Legal and Public 2010 2010 **Notices**

the agenda as presented.

Minutes of the May 7th meeting were approved with a motion by Packard seconded by Mockler and carried.

Andy Howe Sheriff reviewed with the Board information gathered by the Wage Study Commit-

Ted Muenster, Campaign Director for National Music Museum and Cleveland Johnson, Director of the National Music Museum met with the board to review what is being proposed for future development there and what they have currently been doing to promote the National Museum. The 2014 museum budget request will be sent out to the Board for their consideration sometime this week.

At 9:30 a.m., the time set for Drainage Permit Hearing on Application 2013-06, the Commissioners acting as Board of Resolution reviewed the following:

#2013-06 Jason Knutson . 45935 Ave , Centerville, SD 292nd 57014

For Proposed drainage tile in the Sec. 18, Township North, (Riverside Twp) Range 52 West, of the 5th P.M. to drain East into Frog Creek & then Southeast to the Vermillion River.

Those attending: Jason Knutson, Applicant, Mr. & Mrs. Rodney Knutson and Mr. & Mrs. Michael Swim. No written comments were received and there was no one present in opposition of the drainage request.

Packard moved, seconded by Mockler and carried to authorize the Chairman to sign Drainage Permit #2013-06 with the water being moved around the north side of the trees and pending approval from the County Hwy Supt for drainage into County Road Ditch (Frog Creek Rd)

Director Cindy Aden/Zoning met with the Board and presented the Planning Commission's rec-Zoning Ordiommendations for nance 2013-04

Mockler moved, seconded Kephart and carried to set May 28th at 10:30 a.m. for the following Public Hearing:

NOTICE OF PUBLIC HEARING

Pursuant to SDCL 11-2-19, notice is hereby given that the Clay County Board of County Commissioners will hold a Public Hearing on May 28, 2013, regarding adoption of the revised Clay County Zoning Regulations. A copy of the proposed Clay County Zoning Regulations is available public review at the Clay County Courthouse in the office of the Clay County Auditor during regular business hours.

This Board of County Commissioners public hearing will be held at the following time, date and lo-

10:30 A.M. May 28, 2013

Road Dist. resident met with the Board to get clarification on drainage, now that the county is

state laws still apply and anyone road districts must still get per-

Clay County Historic Preserva-Tom Thaden and Malene Little.

Motion by Kephart seconded by Mockler and carried to approve the following claims for payment: May Bills: (Tax Disbursement) School-\$182839.98, Twp.-\$16553.98, School-\$110862.19, City of Vermillion-\$828972.29, Violence-\$90.00, Twp.-\$25099.02, Twp.-\$11829.15, School-\$45331.37, Twp.-\$12728.42, City-\$8565.38, School-\$472349.15, Twp.-\$8835.52, Twp.-\$10021.51, Twp.-\$14969.75, Prairie Twp.-\$14154.04, Twp.-\$18276.34, Seilers Dist.-\$1029.22, Road Twp.-\$15205.86, Mound Twp.-\$17628.46, TLC

Legal and Public 2010 **Notices**

School-\$11693760.99, Vermillion Vermillion Twp.-\$14591.37, Town-\$31681.69; Wakonda (Modernization/Preservation Fund) SDACO-\$450.00; (Prof. Serv./Fees) City of Vermillion-\$36.00, Denise Cody-\$30.00, Dept. of Revenue-\$1191.90, Rick D. Johns/Constructed Concepts-\$884.29, Debra Counseling Gapp/Gapp Svc.-\$1650.00, Horn Law Off i c e - \$ 2 3 9 . 2 0 , iSecuretrac-\$361.35. LaCroix Office-\$196.29. Law Lucille Lewno-\$278.21. PharmChem-\$147.00 Reed Law Offices-\$277.20. Sanford Health-\$180.89. SD Achieve-\$120.00, Security Shred-SESDAC-\$360.00, ding-\$35.00, Karen Swanda-\$30.00, The Thomp-Equalizer-\$33.00, Craig son-\$865.96, Vermillion Federal Credit Union-\$8.06, Yankton Co. (Publishing) Plain Star Equal-(Repairs/Maint.) Century HAR-Roger Lawn-\$120.00, Midwest Bldg.

Sheriff-\$50.00; Broadcaster Press-\$264.00, Talk-\$484.63. Publishing-\$570.93, The izer-\$183.00: A&B Business-\$67.32, Business Products-\$19.63, TELCO-\$10.00. Hauger/Hauger KONE-\$615.48, Maint.-\$24.00, Presto-X-\$63.71, Falls Two-Way Radio-\$150.00, Tom Taggart Removal-\$841.50, Snow Plumbing-\$65.00, Vermillion Ford-\$80.00; Processing) Microfilm Imaging Sytems-\$432.00; (Materials/Sup-A&B Business-\$10.26 Welding Supply-\$152.52, Appeara-\$67.72, Boyer Trucks SF-\$455.06, Brunick Service-\$490.00, Sup-Campbell ply-\$414.34, Ware-Dakota PC house-\$199.98 Davis Pharmacy-\$330.02, Fast Auto Glass-\$240.00, First Bank & Visa-\$122.07, Lawson Products-\$504.07, Mark's Ma-Bldg. chinery-\$7.41, Midwest Maint.-\$42.00, Midwest Oil Co.-\$1555.85. Neve's

Uniforms-\$53.90, Orr Farm Sup-

Source-\$167.00,

Vermillion

Plain

Talk-\$27.56,

Quill

BY

Hydrau-

Stewart

Auto

True

ACE

Vermillion

Western

Yankton

Business

(Cop-

(Inmate

Dis-

Union-\$156.99.

(Travel/Confer-

Admin.-\$113.15,

Grille-\$5516.45;

(Jury/Witness)

Frances

Fischer's

Clay Union

MidAmeri-

Reliance

Layne

Bob's

Cody

Ruth

Jan-

Virginia

Monty

Harlan

&

of

Turner

(Training/Spec.

(Juvenile De-

Uniforms

Volunteers

At 10:25 a.m. Mockler moved,

seconded by Kephart and carried

to adjourn and reconvene Tues-

day, May 28, 2013 at 9:00 a.m.

Raymond Passick, Chairman

Board of County Commissioners

Ruth A. Bremer, County Auditor

proximate cost of \$94.44.

Published: May 31, 2013

Unapproved Minutes

Monday 12:00 noon

May 20, 2013

Council Special Session

Vermillion Public Library.

Present: Collier-Wise

Zimmerman, Mayor Powell

Published once at the total ap-

The special session of the City

Council, City of Vermillion,

South Dakota was held on Mon-

day, May 20, 2013 at 12:00 noon

at the Roger Kozak Community

Room in the Edith B. Siegrist

at 12:03 p.m.), Davies, Grayson,

Meins, Osborne, Ward, Willson,

2. Information Session Presen-

tation of DENR Drinking Water

Corp.-\$15.96, Riverside lics-\$39.91, SD Federal Property-\$178.50, SE Farmers Elevator Coop.-\$2878.20, Sioux Falls Two-Way Radio-\$116.34, Stanard & Assoc.-\$90.00, State 4-H Office-\$72.00, Oil-\$4955.43, Sturdevant's Parts-\$557.26, Truck-Trailer Svc.-\$93.00. & Sales

ply-\$40.93,

Value-\$34.24.

Federal

Hardware-\$29.20.

Credit

Vermillion Ford-\$18.06.

Tech.-\$417.89.

Energy-\$313.69,

Street

Service-\$143.95, Brunick

Stewart-\$120.00. Vermillion Gar-

bage Svc.-\$60.00; (Jail Meals)

ice-\$210.90, First Bank & Trust

Visa-\$38.29, Graham Tire SF

North-\$856.86, SD Federal Prop-

Telephone-\$400.00,

(Machinery/Auto)

Plumbing-\$873.40.

ATTEST:

Supply-\$227.00;

Print

Office Janitorial ier Supplies) Century Products-\$41.91; ence) Andy Howe-\$72.00, Tim McClelland-\$11.10; Transport) SE Farmers Elevator Coop.-\$273.00; (Utilities) Bureau Centurylink-\$493.96, Electric-\$718.46, HARTELCO-\$79.95. can

cation:

erty-\$2600.00, SE Farmers Eleva-**Clay County Courthouse (211** tor Coop.-\$2034.24, Vermillion W. Main Street, Vermillion, SD) Federal Credit Union-\$62.35; Supply-\$2259.10; Leslie A. (In The purpose of this hearing is to Leslie Aust-\$50.00, Mary Christoexplain the proposed revisions to pherson-\$50.00, the Clay County Zoning Regulations to interested persons, to an-Goebel-\$50.00, Hall-\$50.00, swer questions regarding this Hessman-\$68.50, item, and to hear public comment dreau Gone-\$20.00, Joseph Johnon this item. The Board of County Commissioners invites all interson-\$52.96, Mullinix-\$68.50, ested persons to attend and offer Munkvold-\$50.00. their comments. Those interested persons not able to attend are in-Wentzel-\$52.96; vited and encouraged to send writ-Equip.) Jack's ten comments, prior to the hear-Equip.-\$2747.00; ing, to the Clay County Auditor, tention) 211 W. Main Street, Suite 200, America-\$3630.00; (Building Im-Vermillion, SD 57069. provements)

Jeff Zolnowsky/ Seiler Second no longer issuing drainage per-

mits. The Board informed him that all draining into county, state or other mission from that entity.

Board positions vacated:

Beresford Bethel Centerville Domestic Fairview Garfield Gayville/Volin Glenwood Irene Irene/Wakonda Meckling Norway Pleasant Valley 1. Roll Call Center Riverside Second Spirit Star Water Proj. Dist.-\$3157.42, Vermillion Basin Water Dev. Dist.-\$9633.41.

Legal and Public 2010 **Notices**

Excellence awards

Mayor Powell reported that he was notified that the South Dakota Department of Environment and Natural Resources has recognized the City of Vermillion Public Water System and the system's operation specialists with the Secretary's Award for Drinking Water Excellence. The award is for outstanding water system operations environmental compliance and with State drinking water standards for 12 consecutive years. Powell presented Mayor the award to Randy Isaacson, Super-Plant/Distribution intendent and Operators Tom Kruse. Alan Clark, Wade Mount, Curt Haakinson, Dale Husby and Shane Griese. The Mayor and Council members expressed their appreciation for the members of the Water Department.

Alderman Collier-Wise arrived 12:03 p.m.

Mayor Powell inquired if the members wanted to adjust the agenda to do the briefing on the Council meeting and then adjourn for the library tour. Everyone agreed to the agenda adjustment.

3. Briefing on the May 20, 2013 **City Council Regular Meeting**

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

4. Adjourn

Alderman Osborne moved to adjourn the Council special session at 12:08 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted. The public library staff provided a tour of the renovated and expanded library facility.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

BY Michael D. Carlson, Finance Offi-

Unapproved Minutes City Council Regular Session May 20, 2013 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion. South Dakota was called to order on Monday, May 20, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Willson Zimmerman. Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 6, 2013 Special Session and May 6, 2013 Regular Session

132-13

Alderman Zimmerman moved approval of the May 6, 2013 special session and May 6, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor declared the Powell motion adopted.

4. Adoption of Agenda

133-13

Alderman Willson moved approval of the agenda. Alderman Collier-Wise seconded the motion, Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Barbara Yelverton, 205 E Lewis, reported that she has heard rumors that the bike/pedestrian path along the Vermillion River, which has been damaged due to erosion, will be routed away from the river. She noted that in the planning for the bike/pedestrian path a citizen committee worked with the City to develop the route. She stated that cities with rivers have bike/pedestrian paths along them to allow residents to access nature along the river. She suggested that a committee be established to work on these issues.

Alderman Grayson noted that the City Council toured the expanded/renovated Edith B. Siegrist Vermillion Public Library and reminded citizens of the ribbon cutting on June 1st at 2:00 p.m. Citizens were encouraged to stop in and see their public li-

6. Public Hearings

(arrived

A. Special permit to exceed permissible sound levels by no more than 50% for Beta Theta Pi at 429 N Plum Street on August 27, 2013 between 6:00 p.m. and 9:55 p.m. for a concert

Legal and Public 2010 **Notices**

Mike Carlson, Finance Officer, reported that a special permit to exceed permissible sound levels by no more that 50% was received from Beta Theta Pi for a concert on Tuesday, August 27, 2013 from 6:00 p.m. to 9:55 p.m. The application, diagram of the event and notice of hearing are included in the packet. Jarad Kunzman, representing the organization, reported on the activities planned. Discussion followed on the re-

134-13

Alderman Grayson moved approval of the special permit to exceed permissible sound levels by no more that 50% for Beta Theta at 429 N Plum on Tuesday, August 27, 2013 from 6:00 p.m. to 9:55 p.m. for a concert. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the adopted.

7. Old Business

A. Second Reading of Ordi-1300 Amending nance No. Chapter 34 Urban and Rural Service Districts Appendix A to remove platted property from the service district Mike Carlrural son, Finance Officer, stated that this was second reading of the ordinance to remove the platted property from the rural service district as included in appendix A of that section of the ordinance. Mike reported that by ordinance the City created rural and urban service districts in 1996. The Rural District consists of lands listed in appendix A that are rural in character, are used or usable for agriculture and are not developed. There was a four acre lot recently platted east of Madison Street that needs to be removed from the Rural Service District. Mike noted that in reviewing appendix A with the Director of Equalization there is property included in the legal that needs to be removed from the rural service district to agree with the county. A map of the properties included in Appendix A is included in the packet. For taxing purposes, only the four acre lot just platted on Madison will be moved to the urban district. Discussion followed.

135-13

Second reading of title to Ordinance No xx, entitled AN ORDI-NANCE AMENDING xx for the City of Vermillion, South Dakota.

Mayor Powell read the title to the above named Ordinance, and Zimmerman Alderman moved adoption of the following:

Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1300 entitled An Ordinance Amending Chapter 34 Urban and Rural Service Districts Davies, Appendix A to remove platted Grayson, Meins, Osborne, Ward, property from the rural service district, of the City of Vermillion. the Ordinance considered substantially in its present form and conof the Governing Body on the 6th was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of May, 2013 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

> BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1300

ORDINANCE AMEND-ING CHAPTER 34 TAXATION, URBAN AND RURAL SERV-DISTRICTS, AMENDING SECTION 34 APPENDIX A OF THE REVISED ORDINANCES THE CITY OF VERMIL-LION, SOUTH DAKOTA, TO REMOVE PLATTED ERTY FROM THE RURAL SERVICE DISTRICT

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 34, Appendix A is amended and it is hereby ordained by authority of the same as follows:

APPENDIX A: LANDS IN-CLUDED IN THE RURAL SERVICE DISTRICT

The following land is classified agricultural land: Description A:

The E 16 RDS of NW _, SE _ and W 58 RDS of NE _, SE _ Exc Block 1, Washington Square Addition and Lots 1 - 13 Block 1, Meisenholder East Addition and Lot 1 Block 1, Madison Park Addition, NE _ SW _ SE _ EXC. E 33' and Mehlhaf Addn, Section 18-92-51 (street address 401 N Norbeck) Description B:

The W _, SE _, SE _ and the East 331 of the SW _, SE _ Exc Lot 5 Block 1 and Lot 1 Block 2. Mehlhaf Addition and Lot 1 through 3 Block 1, Barari Addition and Outlot C, Barari Addition, Section 18-92-51 (street address 1400 E Main) Description C:

The E _, SE _, SE 1/4, Exc Lots 1 through 4 Block 4, French Addition, Section 18-92-51 (street address 1700 E Main)

Legal and Public 2010 **Notices**

Description D:

BY

The S $_{-}$ of the SW 1/4, except Lot H-2 thereof, Section 17, Township 92 North, Range 51 West of the 5th P.M., Clay County, South Dakota.

Dated at Vermillion, South Dakota this 20th day of May, 2013

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

John E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as Collier-Wise-Yes, follows: Davies-Yes, Grayson-Yes, Meins-Yes, Osborne-Yes, Ward-Yes, Willson-Yes, Zimmerman-Yes, Mayor Powell-Yes

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Final Plat of Bliss Third Addition to the City of Vermillion

Jose Dominguez, City Engineer, reported that a plat was received for a 55.8 acre tract of land from the owner. Vermillion Chamber and Development Company. The land is located on the west side of Stanford Street and north of West Main Street. Jose noted that the land being platted is within the Joint Jurisdictional Area and final plats within this area are required by State statute and City ordinance to be presented to the County Planning Commission for recommendation and report. Jose reported that the preliminary plat requirement was waived due to the fact that the owner has petitioned to annex the property and, once annexed, the owner is planning on further developing the The proposed plat meets all the requirements set within the City's Zoning and Subdivision ordinance except for the 8 foot utility easement that will be required on future plats. The Clay County Commission reviewed Planning the plat at their May 13th meeting recommended approval with the condition that the land be annexed into the City.

Steve Howe, Executive Director

of the VCDC, reported in April 2012 that a group of community leaders met to discuss the future of the community with the number one concern being the lack of housing. Following the discussion, the VCDC and City contracted for a Talent Attractions Strategy and Workforce Housing Solutions study that was issued in South Dakota was first read and October 2012 that recommended that an entity be identified to serve as a land developer to entent at a regularly called meeting sure that housing sites are available in the community. The VCDC day of May, 2013 and that the title contacted landowners about developing or selling their property to be developed for housing sites. Steve stated in April 2013 that the VCDC was pleased to announce it had acquired a 55 plus acre parcel to develop for community housing. Steve stated that on the agenda tonight is the plat followed by the annexation. The VCDC will be working on the design for the infrastructure that will come back to the City Council in a preliminary plat and there has been discussion about using Tax Increment Financing to assist with the site improvements. Steve requested approval of the plat and the annexation being the next item on the agenda. Discussion followed with Steve answering questions of the City Council on the project.

136-13

After reading the same once, Alderman Grayson moved approval of the following plat contingent upon the land being annexed into the city:

Resolution

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Plat of Tract 1 Bliss Third Addition to the City of Vermillion, Clay County, South Dakota.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and allevs set forth therein conforms to the system of streets and alleys of the City of Vermillion, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and

Legal and Public

Notices the same is hereby accordingly

approved.

The motion was seconded by Alderman Meins. Discussion lowed 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.

B. Resolution for Annexation of Bliss Third Addition to the City of

Jose Dominguez, City Engineer, reported that a petition to annex contiguous territory was received from the Vermillion Area Chamber of Commerce and Development Company for Tract 1, Bliss Third Addition to the City of Vermillion being the plat just approved. Jose provided showing the area that will be annexed. The land will enter City limits zoned NRC (Natural Resource Conservation) which is the most restrictive classification and allows farming operations within the City. Rezoning of the property will follow at a later meeting. Jose stated that the owner plans to develop the property for residential housing sites.

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

RESOLUTION ANNEXING CERTAIN CONTIGUOUS TER-RITORY TO THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

WHEREAS, there has been presented to the Governing Body of the City of Vermillion, and filed with the City Finance Officer, a petition to annex contiguous territory into the corporate limits of the City of Vermillion; and

WHEREAS, said petition was signed by the owners of Tract 1, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota, and represent that there are no registered voters residing within the boundaries of the territory to be annexed; and

WHEREAS, in 1964 the City Council annexed a portion along the north and east of what is now known as Tract 1, Bliss Third Addition to the City of Vermillion;

WHEREAS, such annexation is provided for in SDCL 9-4-1 upon resolution of the Governing Body.

NOW, THEREFORE, RESOLVED, by the City Council of the City of Vermillion that the following territory be described

TRACT 1, BLISS THIRD AD-DITION TO THE CITY OF VERMILLION, CITY OF VER-MILLION. COUNTY, CLAY SOUTH DAKOTA (with the exception of the land previously annexed by the City of Vermillion in

is hereby included within the corporate limits of the City of Vermillion and the boundary of the City of Vermillion is hereby extended to include such territory.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

BY John E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

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.

C. Authorization to Notify Electric Cooperative of Intent to Serve Annexed Area (Tract 1, Bliss Third Addition)

Jason Anderson, Assistant City Engineer, reported that the purpose of this authorization is to notify Clay Union Electric Corporation of the City's intent to provide the electric service to the portion of the annexed Bliss Third Addition currently in the Clay Union service territory. This follows the two previous items where the property was platted and annexed. There is a portion of the annexed property along the north side that is currently in the Clay Union service territory and this notification as provided by State statute will establish the time for which the City will be responsible for lost revenue payments. Jason noted that the City is not aware of any Clay Union customers in the annexed area. The lost revenue payments are due for a maximum of seven years during the next eleven years. The lost revenue payments are 25% of the monthly billing. The City has previously