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grant application as presented. Aye: Unanimous.
 Item #8-1515; Motion by Stammer, seconded by Fairholm, to approve the 8th grade Spanish waiver for high school credit. Aye: Unanimous.
 Item #9-1515; Motion by Schwasinger, seconded by Stammer, to accept the early retirement resignation from Kate Geise, middle school teacher. Aye: Unanimous.
 Item #10-1515; Motion by Schwasinger, seconded by Fairholm, to acknowledge receipt from Andy Richter of intent to not resume employment after leave of absence. Aye: Unanimous.
 Item #11-1515; Motion by Stammer, seconded by Fairholm, to approve Don Donoho's wages as temporary high school head custodian at \$17.20/hr. Aye: Unanimous.
 Item #12-1515; Motion by Peterson, seconded by Schwasinger, to approve the employment of Jason Gault as director of technology for 230-day contract. Aye: Unanimous.
 Item #13-1515; Motion by Stammer, seconded by Fairholm, to go into executive session at 7:47 p.m. for personnel matters pursuant to SDCL 1-25-2(1) and negotiations pursuant to SDCL 1-25-2(4). Aye: Unanimous.
 Item #14-1515; Esping declared the board out of executive session at 9:52 p.m.
 Item #15-1515; Motion by Stammer, seconded by Fairholm, to adjourn at 9:52 p.m. Aye: Unanimous.

Chris Esping, President; Sheila R. Beermann, Business Manager
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Unapproved Minutes
 Council Special Session
 March 16, 2015
 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, Monday 16, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Price, Ward, Willson (arrived at 12:04 p.m.), Mayor Powell

Absent: Holly Meins

2. Informational Session - Capital Improvement Plan - John Prescott

John Prescott, City Manager, reported that a capital improvement plan has been presented to the City Council in the spring of each year to inform the City Council of projects that city departments have planned for 2015 to 2019.

Alderman Willson arrived at 12:04.

John reviewed the proposed capital improvement plan for each city department. John and department heads answered questions of the City Council on the capital improvement plan items. John stated that the capital improvement plan will serve as a planning tool to assist the City Council with the budget later this year. Discussion continued on the capital improvement plan items.

3. Briefing on the March 16, 2015 City Council Regular Meeting

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

4. Adjourn

74-15
 Alderman Ward moved to adjourn the Council special session at 12:55 p.m. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of March, 2015.

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 16, 2015
 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 16, 2015 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of March 2, 2015 Special Session; March 2, 2015 Regular Session

75-15
 Alderman Willson moved approval of the March 2, 2015 Special Session; March 2, 2015 Regular Session minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

76-15
 Alderman Collier-Wise moved approval of the agenda with the removal of "at Barstow Park" from item 8.A. Alderman Willson

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

5. Visitors to be Heard - None

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Chamber of Commerce and Development Company on or about March 17, 2015 at 1012 Princeton Street

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license from the Vermillion Chamber of Commerce and Development Company for their annual banquet event on March 17, 2015 at 1012 Princeton Street. Mike stated that the notice of hearing and Police Chief's report are included in the packet.

77-15
 Alderman Erickson moved approval of the special daily malt beverage and wine license for the Vermillion Chamber of Commerce and Development Company on or about March 17, 2015 at 1012 Princeton Street. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Brandon Wiemers, 855 Eastgate, asked if daycare providers are required to complete the registration or if it is optional. Brandon stated that the registration and inspection are not needed as parents inspect their daycare providers before and during the use. Brandon stated that the City is over stepping its governmental powers by requiring the registration. Brandon questioned why the City would want to take on the liability by requiring registration and inspection and also noted that the registration process in Sioux Falls did not disclose the daycare provider was a drug dealer. Brandon stated that the registration and inspection will not make the daycare providers any safer.

7. Old Business - None

8. New Business

A. Fireworks public display permit for April 18, 2015 requested by Dakotathon

Mike Carlson, Finance Officer, reported that a fireworks public display permit was received for the Dakotathon event. Marcus Mahlen with Dakotathon (formerly Dance Marathon) is requesting City Council approval for a fireworks display to be held on Saturday, April 18, 2015. The display is planned to begin at about 9:15 p.m. and would be discharged from the field south of Polaris and west of Carr Street. Tom Taylor and James Taylor will be conducting the show. The event has had a permit in previous years but the location of the fireworks display was at the high school. Mike stated that a copy of the permit application, site plan and diagram are included in the packet. Mike noted that the Fire Chief has reviewed and approved the permit location. Marcus Mahlen, representing Dakotathon stated that this is the same event that was previously held at the high school for years but due to scheduling conflict was moved.

78-15
 Alderman Collier-Wise moved approval of the fireworks public display permit for the Dakotathon event on April 18, 2015 at about 9:15 p.m. for the field south of Polaris and west of Carr Street. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Fireworks public display permit for the 4th of July for the Vermillion Chamber of Commerce

Mike Carlson, Finance Officer, reported that a fireworks public display permit was received for the Vermillion Chamber of Commerce 4th of July event. Mike stated that the Vermillion Chamber of Commerce is requesting City Council approval for a fireworks display to be held on Saturday, July 4, 2015. The display is planned to begin at about 10:00 p.m. and would be discharged from the field south of Polaris and west of Carr Street. Tom Taylor and James Taylor will be conducting the show. The event is in the same location as last year. Mike stated that a copy of the permit application, site plan and diagram are included in the packet. Mike noted that the Fire Chief has reviewed and approved the permit location.

79-15
 Alderman Clarene Meins moved approval of the fireworks public display permit for the Vermillion Chamber of Commerce 4th of July event at about 10:00 p.m. for the field south of Polaris and west of Carr Street. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance 1326 creating a requirement for Day Care businesses to register, adding certain health and safety requirements, and adding Title XI Business Regulations, Chapter 121

John Prescott, City Manager, reported that, during the 2015 budget review sessions, the City Council posed a question about the location of daycare facilities in the community. John stated that it was noted at the time that the City did not have regulations pertaining to daycare facilities. John noted that City staff was asked to look into the matter and report back to the City Council. John stated that at the November 3, 2014 Noon meeting City staff presented a list of what some other South Dakota communities have in their daycare regulations and a draft ordinance. John stated at that time City Council reviewed the information and directed staff to contact some daycare providers to gather feedback. John stated that staff worked to compile a list of providers, sent the information previously provided to the Council, and asked for comments to be returned in December. John stated that several comments were received and provided to the City Council. John stated that Daycare providers were invited to a meeting on January 27, 2015

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where staff explained the proposal and received additional feedback. John stated that the same presentation was made at the Noon Council meeting on February 2, 2015. John stated that a Special City Council meeting was held on February 23, 2015 with the daycare providers to review the proposed ordinance section by section. John stated that all of the providers that the City knows of were mailed a copy of the attached ordinance last week and at the time of packet preparation, no comments have been received since the February 23rd meeting. John reviewed the requirements of the proposed ordinance noting that it would require registration by July 1, 2015 and the inspection will be waived until the June 30, 2016 renewal. John reviewed the requirements for exemption from fencing and noted if adopted a packet of information will be prepared to assist daycare providers in the registration process.

Brandon Wiemers, 855 Eastgate, asked if daycare providers are required to complete the registration or if it is optional. Brandon stated that the registration and inspection are not needed as parents inspect their daycare providers before and during the use. Brandon stated that the City is over stepping its governmental powers by requiring the registration. Brandon questioned why the City would want to take on the liability by requiring registration and inspection and also noted that the registration process in Sioux Falls did not disclose the daycare provider was a drug dealer. Brandon stated that the registration and inspection will not make the daycare providers any safer.

Discussion followed on the proposed ordinance as it applies to registration and inspection noting the need to know the location of daycare providers. Upon request, Jim McCulloch, City Attorney, stated that the city would not have any liability as part of the registration and inspection process. Discussion continues on the registration.

80-15
 Mayor Powell read the title to the above mentioned Ordinance and Alderman Willson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1326 entitled An Ordinance Amending Title XI, Adding Chapter 121, Day Care, to the 2008 Revised Ordinances of the City Of Vermillion, South Dakota, Creating a Requirement for Daycare Businesses to Register with the City Of Vermillion and Providing for Certain Health And Safety Requirements 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 16th day of March, 2015 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a roll call and the members voted as follows: Collier-Wise-Y, Erickson-N, Holland-Y, Clarene Meins-Y, Holly Meins-N, Price-Y, Ward-Y, Willson -Y, Mayor Powell-Y

Motion carried 7 to 2. Mayor Powell declared that the Ordinance has been adopted

D. Permit for Consumption on portion of Kidder Street on March 28, 2015 for Old Lumber Company, Inc.

Mike Carlson, Finance Officer, reported that Chad Grunewaldt owner of Old Lumber Company Grill and Bar submitted a request for a permit for consumption on Kidder Street from Court Street west to the alley on Saturday, March 28th from 4:00 p.m. to 6:00 p.m. Mike noted that Law Enforcement Torch Run and Special Olympics of South Dakota have previously requested the street closing for the Polar Plunge event that has been previously held at the high school. Mike noted that state statute provides for the permit and the City Council can include conditions to the permit such as requiring a release and indemnification, fencing, clean up and set the times that consumption will be allowed. Mike noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company that they were restricted to the interior of the building on the location. Mike stated that if the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event. Mike noted that Chad is present to answer questions.

Chad Grunewaldt, Owner of Old Lumber Company, stated that he has done several events where the consumption but not sale was allowed on a portion of Kidder Street. Chad stated that as the event starts at 4:00 p.m. he would like to allow the consumption in this area to start at 3:00 p.m. Chad stated that wrist bands would be used to determine who is of age to consume in this location. Chad stated that he did not want to fence the area due to the amount of time required to set up and tear down of the fence for an event that is going to be only a few hours long. Chad answered questions of the City Council on

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the event noting that this is the first time the event is being held downtown in an attempt to increase participation. Discussion followed with Chad stating that he would be willing to work with the City to allow the consumption in a designated area.

81-15

Alderman Ward moved approval of suspension of the restriction of the requirement for consumption only on the interior of the structure for this event and authorizes the permit for consumption of alcohol in a designated area on Kidder Street from Court Street west to the east side of the alley from 3:00 p.m. to 6:00 p.m. on Saturday, March 28, 2015 for Old Lumber Company, Inc. if the owner complies with the conditions: a) That a Release and Indemnification to hold the City harmless from claims during the event be provided, b) the application provides for the cleanup and disposal of materials after the event c) the applicant work with City staff for designation of boundaries for the consumption area, as well as a plan to monitor the this area to ensure that those under the age of 21 are not allowed to consume. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 8 to 1. Mayor Powell declared the motion adopted.

E. Request by the VCDC to retain Riverbend lot sale proceeds

Nate Welch, Executive Director of the VCDC, stated that he had submitted a letter requesting that the VCDC be allowed to retain the proceeds from the sale of lots 6 & 7 Block 7 and lot 5 Block 8 to be reinvested into further economic development efforts.

82-15
 Alderman Holland moved approval of the VCDC request to retain sales proceeds from lots 6 & 7 Block 7 and lot 5 Block 8 to be reinvested into further economic development efforts. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Certificate of Acceptance - Landfill Cell #5

Jose Dominguez, City Engineer, reported that in 2011 the City Council approved a grant/loan package with the State for the landfill leachate pond, leachate collection system and construction of cell #5. Jose noted that construction of the leachate pond and collection systems were completed last year and the final payment on cell #5 will be approved with tonight's invoices. Jose stated that one of the requirements of the grant/loan package is that the City certify acceptance of the completed project. Jose recommended approval of the Certificate of Acceptance of Landfill Cell #5.

83-15
 Alderman Collier-Wise moved approval of the Certificate of Acceptance for Landfill Cell #5 as required by the South Dakota Department of Environment and Natural Resources and authorized the Mayor to sign. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Wastewater sludge removal contract

Jason Anderson, Assistance City Engineer, reported that the City has contracted with Dakota Rock Farms for the removal of the wastewater sludge from the storage lagoons at the Wastewater Treatment Plant and applied the sludge to nearby agricultural land. In 2012 quotes were received for a three year contract for \$0.02896/gallon which resulted in a 2014 cost of \$12,279.04. Dakota Rock Farms is proposing a three year annual renewal contract for \$0.0295/gallon or a five year annual renewal contract at \$0.0285/gallon. Jason noted that each contract has an annual renewal options that would allow the city to terminate if the contractor is not fulfilling the terms of the contract. Jason stated that City staff is satisfied with the work of Dakota Rock Farms and would recommend the five year annual renewal contract. Discussion followed.

84-15
 Alderman Willson moved approval of the wastewater sludge contract with Dakota Rock Farms for a five year agreement with annual renewal options at \$0.0285/gallon. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Resolution authorizing the purchase of a Street Dept. snow blower

Jason Anderson, Assistant City Engineer, reported that the 2015 equipment replacement fund budget included the replacement of the 1995 snow blower. Jason stated that the Street Department Staff has reviewed many different units from different companies and has determined that the Teamco Snow Blast M9000HD best meets their needs. Jason stated that Minnesota's Cooperative Purchasing Venture has bid this machine and the dealer, Titan Machinery, Inc, has agreed to sell a machine at the bid price with options for \$114,197. Jason recommended approval of the resolution to authorize the purchase from the Minnesota Cooperative Purchasing Venture bid. Discussion followed.

85-15

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After reading the same once, Alderman Collier-Wise moved adoption of the following:

RESOLUTION
 AUTHORIZING THE
 PURCHASE OF A
 STREET DEPARTMENT
 SNOW BLOWER

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 Cooperative Purchasing Venture of the State of Minnesota for a snow blower from the Teamco, Inc. participating distributor, Titan Machinery, Inc., for the total amount of \$114,197 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Titan Machinery, Inc. and they have agreed to allow the City to purchase a snow blower for the contract price and terms as awarded by the Cooperative Purchasing Venture.

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 2015 SnowBlast M9000HD snow blower unit from Titan Machinery, Inc. of Sioux Falls, South Dakota at the above stated price and under the same terms as the Cooperative Purchasing Venture contract.

Dated at Vermillion, South Dakota this 16th day of March, 2015.

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 Holland. 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. Reappraisal of surplus golf course utility vehicle

Jason Anderson, Assistant City Engineer, reported that the City Council declared the 2005 Toro Workman golf course utility vehicle surplus in January 2014 and the Surplus Property Committee appraised the value at \$6,000. Jason reported that when bids were opened in March 2014 no bids were received. Jason noted that at that time it was decided to keep the utility vehicle one more year. Jason said the new utility vehicle has been received and he would like to have the Surplus Property Committee reappraise the 2005 utility vehicle for sale by sealed bids.

86-15
 Alderman Willson moved approval to authorize the Surplus Property Appraisal Committee to reappraise the 2005 Toro Workman golf course utility vehicle to be sold by sealed bids. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

J. Appointment to the Consolidated Board of Equalization

Mike Carlson, Finance Officer, reported that, as part of the 1990 Clean Water Act, the City is required to comply with the requirements set in the National Pollutant Discharge Elimination System (NPDES). He noted that the Clean Water Act and the NPDES goals are to reduce or eliminate the amount of pollutants and sediments entering our waters. Jose stated that one of the requirements is that the City needs to adopt a Storm Water Management Program (SWMP). Jose stated that the SWMP was presented at the March 2nd noon City Council meeting for discussion. Jose stated that the SWMP delineates the steps that the City will take to achieve the goal of reducing or eliminating pollutants and sediments from entering the

87-15
 Alderman Erickson moved approval of the appointment of Alderman Holland, Price and Ward 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.

K. Resolution adopting the City of Vermillion's Storm Water Management Program

Jose Dominguez, City Engineer, reported that, as part of the 1990 Clean Water Act, the City is required to comply with the requirements set in the National Pollutant Discharge Elimination System (NPDES). He noted that the Clean Water Act and the NPDES goals are to reduce or eliminate the amount of pollutants and sediments entering our waters. Jose stated that one of the requirements is that the City needs to adopt a Storm Water Management Program (SWMP). Jose stated that the SWMP was presented at the March 2nd noon City Council meeting for discussion. Jose stated that the SWMP delineates the steps that the City will take to achieve the goal of reducing or eliminating pollutants and sediments from entering the

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Vermillion River. He reported that the SWMP will consist of six required control measures. These measures are: public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site storm water runoff control, post-construction storm water management, and pollution prevention for municipal operations. Jose stated that the SWMP will also have a list of departmental responsibilities along with a schedule that will require the City to create items necessary to implement the control measure, and also to adopt ordinances, or resolutions, to better enforce the ultimate goal of mitigating pollution. Jose recommended adoption of the resolution to adopt the storm water management program. Discussion followed.

88-15

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

RESOLUTION ADOPTING A STORM WATER MANAGEMENT PROGRAM

WHEREAS, the federal Clean Water Act was amended by the United States Environmental Protection Agency in 1987; and,

WHEREAS, this amendment created a phased approach requiring that cities with a separate storm sewer system reduce the amount of pollutants and sediments entering our waters; and,

WHEREAS, in 1999 the City was required by the EPA to start adopting measures to reduce, or eliminate, the amount of pollutants and sediments entering the Vermillion River; and,

Water WHEREAS, part of the requirement is that the City has a Storm Management Program that delineates how the City will be achieving the goal of reducing, or eliminating, the pollutants and sediments entering the Vermillion River.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the City adopts as policy the City of Vermillion's Storm Water Management Program, dated March 2015.

Dated at Vermillion, South Dakota this 16th day of March, 2015.

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 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.

L. 2014 Annual report of Vermillion Public Library

Jane Larson, Librarian, reported that State law requires the Library Board to prepare and submit an annual report to the governmental bodies that provide funding to the Library. Jane reviewed the 2014 library annual report that was included and handed out prior to the meeting, noting the changes from last year. Jane answered questions on the City Council on the library operations. Discussion followed on the report

89-15

Alderman Willson moved to acknowledge receipt of the 2014 Library Annual Report. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

M. Transfer of replaced tasers from Vermillion Police Department to Clay County Sheriff's Dept.

John Prescott, City Manager, reported that the Police Department has replaced their tasers that were originally purchased in 2009 as part of a joint grant with the Clay County Sheriff's Office. John noted that the Sheriff's Office continues to use this model of taser and State statute allows one governmental agency to transfer property to another governmental agency. John requested that the City Council declare the following items surplus and authorize the transfer to the Clay County Sheriff's Office: X26 Tasers - 7 total; XDPM (new batteries) - 7 total; 25' XP Cartridges - 8 total; XDPM (used batteries) - 7 total; 21' Cartridges - 2 total; X26 taser holsters - 17 total; 21' Training cartridges - 3 total.

90-15

Alderman Willson moved approval of declaring the taser equipment listed as surplus and authorize the transfer to the Clay County Sheriff's Office. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

N. Authorization to construct Prentis Park storage building

Jim Goblirsch, Director of Parks and Recreation, stated that in 2013 2nd Penny funds of \$110,000 were budgeted for a restroom/storage unit at the Prentis Park baseball field to replace the current bathrooms and provide storage. Jim reported that we were unable to secure a