from 4:00 p.m. to 8:00 p.m. for Tri-State Cruisers Car Show. The request was included in the packet and is similar to what has been done in previous years. Mike noted that Police, Fire and EMS had been notified and have found no safety concerns.

243-12

Alderman Grayson moved approval of the closing of Main Street from Bank of the West drive-up to Market Street, Court Street one half block south from Main Street and Center Street from Main Street to one half block north on Wednesday, July 18th from 4:00 p.m. to 8:00 p.m. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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B. Request to close four (4) Main Street parking stalls in front of Hollywood Video on Thursday, July 26, 2012 from 7:00 a.m. to 5:00 p.m. for a sidewalk sale

Andy Colvin, Assistant to the City Manager, reported that a request was received to close four parking stalls in front of Coyote Twin Theatre/Hollywood Video at 10 & 12 E. Main Street on Thursday, July 26, 2012 from 7:00 a.m. to 5:00 p.m. for their annual Customer Appreciation Day sale. Andy noted that no concerns have been raised in the past for closing the parking stalls.

244-12

Alderman Grayson moved approval of the closing of four parking stalls at 10 & 12 E. Main Street from 7:00 a.m. to 5:00 p.m. on Thursday, July 26, 2012. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Ambulance billing agreement

Lee Huber, EMS Director, reported that this item had been presented to the City Council at the June 18th noon session. Lee reported that the City currently uses an in-house system of billing for EMS calls. The current system faces numerous challenges which include changes in Medicare and the coding system utilized to describe injuries, diagnoses and treatment. The coding system change will increase the number of available codes from approximately 16,000 to over 150,000. These changes would result in increased training and hours for our billing process to remain compliant with standards. Lee stated that third party billing companies had been interviewed with the recommendation of contracting with Physicians Claims Company, Inc (PCS) as a third party billing company for the EMS billing. Lee reported that they will manage all aspects of the billing process, including sending statements, follow-up with insurance companies, report generation and phone customer service. Lee stated that the fee is 8% of net generated revenues and with this service there will be a reduction in part time hours, software maintenance costs along with postage and office supplies. Lee stated the proposed agreement is being reviewed by the City Attorney and would be for a two year period. Discussion followed.

245-12

Alderman Grayson moved approval of the third party ambulance billing services contract with PCC contingent upon approval of the final agreement by the City Attorney. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Declaration of Surplus Property - North 1/2 of the vacated alley adjacent to Lots 8, 9 and 10, Block 12, Van Meter's Addition to the City of Vermillion

Andy Colvin, Assistant to the City Manager, reported that the City had been contacted by Mackoff Kellogg Law Firm, on behalf of their client, seeking to obtain title to property owned by the City that is currently occupied by a house. The house is located at 713 W. Chestnut Street. Andy reported on the property location noting that the property in question is the north half of the vacated alley adjoining the Lots 8, 9 and 10 Block 12, Van Meter's Addition. Andy noted that, in order to sell the property, the city needs to declare the property surplus and have it appraised by the Surplus Property Committee. If the value is less than \$500, the City can sell the property to a private party without advertising. Discussion followed on the property, structure on the property, along with access to the property.

246-12