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Powell

2. Informational Session - Vermillion River Shared Used Path Relocation - Jose Dominguez

John Prescott, City Manager, stated that this is a follow up to the meeting earlier this year about options for the middle and west damaged sections. Jose Dominguez, City Engineer, reported that the bike path along the Vermillion River from 12th Street west to Broadway Street was completed in the fall of 2010 and opened up for a few months before erosion on the west end started. Jose stated that clay was hauled in an attempt to fill in the area but that was washed away in one night. Jose reported that the middle section had eroded until the concrete path fell away.

Alderman Ward arrived at 12:02 p.m.

Jose reviewed a map of the bike trail and the damaged sections. Jose reviewed his research on the bank settling noting that you cannot predict when the bank will wash away again as it is a natural process. Jose reported that last fall the DOT contacted him questioning the bike path project as they had not closed the project out yet and that the City may need to refund the federal portion of the project. Jose reported that on February 4th he met with FHWA and DOT who stated that to avoid any refund of federal funds the ends of the project need to be connected within three years. Jose stated that there was discussion on several options which were: a) place gravel on areas that have been damaged (Jose stated that the easements require a concrete trail) b) move trail north around damaged areas (Jose noted that the property owners were opposed to original trail and the City taking land) c) open trail up to the middle section and repay the grant for the west portion of the trail (Jose estimated the repayment at \$125,000 but noted the City wants to have a trail and could use those funds to construct a trail) d) reroute trail along a different right-of-way and utilize Broadway Street to connect the two ends (Jose noted safety issues of the trail using a portion of the street). Jose reported that the City needs to present a plan stating what the City's intentions are for the bike path and a timetable. Jose stated that option (d) of rerouting the trail along existing right-of-way might be the most cost effective and proposed a timeline of survey and design in 2015 and spring of 2016, construction in 2016 or 2017 to meet the three year requirement. Jose stated that there is currently \$80,000 of grant funds remaining that could be used for the survey, design and construction administration. The trail is estimated to cost \$150,000 with Jose reporting that there are State grant funds which the City can make application for possible funding. Jose asked that if the Council could provide some direction he will start putting together the timetable and plan for the State. Discussion followed with the consensus of the City Council to proceed with option d.

3. Informational Session - Storm Water Management Program - Jose Dominguez

Jose Dominguez, City Engineer, provided the history of the National Pollutant Discharge Elimination System requirements that is overseen by the SD Department of Environment and Natural Resources. Jose stated that the Clean Water Act was amended in 1990 providing for two phases of implementation, of which we are in phase 2, that need to be implemented by the end of 2017. Jose stated that the city is required to have a Storm Water Management Program that includes at least the following items: 1) Public education and outreach, 2) Public participation/involvement, 3) Illicit discharge detection and elimination, 4) Construction site storm water runoff control, 5) Post-construction storm water management, and 6) Pollution prevention/good housekeeping for municipal operations. Jose reviewed what would be required for each item noting that ordinance changes and resolutions will be required to implement the requirements. Discussion followed with Jose answering questions of the City Council.

4. Briefing on the March 2, 2015 City Council Regular Meeting Agenda

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

5. Adjourn

58-15 Alderman Ward moved to adjourn the Council special session at 12:46 p.m. Alderman Price seconded the motion. Motion carried 7 to 0. President Willson declared the motion adopted.

Dated at Vermillion, South Dakota this 2nd day of March, 2015.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY J. Howard Willson, Council President ATTEST: Michael D. Carlson, Finance Officer

Unapproved Minutes City Council Regular Session March 2, 2015 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order

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on Monday, March 2, 2015 at 7:00 p.m. by President Willson.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, President Willson

Absent: Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of February 17, 2015 Special Session; February 17, 2015 Regular Session; February 23, 2015 Special Session

59-15 Alderman Clarene Meins moved approval of the February 17, 2015 Special Session, February 17, 2015 Regular Session, and February 23, 2015 Special Session minutes. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

4. Adoption of Agenda

60-15 Alderman Collier-Wise moved approval of the agenda. Alderman Price seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

5. Visitors to be Heard

A. Intellectual and Developmental Disabilities Awareness Month

Alderman Meins read the proclamation that proclaimed the month of March as Intellectual and Developmental Disabilities Awareness Month in Vermillion. President Willson presented the proclamation to Renee O'Connor representing SESDAC. Renee O'Connor stated that SESDAC has been assisting individuals in the community for over 30 years and wanted to thank the City for their support as well as the Vermillion community.

Bonnie Rowland stated that she had concerns about her sidewalk special assessment. She stated that her contractor delivered the paperwork stating that he would be doing all five of her properties and apparently this paperwork was misplaced and one property had the sidewalk replaced by the City at a cost of \$997. She stated that she had larger sections of sidewalk replaced by her contractor for considerably less and wanted to know how this was calculated by the City. Bonnie also wanted to appeal the amount of the assessment. Jose Dominguez, City Engineer, stated that the special assessments were calculated from the contract bid price and that the City Council has already conducted the public hearing to approve the special assessment roll earlier this year. Jose stated that notice was sent to all property owners listed on the assessment roll with the date and time of the hearing.

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 17, 2015 at 202 Washington Street.

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license from the Vermillion Area Arts Council for their St Patrick's Day event on March 17, 2015 at 202 Washington Street. Mike stated that the letter from Judy Zwolak, notice of hearing and Police Chief's report are included in the packet.

61-15 Alderman Collier-Wise moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 17, 2015 at 202 Washington Street. Alderman Ward seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

B. Airport farmland lease

Mike Carlson, Finance Officer, reported that the airport property includes farmland that has been leased to Nels and Grant Sorensen since 1999. Mike noted that the existing lease has expired and in order to enter into a new lease State statute requires a public hearing. The notice of hearing was published and the Sorensens have agreed to increase the annual lease amount from \$1,000 per year to \$1,100 per year for the three year term of the lease. Mike noted that the airport land is marginal and the FAA has restrictions on how close to the runways crops can be grown and no corn can be planted. Mike noted that the lease also requires the mowing and weed control on the balance of the property. Mike stated that even though the wastewater sludge has not been applied to this property for years the lease provides for the option if needed. Mike recommended approval of the three year lease with Nels and Grant Sorensen for the airport property for three years at \$1,100 per year.

62-15 Alderman Ward moved approval of the airport farm land lease with Nels and Grant Sorensen as presented for a three year term at \$1,100 per year. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

C. Special permit to exceed allowable sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on April

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16, 2015 from 5:00 p.m. to 7:00 p.m. for a fundraising event

Mike Carlson, Finance Officer, reported that a special permit to exceed permissible sound levels by no more than 50% was received from Pi Kappa Alpha for a fundraising event in Prentis Park on or about April 16, 2015 from 5:00 p.m. to 7:00 p.m. The notice of hearing, application with diagram of the event and the permit application completed by Jordan Cushman are included in the packet. Mike noted that the Pikes in the Park event has been held for a number of years without any issues.

63-15 Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels for Pi Kappa Alpha in the northwest corner of Prentis Park on or about April 16, 2015 from 5:00 p.m. to 7:00 p.m. for a fundraising event. Alderman Price seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

D. Special Assessment Roll for construction of concrete surfacing on Kennedy Street from West Cherry Street to Cornell Street

Jose Dominguez, City Engineer, reported that on September 27, 2013 the City Council approved a Resolution Adopting the Resolution of Necessity for Construction of Concrete Surfacing on Kennedy Street from West Cherry Street to Cornell Street. Jose stated that the work was completed on the improvements during 2014 and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on January 28, 2015. Jose stated that at the February 2, 2015 meeting the City Council approved a resolution setting March 2nd as the hearing date. Notice of this hearing was placed in the newspaper and mailed to the affected property owners. Jose reported that State statute requires a public hearing to be held to consider the assessment roll. Jose stated that the City Council may approve, equalize, amend or reject the assessment roll. Jose reported that no comments or questions have been received regarding the assessment and recommended approval of the resolution. Jose answered questions on the assessment roll. Tagny Walters asked when she would be notified of how to make payments on the assessment and the number of years. Jose Dominguez, stated that letters will be mailed tomorrow and that property owners have 30 days to pay all or a portion of the assessment without interest and after that time the assessment will have interest calculated at 10% with payments over 10 years. Discussion followed on the interest rate and term of the assessments.

64-15 After reading the same once, Alderman Ward moved adoption of the following:

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS AND NOTICE OF SPECIAL ASSESSMENTS FOR CONSTRUCTION OF CONCRETE SURFACING ON KENNEDY STREET FROM WEST CHERRY STREET TO CORNELL STREET IN THE CITY OF VERMILLION, SD

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of a concrete street and other improvements against the several tracts of real property fronting and abutting upon:

PARCEL NUMBER	PROPERTY ADDRESS	LEGAL DESCRIPTION	AMOUNT
15505-00100-010-00	609 Kennedy St	LOTS 1, 2 & 3 BLK 1	OCONNOR ADDN \$5,562.14
15505-00100-040-00	604 Kennedy St	LOT 4, BLK 1	OCONNOR ADDN \$2,290.65
15505-00100-050-00	612 Kennedy St	LOT 5 EXC W10 BLK 1	OCONNOR ADDN \$2,822.80
15093-00100-000-00	NO ADDRESS	BLK 1 EXC LOTS 8, 10 & 14	BLISS POINTE ADDN \$23,260.48
15093-00300-000-00	NO ADDRESS	BLK 3 BLISS POINTE ADDN	\$23,250.56

in the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 28th day of January 2015.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing, upon the assessment rolls, and directed the City Finance Officer, of the City of Vermillion, Clay County, South Dakota, to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment rolls for further particulars. The Finance Officer was further directed to mail a copy of

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the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, and a copy of this Resolution and Notice, along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner, or owners, of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice, along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One, as set forth in Sections 9-43, inclusive of the Codified Laws of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in City Hall at 25 Center Street in the City of Vermillion, South Dakota, at any time, within thirty days after the filing of the approved assessment rolls in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment, may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment, under Plan One, shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls, will be filed with the City Finance Officer on March 3, 2015. The assessment is payable in ten (10) installments at ten percent (10%), per annum, interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2016. Subsequent installments are due January 1st of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota, this 2nd day of March, 2015.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

By J. Howard Willson, Council President ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. President Willson declared that the Resolution was adopted.

7. Old Business - None

8. New Business

A. Request to assign airport hangar lease from Kramer to Morgan County Properties, Inc.

Mike Carlson, Finance Officer, reported that Peter Kramer entered into a hangar lease agreement with the City on July 19, 2004 for a twenty (20) year period that ends July 31, 2024 with an option to renew for an additional twenty (20) years. An "Assignment of Owner's Interest in Lease" was received that provides

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for the assignment of the hangar lease from Mr. Kramer to Morgan County Properties, Inc. Ron Anderson is the president of Morgan County Properties, Inc. Mike stated that the assignment and hangar lease are included in the packet. Mike noted that the lease requires written permission of the City in order to transfer ownership. Mike stated that the new owner is bound by the original terms of the lease including lease rates. Mike recommended approval of the assignment of the airport hangar lease.

65-15 Alderman Collier-Wise moved approval of the assignment of the airport hangar lease from Peter Kramer to Morgan County Properties, Inc. as presented. Alderman Holland seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

B. Request to assign farm land lease from Jeff Solomon to Robert L. (Bob) Solomon

Mike Carlson, Finance Officer, reported that Jeff Solomon entered into the farm land lease with the City on November 6, 2012 for a three (3) year period that ends February 28, 2016. Mike stated that the lease is for approximately 230 acres of farm land east of Vermillion that was left to the City by Kenneth Mockler. Mike reported that an Assignment of Owners Interest in Lease was received that provides for the assignment of the farm land lease from Jeff Solomon to Robert L. (Bob) Solomon. Mike noted that a copy of the assignment and farm land lease are included in the packet. Jeff and Bob are brothers and have farmed the land together for the last two years. Mike noted that the lease requires written permission of the City in order to transfer ownership. Mike stated that the new owner is bound by the original terms of the lease including lease rates for this the last year. Mike recommended approval of the assignment of the farm land lease.

66-15 Alderman Holland moved approval of the assignment of the farm land lease from Jeff Solomon to Robert L. (Bob) Solomon as presented. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

C. Hangar lease agreement with David Howard d/b/a Howard Aviation, L.L.C.

Jose Dominguez, City Engineer, reported that on November 2007 Mr. Howard assumed the lease agreement entered into between the City and Hanson Aerial Spraying, Inc. Jose stated that the original agreement was signed in February 1990 and was for 25-years with no option for renew which expired on February 16, 2015. Jose stated that an agreement was received from Mr. Howard by the City the week of February 23rd. Jose stated that the lease area was modified to the amount of land occupied by the hangar, fuel pumps and space between the hangar and taxiway. The annual lease amount will be \$420 per year. Jose noted that the lease is for 10 years commencing on February 16, 2025 with a 10 year option to renew and the lease amount can be adjusted after the 5 years. Jose recommended approval of the lease agreement with David Howard.

67-15 Alderman Collier-Wise moved approval of the hangar lease agreement with David Howard dba Howard Aviation, LLC as presented. Alderman Price seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

D. Resolution to allocate 85% of BID Board revenues to the Vermillion Chamber of Commerce and Development Company

Nate Welch, Executive Director of the VCDC, reported on the Visitor and Tourism Committee presentation made to the Business Improvement District (BID) Board. Nate reviewed the history of the VCDC investment in Visitor and Tourism along with what an increase in the investment could do for the community. Nate reviewed how other cities invest their BID receipts. Nate reviewed the five objectives contained in the Visitor and Tourism Strategic Plan. Nate reviewed the proposed budget which at 85% of the BID receipts is about \$60,000 and where the Visitor and Tourism Committee would propose to spend the funds. Nate noted that the request to the BID Board was for a two year funding period. Nate stated that the second part of the request is for a market study proposal called a Brand Assessment that is estimated to cost between \$33,000 and \$40,000. Nate stated that the proposal made to the BID Board was to use \$20,000 of the 2014 reserve and \$5,000 of the 2015 receipts and the balance of the study costs would be funded by the VCDC. Nate reported that the BID Board action at their last meeting was to make this recommendation for use of the BID funds to the City Council for considerations. Nate noted that Dan Kenton BID Board Chairman was present if there were any questions that he could not answer. Nate answered questions of the City Council on the proposal.

John Prescott, City Manager, reported that a resolution was prepared that would adopt the

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BID Board recommendation of funding the VCDC Visitor and Tourism proposal at 85% of the bid receipts limited to \$60,000 and the marketing study with \$20,000 from 2014 reserve and \$5,000 from 2015 receipts. John noted that the resolution calls for amending the City budget when the next supplemental budget is adopted. Discussions followed noting that there should not be the limit of \$60,000 and use the 85% of receipts.

68-15 Alderman Collier-Wise moved approval of the Resolution to allocate 85% of BID Board revenues to the Vermillion Chamber of Commerce and Development Company with the amendment to remove the funding limit of \$60,000 to be 85% of the receipts. Alderman Holland seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

E. Presentation of the 2014 Annual Financial Report

Mike Carlson, Finance Officer, reviewed the 2014 unaudited Financial Report for the City and answered questions of the City Council on the report. Mike noted that the City Council will need to acknowledge receipt of the report and a copy will be sent to the Department of Legislative Audit. The report will be audited by Williams & Company later this year. Discussion followed.

69-15 Alderman Ward moved to acknowledge receipt of the 2014 Annual Financial Report. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. President Willson declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2,2246, Brunick's Service \$2.32; Item 2 - 3,000 gal No. 1 & 2 Diesel fuel dyed: Stern Oil \$2.3245, Brunick's Service \$2.43; Item 3 - 1,000 gal No. 1 & 2 diesel fuel-clear: Stern Oil \$2.5445, Brunick's Service \$2.69

70-15 Alderman Holland moved approval of the low quote of Stern Oil on all three items. Alderman Ward seconded the motion. Discussion followed. Motion carried 8 to 0. President Willson declared the motion adopted.

10. City Manager's Report

A. John asked City Council members who wanted to attend the South Dakota Municipal League District meeting on April 1st to let City staff know so reservations can be made.

B. John reported on the receipt of two raffle notifications:

American Indian Science & Engineering Society submitted a raffle notification. They will be selling \$1 tickets on March 28 & 29, 2015. Half of the proceeds will go to the winning ticket holder. The other half will go to AISES to help with expenses to help students attend conferences.

Marty Indian School is submitted a raffle notification to sell \$25 raffle tickets during the USD Wacipi/Pow Wow on March 28th and 29th. There are two raffle prizes: a fully quilted womens breastplate valued at \$3,000 and purse valued at \$1,500. Proceeds from the raffle would be used for activities as the Marty Indian School.

C. John reported that the Daycare registration ordinance is in the process of having the language modified to be considered at the March 16th meeting.

D. John reported that the Policy and Procedures Committee met last week on the request to modify the City ordinance so that chickens are allowed in the city limits. John stated that the committee has no recommendation to bring forward at this time but did request a poll be placed on the City's website and to gather public input before another meeting. John stated that email comments can be sent to info@cityofvermillion.com. The committee also requested City staff review other city ordinances for discussion at their next meeting that has not been set at this time.

PAYROLL ADDITIONS AND CHANGES

Fire: Matt Taggart \$14.00/hr; Street: Brian Steffen \$16.13/hr

11. Invoices Payable

71-15 Alderman Collier-Wise moved approval of the following invoices:

A-Ox Welding Supply Co bulk co2 601.74
Andy Colvin meals reimbursement 18.00
Aramark Uniform Services uniform cleaning 239.32
Argus Leader Media #1085 subscription 57.69
Automatic Building Control annual inspection 181.00
Baker & Taylor Books books 582.00
Banner Associates, Inc Banner services 3,551.50