

2010 Legal and Public Notices

Outlot A of Bliss Pointe Addition to the City of Vermillion, Clay County, South Dakota

Jose Dominguez, City Engineer, reported on the location of the property being platted. Jose stated that the final plat will affect an area of roughly 28-acres in area, with the remaining area staying within Outlot A Bliss Pointe Addition. The plat will also provide for extending West Clark Street from Stanford Street to Kennedy Street. It will also dedicate the right-of-way for a portion of Cornell Street and two new roadways. The final plat will include six blocks for development. The plat will also include the dedication of the required utility and drainage easements. Jose stated that the plat was reviewed by the City's Planning Commission which recommended approval. Jose stated that the developer will be asked to sign an agreement/covenant to further detail the property owner's responsibilities over the drainage and easements. Jose recommended approval of the plat contingent upon the approval of the agreement/covenant with the VCDC later on the agenda. Discussion followed.

216-13

After reading the same once, Alderman Grayson moved approval of the following plat contingent upon the approval of the agreement/covenant with the VCDC later on the agenda:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Block 1-6, and Outlot A of Bliss Pointe Addition to the City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Ward. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. Resolution to create a Tax Incremental Financing District Six on Blocks 1- 6 of Bliss Pointe Addition

John Prescott, City Manager, reported that the Vermillion Area Chamber and Development Company has been going to great lengths to develop a solution for the shortage of affordable, single-family housing in the community. John noted that the VCDC purchased farmland from the Bliss family earlier this year that has been annexed into the city, platted as Tract 1 Bliss Third Addition and just approved was the platting of approximately 30 acres for development. To assist the VCDC with the development costs, it was proposed that the City create a tax incremental district. The Planning Commission held a public hearing and notice was sent to the School Board and County Commission as required by statute. The Planning Commission recommended approval of the creating of Tax Incremental District Number Six. John reviewed a map of the proposed district noting that, if approved, a tax incremental plan will be developed that details the project costs and timeline that will be presented to the Planning Commission for consideration before coming to the City Council. Discussion followed.

217-13

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

RESOLUTION CREATING CITY OF VERMILLION TAX INCREMENTAL DISTRICT NUMBER SIX

WHEREAS, on July 8, 2013, the Vermillion Planning Commission, in accordance with the requirements of SDCL 11-9-3, held a Public Hearing on the creation of a Tax Incremental District in a portion of Tract 1, Bliss Third Addition; and

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WHEREAS, on July 8, 2013, the Vermillion Planning Commission did adopt for recommendation a motion designating a tax incremental district defined by the following boundary:

Tract 1, or portion thereof (to be platted as Blocks 1-6, Bliss Pointe Addition), Bliss Third Addition to the City of Vermillion, Clay County, South Dakota; and

WHEREAS, the City Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined by in SDCL 11-9-9 through 11-9-11 or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and
- (2) The improvement of the area is likely to significantly enhance the value on all of the other real property in the district; and

WHEREAS, the City Council finds that the aggregate assessed value of the taxable property in this district plus all other existing districts does not exceed 10% of the total assessed value of the taxable property within the City of Vermillion, Clay County, South Dakota.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Vermillion, that Tax Incremental District Number Six is hereby created in the City of Vermillion, and that such

District boundary shall be designated as:

Blocks 1-6, Bliss Pointe Addition to the City of Vermillion, Clay County, South Dakota.

Dated at Vermillion, South Dakota this 15th day of July, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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

The motion was seconded by Alderman Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Resolution addressing Vermillion River Hike/Bike Trail Reconstruction

Jose Dominguez, City Engineer, reported that the construction of the hike/bike trail along the Vermillion River was completed in 2010. Jose stated that, within a year of construction being completed, erosion issues were noticed on the west end of the project (south of the West Street trail head). This area was carefully monitored by City staff for approximately 6 months at which point the area was closed due to safety concerns. Jose noted that around the same time as erosion issues were being noticed along the west end of the trail system, a couple of other sections were found to be affected by erosion issues. One of these is adjacent to the southeast corner of the property owned by Mrs. Betty M. Grause at 904 Broadway Street. The other section is at the intersection of the right-of-way of Austin Street and the Vermillion River. These two areas were regularly inspected, until they were also closed to the public in 2012 and 2013, respectively.

Jose reported that at the May 20, 2013 Council meeting a member of the public raised concerns about the condition of the hike/bike trail. The person was also concerned about the possibility that the trail might be rerouted away from the Vermillion River. Jose noted that as part of the June 3rd noon meeting staff provided a tour of the trail and at the June 17th noon meeting alternatives and the related costs were discussed.

Jose stated that, at this point, there are few things that we can do to stop the erosion issues without completing an extensive geotechnical survey of the river's bank. Additionally, the repairs for the area may be limited to two very expensive solutions. These are armoring the entire bank of the river or placing sheet pilings. Both of these options would have to be done along the river from West Street to the spur of the trail that goes north to the dog park. The cost for these options ranges from \$2,200,000 to \$3,300,000. Jose noted that, without additional information, it is estimated that these two options would extend

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the life of the trail, however, this does not mean that the improvements could not be eroded away with the next flood.

Jose stated that, due to the expense associated with the protection of the river's bank, it is recommended that the Council consider other options for the hike/bike trail along the Vermillion River. He recommended the following for the affected locations:

'West Section' - Abandon the hike/bike trail from this location east to the South Walnut Street right-of-way and construct an overlook above the bluff next to the river where the trail was abandoned.

'Middle Section' - Abandon the hike/bike trail completely west of this location, and also abandon it from this location east to the South Walnut Street right-of-way. Consider constructing a hike/bike trail north within the South Walnut Street right-of-way towards the east-west alley within Block 4 of Van Meter's Addition. The hike/bike trail would then go west along the alley until reaching the Morse Street right-of-way. At which point, the bike trail would go north up to Broadway Street. The hike/bike trail would terminate at Broadway Street until a hike/bike trail could be built along Broadway Street going west to the trail head at West Street.

'East Section' - Remove the portion of the hike/bike trail falling into the river and relocate the hike/bike trail within the platted streets adjoining Block 3 and Block 4 of original Vermillion.

Jose stated that the estimated costs for these options would be \$20,000; \$84,000 and \$38,000, respectively.

Jose reported that the information from the June 17th noon meeting was presented to the hike/bike committee involved with the original trail planning. Jose noted that some members of the Committee suggested gravel be placed where the trail has eroded but, after the meeting, staff reviewed the easements granted by the abutting property owners that require an eight-foot concrete path for the easement to remain valid.

Jose stated that the enclosed resolution was prepared to authorize the continued study of the west and middle sections and authorize the relocation of the east section. Discussion continued on the resolution including changing the resolution to include the study of other alternatives and to authorize staff to proceed with the east section.

218-13

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

RESOLUTION ADDRESSING THE VERMILLION RIVER HIKE/BIKE TRAIL RECONSTRUCTION IN THE CITY OF VERMILLION, SD

WHEREAS, the City of Vermillion currently has approximately 1.25-miles of hike/bike trail along the Vermillion River west of South Dakota Street; and

WHEREAS, the City of Vermillion sees the Vermillion River as an environmental asset that should be enjoyed by its citizens in a safe manner; and

WHEREAS, natural erosion is occurring through portions of the Vermillion River; and

WHEREAS, the erosion has caused portions of said hike/bike trail to become unsafe for citizens to enjoy the trail; and

WHEREAS, currently there are three sections that are closed to the public due to safety concerns from the effects of erosion, these sections being:

- 1. 'West Section' - area directly south of the west trail head located on West Street south of Broadway Street.
- 2. 'Middle Section' - area along the Vermillion River adjacent to the southeast corner of the property owned by Mrs. Betty M. Grause (904 Broadway Street).
- 3. 'East Section' - area along the Vermillion River located on the right-of-way of Austin Street.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes and directs City staff to remediate the above mentioned sections in a manner as to ensure the public's safety, maintain the public's enjoyment of the Vermillion River's area and to accomplish both of these items in a fiscally responsible manner.

BE IT FURTHER RESOLVED, that the following options, as well as other alternatives further deemed to be of merit, should be studied by City staff as possible solutions for the sections in question:

- 1. 'West Section' - Abandon the bike trail from this location east to the South Walnut Street right-of-way. Construct an over-

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look above bluff next to the river where the trail was abandoned.

2. 'Middle Section' - Abandon the bike trail completely west of this location, and also abandon it from this location east to the South Walnut Street right-of-way. Consider constructing a bike trail north within the South Walnut Street right-of-way towards the east-west alley within Block 4 of Van Meter's Addition. The bike trail would go west in the alley until reaching the Morse Street right-of-way. At which point the bike trail would turn north up to Broadway Street. The bike trail would terminate at Broadway Street until a bike trail could be built along Broadway Street going west to the trail head at West Street.

BE IT FURTHER RESOLVED, that the following option should be implemented by city staff:

'East Section' - Remove the portion of the bike trail falling into the river and relocate the bike trail within platted streets adjoining Block 3 and Block 4 of Original Vermillion.

Dated at Vermillion, South Dakota, this 15th day of July, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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

The motion was seconded by Alderman Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

E. Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Construction of Concrete Surfacing, Trails and Sidewalks on Stanford Street from West Main Street to West Cherry Street.

Jose Dominguez, City Engineer, reported on February 6, 2012, the City Council approved a Resolution Adopting the Resolution of Necessity for Construction of Concrete Surfacing, Trails, Sidewalks and Storm Sewer Improvements on Stanford Street from West Main Street to West Cherry Street in the City of Vermillion, SD. Jose stated that work has been completed and the final payment has been authorized and the special assessments were calculated and filed with the Finance Officer on July 9, 2013.

Jose noted that, per State statute, the City is required to hold a public hearing to allow the affected property owners to review and discuss any concerns regarding the assessed value. The property owners to be assessed will also be notified of the hearing by mail. The public hearing notice will be published in the Plain Talk. The resolution will set August 5th as the public hearing.

219-13

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL FOR THE CONSTRUCTION OF CONCRETE SURFACING, TRAILS, SIDEWALKS AND STORM SEWER ON STANFORD STREET FROM WEST MAIN STREET TO WEST CHERRY STREET IN THE CITY OF VERMILLION, SD

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 9th day of July, 2013, for the widening and construction of concrete surfacing, 8-foot trails, 5-foot sidewalks and storm sewer improvements in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement; and

WHEREAS, said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars; and

WHEREAS, said assessment roll shows as follows:

- 4. The name of the owner(s) of each lot to be assessed, as shown by the assessment rolls, of the Director of Equalization.
- 5. A description by lot, block and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of

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land as of the date of the adoption of the Resolution of Necessity for such improvement;

6. The amount assessed against each lot;

7. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment, or any installment thereof, may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;

8. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, BE IT RESOLVED, that Monday, the 5th day of August, 2013, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall mail a copy of this Resolution and Notice, by first-class mail, with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such improvement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 15th day of July, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Consideration of an Engineering services agreement with Banner Engineering for Waste Water Treatment Plant backup boiler project

Jason Anderson, Assistant City Engineer, reported that, at the July 1, 2013 City Council noon session, City staff presented the City Council with a request to put in motion a plan to install a backup boiler in the digester building of the Wastewater Treatment Plant. Jason noted that, due to the complexity and scope of the project, we will require the services of a professional engineering firm for project design and construction administration. Jason reported that, since the noon meeting presentation, the terms and responsibilities for the project as well as the cost for the engineering agreement have been set. The engineering agreement, included in the packet, includes all plan and specification development and bidding support for an amount not to exceed \$31,500. Jason stated that the agreement provides for the project to be designed and ready for bid by December 2013 with substantial completion in August, 2014. Jason recommended approval of the professional services agreement with Banner Associates. Discussion followed.

220-13

Alderman Zimmerman moved approval of the engineering agreement with Banner Associates for the wastewater digester building boiler project for an amount not to exceed \$31,500. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Request to close N. Plum Street from E. Cherry Street to SD Highway 50 on Friday, August 23, 2013 from 5:00 a.m. to 3:00 p.m. for USD Move-in Day

Jose Dominguez, City Engineer, reported a request was received

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from the University of South Dakota to close Plum Street to through traffic between Cherry Street and SD Hwy 50 on Friday, August 23, 2013 from 5:00 a.m. to 3:00 p.m. for move-in day. Jose reviewed the process used noting that closing the street to through traffic is due to safety concerns. Jose noted that Police, Fire and EMS are in agreement with the closing. Jose stated that USD has made contact with the adjoining property owners regarding the street closing.

221-13

Alderman Willson moved approval of the closing of Plum Street to through traffic from Cherry Street and SD Hwy 50 on Friday, August 23, 2013 from 5:00 a.m. to 3:00 p.m. for USD move-in day. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Planning Commission member appointment

Mayor Powell stated that there is a vacancy on the Planning Commission due to last month's resignation of Tom Reasoner whose term expires in 2017. Mayor Powell stated that individuals have completed the expression of interest form and that Council members have provided him with their recommendation to fill the vacancy. Mayor Powell reported the consensus of the council is the appointment of Richard Holland to fill the Planning Commission vacancy. Mayor Powell thanked all that had applied for the position.

222-13

Alderman Zimmerman moved approval of the appointment of Richard Holland to the Planning Commission to fill the remaining term of Tom Reasoner. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

I. Agreement and Covenants for Block 3 of Bliss Pointe Addition with the Vermillion Area Chamber of Commerce and Development Company

Jose Dominguez, City Engineer, reported that the agreement and covenants are to address the drainage issues being generated by the Bliss Pointe Development. He stated that the agreement applies to a 16 foot wide drainage easement in Block 3 and provides that the property owner is to maintain the easement but restricts the building or changing of the grade in the easement without the consent of the City. Discussion followed on the easement.

223-13

Alderman Davies moved approval of the Agreement and Covenants for Block 3 of Bliss Pointe Addition with the Vermillion Area Chamber of Commerce and Development Company as presented. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

J. Declaration of Surplus and sale of Police Car to the City of Alcester, South Dakota.

Jason Anderson, Assistant City Engineer, reported that the 2010 Ford Crown Victoria police car was budgeted for replacement in 2013 and the new car has been received. The used vehicle needs to be declared surplus and authorized for sale. Jason reported that the Police Department was contacted by the Mayor of the City of Alcester inquiring about their ability to acquire the surplus car as they are currently down a car. Jason stated that the State statute allows cities to transfer property upon terms and conditions as may be determined and agreed upon by the respective governing bodies. Jason stated that, as the new car was a Chevy Caprice, the existing car will be sold with light bar and cage included. Jason reported that in reviewing vehicle values, he felt that \$6,000 was the market value and the City of Alcester has agreed to that amount. Jason recommended the 2010 Ford Crown Victoria car be declared surplus and authorize the sale to the City of Alcester for \$6,000. Discussion followed.

224-13

Alderman Zimmerman moved approval of declaring the 2010 Ford Crown Victoria car as surplus and authorized the sale of the vehicle to the City of Alcester for \$6,000. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the second Thursdays on the Platz event is on July 25th and that a half block of Market Street south of Main Street will be closed for the event