

2010 Legal and Public Notices

At 11:13 a.m., Mockler moved, seconded by Packard and carried to adjourn and convene as Ditch Board.

Rod Polley, Highway Superintendent, presented an invoice from Pollman Excavation in the amount of \$21,369.36 for work completed on the Lateral 2A & 3A project. Powell moved, seconded by Kephart and carried to pay the invoice as presented.

At 11:18 a.m., Powell moved, seconded by Packard and carried to adjourn and reconvene as Board of County Commissioners.

At 11:19 a.m., Mockler moved, seconded by Packard and carried to commence an Executive Session regarding Economic Development matters.

At 11:27 a.m., Powell moved, seconded by Kephart and carried to cease Executive Session.

At 11:28 a.m., Powell moved, seconded by Kephart and carried to adjourn and reconvene Tuesday, June 24, 2014 at 9:00 a.m.

Raymond Passick, Chairman
Board of County Commissioners

ATTEST:

Carri R. Crum, County Auditor

Published once at the total approximate cost of \$93.39. Publish: June 27, 2014.

MINUTES OF THE VERMILLION SCHOOL BOARD
Special Meeting
Unapproved Minutes

June 20, 2014

VERMILLION PUBLIC SCHOOLS

Board members present: Esping, Fairholm, Lavin, Stammer.

Board members absent and excused: Schwasinger.

Presiding officer present: Esping-president.

Officer present:
Beermann-business manager.

Administrators present:
Froke-superintendent.

Item #1-2014

Motion by Stammer, seconded by Lavin, to go into executive session at 9:00 a.m. for negotiations matters.
Aye: Unanimous.

Item #2-2014

Esping declared the board out of executive session at 10:55 a.m.

Item #3-2014

Motion by Fairholm, seconded by Lavin, to adjourn the meeting at 10:56 a.m.
Aye: Unanimous.

Chris Esping
President

Sheila R. Beermann
Business Manager

Published once at the total approximate cost of \$16.98. Publish: June 27, 2014 .

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF
MONICA M. BALLARD,
Deceased.

PRO. 14-14

NOTICE TO CREDITORS AND NOTICE OF INFORMAL PROBATE AND APPOINTMENT OF PERSONAL REPRESENTATIVE

Notice is given that on the 16th day of June, 2014, Jerome Lee Ballard, whose address is 136 Del Mar Drive, Jefferson City, MO 65109, was appointed as personal representative of the estate of Monica M. Ballard.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

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Claims may be filed with the personal representative or may be filed with the clerk of courts, and a copy of the claim mailed to the personal representative.

Dated this 16th day of June, 2014.

Jerome Lee Ballard
136 Del Mar Drive
Jefferson City, MO 65109

Clerk of Courts
211 West Main Street
Vermillion, SD 57069
Ph: (605)677-6755

James E. McCulloch
Attorney at Law
P.O. Box 335
Vermillion, SD 57069
Ph: (605)624-4262

Published three times at the total approximate cost of \$59.80 Publish: June 20 & 27 & July 3, 2014.

STATE OF SOUTH DAKOTA COUNTY OF CLAY: SS

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF
VIRGINIA M. THOMPSON,

Deceased.

PRO. 14-11

NOTICE TO CREDITORS AND NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

NOTICE is given that on the 9th day of June, 2014, Mary Andersen, 2386 NW 87th Ave., Ankeny, Iowa 50023, was appointed as Personal Representative of the Estate of Virginia M. Thompson.

Creditors of decedent must file their claims within four (4) months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the Personal Representative or may be filed with the Clerk, and a copy of the claim mailed to the Personal Representative.

Dated this 9th day of June, 2014.

Mary Andersen
2386 NW 87th Ave.
Ankeny, IA 50023

Jessica Bosse
Clay County Clerk of Courts
P.O. Box 377
Vermillion, SD 57069

Michael J. McGill
Attorney for the Estate
P.O. Box 32
Beresford, SD 57004
(605)763-2057

Published three times at the total approximate cost of \$59.80 Publish: June 13, 20, & 27, 2014.

Unapproved Minutes Council Special Session

June 16, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 16, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

2. Informational Session - 2014 Community Survey Presentation - Andy Colvin

Andy Colvin, Assistant to the City Manager, reported that the Planning Commission is currently in the process of updating and revising the Comprehensive Plan. Andy noted that the Planning Commission conducted a community survey to obtain community input to assist with the update process. Andy reviewed the results of the community survey and answered questions of the City Council on the survey. Andy noted that the surveys were sent to over 300 residents with over 100 responding. Andy also updated the City Council on the Planning Commission's steps to date on the Comprehensive Plan update with a goal to have it completed by fall 2014.

3. Briefing on the June 16, 2014 City Council Regular Meeting

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

5. Adjourn

196-14

Alderman Osborne moved to adjourn the Council special session at 12:19 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of June, 2014.

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
June 16, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, June 16, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Meins, Osborne, Willson, Zimmerman, Mayor Powell, Student Representative Zoss

Absent: Grayson, Ward

2. Pledge of Allegiance

3. Minutes

A. Minutes of June 2, 2014 Special Session; June 2, 2014 Regular Session; June 6, 2014 Special Session

197-14

Alderman Meins moved approval of the June 2, 2014 Special Session, June 2, 2014 Regular Session and June 6, 2014 Special Session minutes with the vote correction in the June 2 regular session minutes to motion 192-14 from 9 to 0 to 8 to 0. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

198-14

Alderman Willson moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation of Appreciation

Mayor Powell read the proclamation of appreciation for Mike Carlson, Finance Officer, for his twenty-five years of service as Finance Officer to the City. Mayor Powell presented the proclamation and plaque to Mike Carlson. Mike thanked the Mayor and City Council along with all City employees for their assistance over the years.

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m. for the Vermillion Fire Department Community Day in the Park event that will include a band.

Mike Carlson, Finance Officer, reported that an application was received for a special permit to exceed the permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4th for a band as part of the Vermillion Fire Department Community Day in the Park event. Mike stated that the request is from 3:00 p.m. to 9:00 p.m. The Fire Department is inviting the community to the events they have planned from 4:00 p.m. until the fireworks in the evening. Mike reported that the diagram and notice of hearing are included in the packet. Mike recommended approval of the special permit.

199-14

Alderman Zimmerman moved approval of the special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m. for the Vermillion Fire Department Community Day in the Park event that will include a band. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

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B. Integrated Resource Plan (IRP) for Vermillion Light and Power

Jason Anderson, Assistant City Engineer, reported that Western Area Power Administration (WAPA) customers must comply with the requirements of the Energy Planning and Management Program (EPAMP) to meet the objectives of Section 114 of the Energy Policy Act of 1992. Jason noted that the Energy Policy Act was created to promote clean energy use and improve energy efficiency. Jason stated that every five years the City is required to approve a resolution adopting the Integrated Resource Plan (IRP). Jason noted that Missouri River Energy Services (MRES) is the City's supplemental power supplier and is an integral part of providing electrical service in Vermillion. Jason stated that the IRP is a joint document between MRES and the City. MRES prepares the bulk of the IRP document for Vermillion as well as other members covered by the act. Jason reported that the IRP provides information to WAPA on how we intend to serve our future load and that we are planning for the future and includes information on how MRES will keep rates competitive, maintain reliability and minimize adverse environmental impacts. Jason noted that it also includes information on methods for forecasting load growth, the current and future generation resources, and needs for future capacity. Jason stated that Vermillion's electric rate structure and power purchase history is also reviewed in the IRP. Jason recommended adoption of the resolution included in the packet.

200-14

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

RESOLUTION ADOPTING INTEGRATED RESOURCE PLAN FOR SUBMITTAL TO WESTERN AREA POWER ADMINISTRATION

WHEREAS, the City of Vermillion purchases a significant portion of its power supply from the Western Area Power Administration (Western); and

WHEREAS, Western has published its Energy Planning and Management Program Rules specifying the requirements for preparing and filing of an Integrated Resource Plan (IRP); and

WHEREAS, the City of Vermillion with assistance from our supplemental power supplier Missouri River Energy Services has prepared an IRP Summary Report describing the IRP process used and the information and assumptions used to develop the IRP; and

WHEREAS, utility customers were informed of our IRP and resulting Action Plans through various means including a public meeting where public questions and comments were encouraged; and

WHEREAS, any public comments received have been addressed in order to strengthen the City's Integrated Resource Plan; and

WHEREAS, the IRP Summary Report includes 5-year and 2-year action plans outlining actions to be taken by the municipal utility during the next several years.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota as follows:

That the "Integrated Resource Plan Summary Report For the City of Vermillion" dated September 2014 shall be approved for filing with Western under the Energy Planning and Management Program.

Dated at Vermillion, South Dakota this 16th day of June, 2014.

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 Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

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7. Old Business - None

8. New Business

A. City Employee Personnel Manual

Andy Colvin, Assistant to the City Manager, stated that the report from the Labor and Finance Committee was presented at last meeting on the personnel manual. Andy stated that the current personnel manual is in need of updating to be compliant with federal and state laws. Andy noted that the manual, as presented, will not conflict with the current union agreements and makes no changes to wages or benefits. Andy noted that the manual has been reviewed by the City Attorney. Andy stated that the Labor and Finance Committee recommended adoption of the personnel manual. Andy requested the effective date of August 1, 2014 to allow time to provide a copy to all City employees. Discussion followed.

201-14

Alderman Zimmerman moved approval of the adoption of the Personnel Manual & Employee Policy Handbook as presented to become effective August 1, 2014. Alderman Osborne seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

B. Vermillion Housing Authority Board appointment

Mayor Powell reported that Cindy Benzel's current term on the Vermillion Housing Authority will be expiring at the end of June. The opening was posted and two individuals have expressed interest in the position. Mayor Powell recommended the reappointment of Cindy Benzel to a five year term on the Vermillion Housing Authority.

202-14

Alderman Osborne moved approval of the Mayor's recommendation of the appointment of Cindy Benzel to a five year term on the Vermillion Housing Authority Board. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

C. Resolution authorizing the Prepayment of Special Assessment Bonds

Mike Carlson, Finance Officer, reported that the City issues special assessment bonds to pay for the improvements that are assessed as a benefit to the adjoining property for curb and gutter, street paving, street lights, water and sanitary sewer mains. Mike stated that, after the project is completed, a special assessment bond is prepared that is sold to the Electric Utility fund as an inter fund loan. Mike reported that with the internal loan, there are no bond issuance fees that would need to be passed along as costs of the project to the benefiting property owners. The bond resolution provides that all payments are to be restricted until the bond has been repaid. The special assessment bonds are issued to the City Electric Utility by the City and provide that they may be prepaid upon notice to the bond holder which is the City. The special assessment amounts are filed with the County Treasurer and the annual principal and interest payment is included on the property tax statements. The payments made with the property taxes are collected by the County and remitted to the City. Mike stated that special assessments can be prepaid with interest to the City as long as the payments to the County are current. Due to the amount of prepayments by property owners, it is in the best interest of the debt service fund to repay the electric utility to avoid future interest costs.

Mike stated that a resolution has been prepared to serve as the notice and lists the amounts to be prepaid on the individual bonds by the debt service fund, water utility and wastewater utility. Discussion followed.

203-14

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

RESOLUTION AUTHORIZING THE PREPAYMENT OF SPECIAL ASSESSMENT BONDS

WHEREAS, the City of Vermillion has issued special assessment bonds to finance the curb and gutter, street pavement, water and sewer main improvements, that were authorized by resolutions of necessity adopted by the City Council; and

WHEREAS, these special assessment bonds were purchased by the Electric Utility fund as an investment of electric utility reserve funds, accounted for as an

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interfund loan; and

WHEREAS, the bonds provide for annual payments of principal and interest from the special assessment debt service fund, water utility fund and wastewater utility fund, to the electric utility fund; and

WHEREAS, the bond resolution provide that all or a portion of the individual bonds may be called without penalty upon notice; and

WHEREAS, the special assessment bonds were secured by a assessment levied against the parcels of property benefiting from the improvement to be repaid in annual assessments with the property taxes or may be prepaid at any time; and

WHEREAS, the special assessment debt service fund, water utility and wastewater utility fund have received prepayment funds that are restricted for the payment of the outstanding bonds and as such, elects to exercise the option to call this portion of the individual special assessment bonds that are currently outstanding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes to exercise the option to call the following portions of the special assessment bonds in the amounts stated on July 1, 2014:

2005 Special Assessment Bond	\$4,183.64
2006 Special Assessment Bond	\$58,012.19
2008 Special Assessment Bond	\$9,778.26
2010 Special Assessment Bond	\$10,045.89
2013 Special Assessment Bond	\$13,370.59

BE IT FURTHER RESOLVED, that the City Council authorizes the Finance Officer to make the advance bond payments, as authorized, from and to the respective city funds effective July 1, 2014.

Dated in Vermillion, South Dakota this 16th day of June, 2014.

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. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Fireworks public display permit on June 17, 2014 for a University of South Dakota groundbreaking

Mike Carlson, Finance Officer, reported an application for a fireworks public display permit was received from James Taylor on behalf of the University of South Dakota for a public display on June 17, 2014 between 1:45 p.m. and 2:00 p.m. at the ground breaking ceremony by the Dakota Dome. Mike stated that the application, Fire Chief's report and diagram are included in the packet.

204-14

Alderman Willson moved approval of the fireworks public display permit for James Taylor on behalf of University of South Dakota on June 17th between 1:45 p.m. and 2:00 p.m. north of the Dakota Dome. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the Clay County Historic Preservation Commission (CCHPC) is having an informational meeting for property owners and the public, Thursday, June 19th at 7:00 p.m. at the UCC Church, 226 E. Main Street.

B. John reported that an orientation session for new City Council members is being planned with tentative dates of