

**2010 Legal and Public Notices**

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

Alderman Collier-Wise requested to leave at 12:55 p.m.

**4. Adjourn**

**073-13**

Alderman Zimmerman moved to adjourn the Council special session at 1:01 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of March, 2013.

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  
March 18, 2013  
Monday 7:00 p.m.**

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 18, 2013 at 7:00 p.m. by Mayor Powell.

**1. Roll Call**

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

**2. Pledge of Allegiance**

**3. Minutes**

A. March 4, 2013 Special Session; March 4, 2013 Regular Session; March 5, 2013 Special Session

**074-13**

Alderman Willson moved approval of the March 4, 2013 special session minutes, March 4, 2013 regular session minutes and the March 5, 2013 special session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

**4. Adoption of Agenda**

**075-13**

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

**5. Visitors to be Heard - None**

**6. Public Hearings**

A. First Reading of Ordinance 1298 - Amending Section 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units

Andy Colvin, Assistant to the City Manager, reported that Mr. Hertz, owner and developer of the Countryside Planned Development District, has requested to include multi-family dwellings in Area B within the district. The Planning Commission considered the amendment on March 11, 2013 at which time they recommended approval of the change but would limit structure height to 35 feet with the lot and yard regulations similar to the R-3 residential district. Andy provided a map of the area. Discussion followed on the amendment to the Countryside Planned Development District.

**076-13**

Mayor Powell read the title to the above mentioned Ordinance and Alderman Grayson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1298 entitled An Ordinance Amending Section 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of March, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion,

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the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

**7. Old Business - None**

**8. New Business**

A. First Reading of Ordinance 1297 - Amending Chapter 79, General Traffic and Parking Regulations of the 2008 Revised Ordinances of the City of Vermillion, adding Section 70.057, prohibiting the use of electronic communication devices while operating a motor vehicle

John Prescott, City Manager, reported that in January a City Council member suggested having an educational session on texting while driving. The session was scheduled for March as the State Legislature was considering a ban on texting while driving. John stated that the State Legislature has passed a ban on texting and driving for holders of instruction permits and restricted minor's permits. John noted that Huron, Brookings, Watertown and Sioux Falls have implemented ordinances that ban texting and other behavior pertaining to distracted driving. John stated that the City Council held an educational session on March 4, 2013 when Police Chief Matt Betzen presented information on the impact a ban would have on the community from an enforcement perspective, including a review of other South Dakota Cities ordinances. John reviewed the proposed Ordinance No. 1297 noting that it does not include the use of global positioning or navigation systems, or voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communication device without the direct initiation by a person and an exception for use if a person's life or safety is in immediate danger or in an emergency vehicle while in the performance of official duty. John stated that such an ordinance sends a positive message about the community. Discussion followed with Jim McCulloch, City Attorney, reporting that this would be a primary violation and based upon the current fee schedule for traffic violations the fine would be \$114 but the City Council could set a fee for this violation. Discussion followed on the definitions included in the State law and if they should be the same as the proposed ordinance.

**077-13**

Mayor Powell read the title to the above mentioned Ordinance and Alderman Osborne moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1297 entitled An Ordinance Amending Chapter 70 General Traffic and Parking Regulations, adding Sections 70.057 through 70.059 of the Revised Ordinances of the City of Vermillion, South Dakota to prohibit texting while operating or in physical control of a motor vehicle has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of March, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Grayson. Discussion followed on the ordinance and questioned if a definition is needed for when the vehicle is in motion or a part of traffic. The question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. Request to name portions of the Edith B. Siegrist Vermillion Public Library

John Prescott, City Manager, reported that the Vermillion Public Library Foundation was conducting their fundraising for the library furnishings prior to the City Council adopting the naming policy and as such had discussed naming certain portions of the building. The Library Foundation has requested the following proposed names for recognition in the Library:

- Children's Area - Elaine E. Meyer**
- Fireplace - Judy and Jon Flanagan**
- Technology Center - 1st Bank and Trust of Vermillion**

The absence of a naming policy allowed the Library Foundation to raise funds and agree to terms with donors that otherwise would not be allowed today.

The naming policy also states that the City facility has the full authority to name, rename or remove a name from a City facility, room, or a public space as they determine to be in the best interest of the community. John recommended adopting the names as

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presented as it will allow time so the appropriate signage can be ordered.

**078-13**

Alderman Willson moved approval of the names as presented for portions of the Edith B. Siegrist Vermillion Public Library as requested by the Library Foundation. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Appointment to the Consolidated Board of Equalization

Mike Carlson, Finance Officer, reported that, as part of the Consolidated Board of Equalization agreement between the County, City and School, the City needs to appoint three members to serve on the Consolidated Board of Equalization that will meet April 9th and, if needed, another day later in April or early May. The appointment should include that the remaining Council members will serve as alternates if one of the members is unable to serve. Discussion followed.

**079-12**

Alderman Osborne moved approval of the appointment of Alderman Grayson, Osborne and Zimmerman to serve as the City representatives on the Consolidated Board of Equalization with the remaining members to serve as alternates. Alderman Grayson seconded the motion. Motion carried 9 to 0. Council Mayor Powell declared the motion

D. Resolution Dissolving Tax Increment District Number Three

Mike Carlson, Finance Officer, reported that Tax Increment District Number Three was created in May 1996 to provide funding for infrastructure improvements in the Erickson Business Park financed by a tax increment bond of \$1,500,000. The pledge for the bond was the tax increment and, if that was not sufficient, electric fund revenue. The bond was retired in 2011 but during the life of the bond the electric fund advanced \$246,417. During 2012, the advance was reduced by \$138,023 leaving a balance of \$108,394 at the beginning of 2013. The levy to be collected in 2013 is \$151,912 which is sufficient to repay the electric fund and the balance returned to the other taxing entities. Mike stated that the State statute requires a resolution to dissolve the district.

**080-12**

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

**RESOLUTION DISSOLVING TAX INCREMENTAL DISTRICT NUMBER THREE**

WHEREAS, on May 6, 1996 the Vermillion City Council by Resolution created Tax Incremental District Number Three; and

WHEREAS, tax incremental district number three consisted of all lots in Blocks 3, 4, 6 & 7 in the Erickson Addition all in Clay County, South Dakota, and

WHEREAS, on June 3, 1996 the Vermillion City Council adopted the project plan for the tax incremental district number three that provided for street and utility extensions in the district and authorized the issuance of tax incremental bonds to finance the improvements, and

WHEREAS, to facilitate the issuance of the Tax Incremental Revenue Bonds the City Council pledged Electric Enterprise Funds should a deficiency exist in the tax increment receipts needed to repay the Series 1996A bonds that over the life of the bond issue advanced \$246,417, to be repaid from the next tax increment collections after the retirement of the Series 1996A bond, and;

WHEREAS, the City issued Tax Incremental Revenue Bond Series 1996A dated September 1, 1996 that were repaid July 1, 2011 and in 2012, \$138,023 was repaid to the electric fund, and

WHEREAS, the 2012 taxes levied for collection in 2013 for tax incremental district number three was \$151,912 which will repay the remaining balance owed to the electric fund thus liquidating all the debts of the district.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Vermillion that Tax Incremental District Number Three is hereby dissolved following the collection of the 2012 taxes payable in 2013.

BE IT FURTHER RESOLVED, that following the collection of the 2012 taxes payable in 2013 the City Council of the City of Vermillion authorizes the disbursement of any remaining funds in the district as provided in SDCL 11-9-45.

Dated at Vermillion, South Dakota this 18th day of March, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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

The motion was seconded by Alderman Zimmerman. 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.

**9. Bid Openings - None**

**10. City Manager's Report**

A. John wanted to remind citizens that as part of the USD Dance Marathon being held at the high school on March 23rd there will be a fireworks display south of the building scheduled for between 9:45 p.m. and 10:15 pm.

B. John reported that the Municipal League District 3 meeting is in Dell Rapids on Wednesday, March 27th and, if Council members are interested, to please let a staff member know so that we can get the registration complete.

C. John reported that the library will be closed from Monday, March 25th through April 6th to allow the contractor to complete their work and City crews to move the stacks to their designated location. The newly renovated and expanded library will open on Monday, April 8th.

D. Upon request, John reported on the announcement of Eagle Creek Software Services creating new jobs in the community. John noted that the VCDC, State, University and the City have been working together for quite some time to bring this expansion to the community. John stated that the VCDC will be building the office building to lease to Eagle Creek.

**PAYROLL ADDITIONS AND CHANGES**

Police: Jessica Wade \$18.08/hr;  
Street: Cody O'Neill \$8.75/hr,  
Duane Fulk \$15.76/hr; Ambulance: Jordyn Larson \$8.00/call-\$6.00/1st-\$6.00/2nd, Tara Rohan \$8.00/call-\$6.00/1st-\$6.00/2nd, Abby Wolf \$8.00/call-\$6.00/1st-\$6.00/2nd; Water: Shane Griese \$16.86/hr; Wastewater: Mike Heine \$18.65/hr; Volunteer Fire: Meghan Denis, Tony Rydstrom, Scott Martinson, Matthew Moore

**11. Invoices Payable**

**081-13**  
Alderman Davies moved approval of the following bills:

ARCHITECTURE INC. PROFESSIONAL SERVICES 2,741.00  
BROADCASTER PRESS ADVERTISING 2,684.28  
BUREAU OF ADMINISTRATION TELEPHONE 258.90  
CANON FINANCIAL SERVICES COPIER LEASE 196.27  
CENTURYLINK TELEPHONE 1,485.99  
CLAY-UNION ELECTRIC CORP ELECTRICITY 925.15  
DEPT. ENVIRONMENT NATL RES LANDFILL OPERATIONS FEE 2,357.53  
DGR ENGINEERING PROFESSIONAL SERVICES 5,150.00  
DIVISION OF MOTOR VEHICLE LICENSE PLATE 4.00  
FOREMAN MEDIA COMPANY MTG 50.00  
GREGG PETERS MANAGERS FEE 5,375.00  
KNOLOGY DIALUP SERVICE 49.95  
LOREN FISCHER DISPOSAL HAUL CARDBOARD 140.00  
MATHESON TRI-GAS, INC SUPPLIES 238.33  
MIDAMERICAN GAS USAGE 8,315.89  
MIDCONTINENT COMMUNICATION CABLE/INTERNET SERVICE 170.21  
PCC, INC AMBULANCE FEE 2,150.42  
QUILL SUPPLIES 45.88  
RESERVE ACCOUNT POSTAGE FOR METER 500.00  
SD ENGINEERING SOCIETY REGISTRATION 130.00  
SD MUNICIPAL LEAGUE REGISTRATION 80.00  
SPRINT CELL PHONE 1,281.55  
STERN OIL CO. FUEL 15,393.24  
UNITED PARCEL SERVICE SHIPPING 19.99  
US POSTMASTER POSTAGE FOR UTILITY BILLS 950.00  
VISA/FIRST BANK & TRUST FUEL/SUPPLIES 194.53  
BINH LUU BRIGHT ENERGY REBATE 50.00  
GARY RASMUSSEN BRIGHT ENERGY REBATE 175.00  
BOB LUND BRIGHT ENERGY REBATE 275.00

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Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

**12. Consensus Agenda**

A. Set a bid opening date of April 10, 2013 for the Street Department pickup truck

**082-13**

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

**13. Adjourn**

**083-13**

Alderman Osborne moved to adjourn the Council Meeting at 7:49 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of March, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

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

Published once at the approximate cost of \$225.92.  
**Published: March 29, 2013**

**From Page 06**

CorTrust Bank	2216
High Scr Game-Men	Score
Zach Harer	246
Justin Ebsen	236
Michael Brunick	213
High Scr Series-Men	Score
Zach Harer	579
Justin Ebsen	559
Dave Brunick	553
High Hcp Game-Men	Score
Zach Harer	293
Justin Ebsen	268
Michael Brunick	258
High Hcp Series-Men	Score
Harlan Henke	731
Zach Harer	720
Kevin Myron	688

**Ladies Bowling League Feb. 26, 2013**

Teams	Won	Lost
Aramark	243.5	141.5
Dakota Realty	222.0	167.0
Flannery's	189.0	201.0
Team BK	185.5	202.5
Whimps	173.0	214.5
High Scr Game-Team	Score	
Aramark	603	
Flannery's	588	
High Scr Series-Team	Score	
Aramark	1752	
Whimps	1636	
High Scr Game-Women	Score	
Sandy Marker	180	
Dawna Andersen	174	
High Scr Series-Women	Score	
Sandy Marker	512	
Dawna Andersen	474	
High Hcp Game-Women	Score	
Dawna Andersen	224	
Jessica Hirsch	219	
High Hcp Series-Women	Score	
Dawna Andersen	624	
Jessica Hirsch	623	

**Doc: Wheelchair discrimination**

By Richard P. Holm MD

Several weeks ago I had the honor of helping a close friend of mine, who sometimes requires a wheelchair, to tour around a historic town viewing the wonderful sites, and enjoying museums of art and of history.

It was an enlightening experience for me. Prior to this, I had been only vaguely aware of how public bathrooms had changed to make one stall wider, and how curbs had been cut down, which I had noticed made it is easier for kids on tricycles.

Pushing him around in a wheelchair, I noted every curb with and without a disability entrance. I noticed every building with steps and no elevator. I noticed every home that had no way for a wheelchair bound person to easily enter.

Too often the doors were very narrow, the hallways unmaneuverable, the sidewalks too cracked or bumpy.

More than once we were stopped dead in our tracks as the wheels caught in crack or rut, which would just about thrust my friend out of the wheelchair, and onto the ground.

Up to this time I truly hadn't recognized the extent that we, as

a society, discriminate against people with mobility problems.

Before this, I was dimly aware of the Americans With Disabilities Act, and I remember how business people complained, as they felt burdened with this law.

Now I more fully realize its value. The law expects public places to make services accessible to those who are disabled by mobility, hearing, sight, or whatever and requires it if federal money is involved.

Think about it, you and I are just one small accident away from paralysis, or a viral infection away from deafness, or a blood sugar away from being blind. Able or disabled, we need to make our world more accessible.

*Dr. Rick Holm wrote this Prairie Doc Perspective for "On Call," a weekly program where medical professionals discuss health concerns for the general public. "On Call" is produced by the Healing Words Foundation in association with the South Dakota State University Journalism Department. "On Call" airs Thursdays on South Dakota Public Broadcasting-Television at 7 p.m. Central, 6 p.m. Mountain. Visit us at OnCallTelevision.com.*

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