

# 14 Vermillion Plain Talk

## 2010 Legal and Public Notices

ing the projections on the revenue to be generated.

90-14

Mayor Powell read the title to the above mentioned Ordinance and Alderman Grayson moved adoption of the following Resolution with the fee to be set at \$2.00 per night:

First Reading Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1312 entitled An Ordinance creating a Business Improvement District, assessing a General Occupation Tax on Hotel, Motel and Lodging establishments let for overnight occupancy, and adding Title XI Business Regulations, Chapter 120 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 17th day of March, 2014 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, Mayor Powell stated that he could not support the motion as it was his understanding in the meeting with the hotel owners that the fee would start at \$1.00 to be reviewed in a year to eighteen months. Additional discussion followed.

Alderman Grayson called for the question to end debate. The motion to end debate carried 9 to 0.

Mayor Powell put the question of adoption of the Resolution to a vote of the Governing Body and 7 members voted in favor of and 2 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

E. Resolution Establishing Fees for Water and Sewer Taps and Street Cuts

Jason Anderson, Assistant City Engineer, reported that City staff periodically conducts a review of costs for water taps, sewer taps and street cuts. The resolution is to adjust the fees for these services to reflect the current cost to the City for providing these services. Jason noted that the old rates were included in the packet. Jason recommended adoption of the resolution. Discussion followed.

91-14

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

RESOLUTION ESTABLISHING FEES FOR WATER AND SEWER TAPS AND STREET CUTS

WHEREAS, Sec. 25-51(e), Sec. 25-19(b) and Sec. 22-34 of the 1975 Revised Ordinances of the City of Vermillion allows the City Council to establish and change water tapping fees, sewer tapping fees and fees to cut and repair pavements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of March, 2014 that fees be established or changed as follows:

WATER (Add excise tax to all fees)

Water Tapping Fee for 1" far side service shall be:

\$1,090.00 plus \$165.00 for ¾" meter

Water Tapping Fee for 1" near side service shall be:

\$530.00 plus \$165.00 for ¾" meter

Water Tapping Fee for over 1" service shall be charged for time and materials plus 20%, plus the cost of the meter required.

SEWER (Add excise tax to all fees)

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Sewer Tapping Fee for 4" or 6" service to clay or PVC sewer shall be \$250.00

STREET (Add excise tax to all fees)

Minimum Charge	Fixed Cost	Unit Cost
Sawing Asphalt \$10.00/LF		\$65.00
Sawing Concrete \$10.00/LF		\$65.00
Cutting Asphalt with Colter \$130.00	\$5.00/LF	
Patching Preparation \$15.00/SY	\$255.00	
Asphalt Placement \$11.00/SY/IN		\$145.00
		\$270.00

BE IT FURTHER RESOLVED, that the effective date of the above listed fees is April 17, 2014 and that said fees shall be collected before work is done. If pavement patching quantities cannot be accurately determined before the cut is made, this fee shall be computed and billed after quantities are determined.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

FOR 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. 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 8th and, if needed, another day later in April. The appointment should include that the remaining Council members will serve as alternates if one of the members is unable to serve. Discussion followed with Alderman Zimmerman, Ward and Osborne volunteering to serve.

92-14

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

G. Fireworks Permit for USD Dance Marathon April 5th at the Vermillion high school

Mike Carlson, Finance Officer, reported that a fireworks public display permit was received from Jim Taylor for a public display on April 5, 2014 south of the high school at 8:00 p.m. for the USD Dance Marathon. Mike noted that Jim Taylor has not met with the Fire Chief on this request but that displays have been conducted at this location in the past. Mike stated that if the permit is approved it will need to be contingent upon the Fire Chief's approval of the site. Mike stated that Sean McCann representing USD Dance Marathon is present if there are any questions.

93-14

Alderman Zimmerman moved approval of the fireworks public display permit for the USD Dance

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Marathon on April 5, 2014 south of the high school at 8:00 p.m. contingent upon the Fire Chief's site approval. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Resolution Authorizing the Purchase of a Police SUV

Jason Anderson, Assistant City Engineer, reported that the 2014 Equipment Replacement Fund includes the replacement of the 2003 Ford Expedition used by the Police Department. Jason stated that the State of South Dakota on February 27, 2014 provided a state contract price for a Chevy Tahoe Police SSV of \$30,015 through Beck Motors of Pierre. Jason stated that the budget was \$32,000 for the replacement. Jason noted that staff would recommend adding the locking differential and post mount spotlight for \$1,045 for a total of \$31,060. Jason recommended adoption of the resolution authorizing the purchase. Discussion followed.

94-14

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

RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE VEHICLE

WHEREAS, SDCL 5-18-18 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the 2014 bid awarded by the State of South Dakota for a Chevrolet Tahoe police vehicle from Beck Motors of Pierre, South Dakota for the base bid of \$30,015 plus additional options in the amount of \$1,045, for a total cost of \$31,060, offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Beck Motors and they have agreed to allow the City to purchase the police vehicle for the awarded price and terms as they have contracted with the State of South Dakota as of February 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a 2014 Chevrolet Tahoe police package vehicle from Beck Motors of Pierre, South Dakota at the above stated price and under the same terms as the annual State of South Dakota vehicles bid.

Dated at Vermillion, South Dakota this 17th day of March, 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 Collier-Wise. 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.

I. Resolution Authorizing the Purchase of a Light & Power Department Vacuum Excavator

Jason Anderson, Assistant City Engineer, reported that the 2014 Equipment Replacement Fund included the replacement of the 2003 Ringomatic vacuum excavator used by the Electric Department.

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Jason reported that the National Joint Purchasing Alliance has a contract with Vermeer Corporation that Vermeer High Plains of Tea, SD will honor for the purchase. Jason stated that the total purchase price for a 2014 Vermeer vacuum excavator with accessories is \$52,306. Jason noted that the equipment replacement fund had a budget of \$47,400 with salvage on the old machine of \$10,000 for a net cost of \$37,400 and the new machine has a higher purchase but the salvage estimate from the dealer was \$15,000 bringing the net purchase to \$37,306. Jason recommended adoption of the resolution authorizing the purchase. Discussion followed

95-14

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

RESOLUTION AUTHORIZING THE PURCHASE OF A LIGHT & POWER DEPARTMENT VACUUM EXCAVATOR

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the National Joint Powers Alliance for a vacuum excavator from the Vermeer Corporation's participating distributor, Vermeer High Plains, for the total amount of \$52,306.00 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Vermeer High Plains and they have agreed to allow the City to purchase a vacuum excavator for the contract price and terms as awarded by the NJPA Contract #070313.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a new 2014 Vermeer V500LE-HD from Vermeer High Plains of Tea, South Dakota at the above stated price and under the same terms as NJPA Contract #070313.

Dated at Vermillion, South Dakota this 17th day of March, 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. 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 reported that the Paint South Dakota program is offering an opportunity for 25 communities to participate in Paint South Dakota. A volunteer group is needed to organize the equipment and paint the house. Paint and supplies are provided. The home must be a single family, owner-occupied residence in need of paint where the owner is physically or financially unable to paint their house. Applications are due by April 9th with the painting to take place in June. John asked interested parties to contact city hall for additional

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information.

B. John noted that the City sent out a survey to just over 300 randomly selected residents the first week of March as part of the Planning Commission public information gathering process for the Comprehensive Plan. John asked those that received a survey to please complete and return by March 31, 2014.

C. John reported that there will be a Planning Commission vacancy starting in mid-April. John stated that interested individuals are asked to complete an Expression of Interest form by noon on Thursday, April 17th with the Council making an appointment at the April 21st meeting. This particular term expires in July 2015.

D. John reported that there will be Stakeholder meetings for input on the 2035 Comprehensive Plan. John stated that the process to update the Comprehensive plan began last September. He reported that the meetings will be focusing primarily on land uses. The Comprehensive Plan will provide a long-term vision for the community and the steps that need to be taken in order to accomplish that vision. Different focus groups have different targeted invitees but all are open to the public. The Monday, March 24th meeting will focus on landowners, real estate agencies, property managers and the Vermillion Chamber of Commerce and Development Company. The meeting time is 5:30 p.m. at Vermillion City Hall.

E. John reported that petitions for City Council seats can be picked up from the Finance Officer and are due by 5:00 p.m. on March 25th at City Hall.

F. John stated that next meeting will have an item on the agenda to concur with the County on installing air conditioning into the IT room. The bid price for this was \$7,977. The City would be asked to pay 50% of this cost (chiller bid was \$175,608 - City share \$38,107 Alt #1 was \$14,963 - City share \$7,481.50; Alt #2 of IT Room - \$7,977).

G. John reported on receipt of three raffle notifications:

- 1) St. Agnes Knights of Columbus is selling \$20 books from March 9 to March 24, 2014. Drawings will be held on March 29 & 30 as well as April 5 & 7. There will be 2 - \$50 winners per game for the NCAA regional's, 2 - \$75 winners for semi-final games, and 2 - \$150 winners for the final game. Proceeds go to a new church sign.
- 2) American Indians in Science & Engineering (AISES) will be selling tickets for \$1 or 6 for \$5 during USD Wicipi on March 29 and 30. Winner receives half of the proceeds and the rest go for the new student organization.
- 3) Vermillion Eagle Riders are raffling \$5 tickets from April 1 to May 10 for an Apple Ipad mini with proceeds going to Eagles charities.

PAYROLL ADDITIONS AND CHANGES

Police: Jessica Wade \$18.96/hr; Recreation: Shayla Kiertzner \$8.00/hr; Golf Maintenance: Michael Butler \$7.50/hr

11. Invoices Payable

96-14 Alderman Zimmerman moved approval of the following invoices:

BIERSCHBACH EQPT & SUPPLY PARTS	10.76
BILLION CHEVROLET POLICE CAR	26,719.00
BOUND TREE MEDICAL, LLC SUPPLIES	771.27
BROADCASTER PRESS ADVERTISING	979.77
BUREAU OF ADMINISTRATION TELEPHONE	257.44
CANON FINANCIAL SERVICES COPIER LEASE	196.27
CENTURYLINK T E L E	-

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PHONE	1,486.89
CLAY-UNION ELECTRIC CORP ELECTRICITY	942.33
DEPT. ENVIRONMENT NATL RES LANDFILL OPERATIONS FEE	2,079.44
DIVISION OF MOTOR VEHICLE TITLE/LICENSE PLATES	17.00
FOREMAN MEDIA COUNCIL MTG	100.00
GREGG PETERS M A N - AGERS FEE	5,375.00
LOCATORS AND SUPPLIES, INC SUPPLIES	149.44
LOREN FISCHER DISPOSAL HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC OXYGEN	204.06
MIDAMERICAN G A S USAGE	12,083.52
MIDCONTINENT COMMUNICATION CABLE/INTERNET SERVICE	118.68
RESERVE ACCOUNT POSTAGE FOR METER	750.00
SD SOLID WASTE MANAGEMENT REGISTRATION	375.00
STERN OIL CO. FUEL	15,549.48
UNITED PARCEL SERVICE SHIPPING	20.76
US POSTMASTER POSTAGE UTILITY BILLS/POSTAGE DUE	1,100.00
WOW! BUSINESS DIAL-UP SERVICES	49.95
GENE LUNN BRIGHT ENERGY REBATE	275.00

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

12. Consensus Agenda

A. Set a public hearing date of April 7, 2014 for a special permit to exceed permissible sound levels for Coyoteopol and South Dakota Shakespear Festival in the band shell area of Prentis Park from Wednesday, June 11 through June 15, 2014 from 6:00 p.m. to 10:00 p.m. for Shakespear festival performances

B. Set a bid opening date of April 15, 2014 for the Vermillion WWTP Process Boiler Improvements project

C. Set a bid opening date of April 2, 2014 for Norbeck Street Improvements

97-14 Alderman Osborne moved approval of the consensus agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Executive Session

A. Executive Session for Economic Development matters with VCDC SDCL 1-25-2

98-14 Alderman Zimmerman moved to go into executive session at 9:00 p.m. for economic development matters with VCDC SDCL 1-25-2.

Mayor Powell declared the council out of executive session at 9:17 p.m.

14. Adjourn

99-14 Alderman Osborne moved to adjourn the Council Meeting at 9:18 p.m. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of March, 2014.

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 \$2,809.08.

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STATE OF SOUTH DAKOTA COUNTY OF CLAY

IN CIRCUIT COURT FIRST JUDICIAL CIRCUIT

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE REGISTERED HOLDERS OF NovaStar Mortgage Funding Trust, Series 2007-2 NovaStar Home Equity Loan Asset-Backed Certificates, Series 2007-2,

Plaintiff,

vs,

Paul A Layne; Penny Layne; and any person in possession,

Defendants.

Civil No. 12-31

NOTICE OF REAL ESTATE SALE

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Judgment in the amount of \$102,221.58 having been entered

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in favor of plaintiff and against defendants, which Judgment was filed with the Clerk of Courts of Clay County, South Dakota, on December 11, 2013, for the foreclosure of a real estate mortgage.

Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated May 17, 2007, which Paul A. Layne and Penny Layne, Mortgagors, executed and delivered to Mortgage Electronic Registration Systems, Inc., Mortgagee:

LOT 2, BLOCK 2, DAKOTA ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

and recorded in the office of the Register of Deeds of Clay County, South Dakota, on the 19th Day of June, 2007, in Book 126 of Mtg, Page 212; said mortgage assigned to DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE REGISTERED HOLDERS OF NovaStar Mortgage Funding Trust, Series 2007-2 NovaStar Home Equity Loan Asset-Backed Certificates, Series 2007-2 recorded January 6, 2012, in Book

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MT132, Page 913, Document # D125864, in order to realize the amount of \$68,000.00, as of May 17, 2007, plus interest accruing thereafter on said amount at the rate of 9.99% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of Clay County, South Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of Clay County, South Dakota, at the front door of the Clay County Courthouse, in Vermillion, South Dakota, on April 16, 2014, at 10:00 A.M. (CT).

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Dated February 17, 2014.

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Sheriff of Clay County, South Dakota

MACKOFF KELLOGG LAW FIRM

By: \_\_\_\_\_  
David C. Piper, Attorney #4128  
38 Second Avenue East  
Dickinson, ND 58601  
(701) 227-1841  
Attorneys for Plaintiff

Published twice at the total approximate cost of \$76.86. Published: March 28 & April 4, 2014.

March 11, 2014

The Board of County Commissioners met in regular session Tuesday, March 11, 2014 at 9:00 a.m. Members present: Mockler, Packard, Powell, Kephart, and Passick.

Kephart moved, seconded by Packard and carried to approve the agenda.

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Minutes of the March 4, 2014 meeting were approved with a motion by Powell, seconded by Packard and carried.

Rod Polley, Highway Superintendent, met with the Board to discuss highway matters. Load limits will be placed into effect Monday, March 17, 2014 according to state recommendations.

Preliminary plans, such as windows, doors, and door openers, were discussed for a new building at the Wakonda Highway Shop site.

Powell moved, seconded by Kephart and carried to approve the low bid from Jerry's Service of \$3.318 per gallon for 1400 gallons of 10% ethanol. Packard moved, seconded by Powell and carried to approve the low bid from Jerry's Service of \$3.1715 for 7000 gallons of #2 dyed diesel.

Kephart moved, seconded by Mockler and carried to approve travel for Polley to Chamberlain March 18-20 for the annual Superintendent's Short Course.

At 9:15 a.m., public hearing

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commenced for a variance application to consider building at storage shed 15 feet into the front yard setback and 50 feet into the rear yard setback (Missouri River) for Terrence and Lindia Brady on property located on Ponderosa Drive, Burbank, SD. Legal description: Lot 23 Ponderosa Addn & Dr Parts of Lot 1 Section 2 and Lot 1 Section 3, Fairview Township, Clay County, SD. Cynthia Aden, Zoning Administrator, and Terrence Brady, property owner, met with the Board. The Board considered letters received by the Auditor, one in support of the variance and one in opposition. The Board reviewed concerns regarding potential size of any building allowed by the proposed variance with Aden and Brady. Powell moved, seconded by Mockler and carried to approve and grant the variance as presented.

Ray Hofman, Register of Deeds, met with the Board to discuss the hiring process for a new Deputy Register of Deeds due to his pending retirement and the appointment of the current Deputy, Jane Olson, as Register of Deeds. Powell moved, seconded by Mockler and carried to allow