

From PUBLIC NOTICES Page 12

Unapproved Minutes Council Special Session October 5, 2009 Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 5, 2009 at 12:00 noon at the University of South Dakota South Dakota State Building Room 120 - Dean's Conference Room.

1. Roll Call

Present: Edelen, Osborne, Powell, Willson, Mayor Christopherson

Absent: French, Hofman, Meins, Willson

2. Educational Session - Tour of new School of Business building

Tom Davies conducted a tour of the new School of Business building for Council members.

3. Educational Session - Street Banner policy

The education program on the street banner policy will be scheduled for another time.

4. Briefing on the October 5, 2009 City Council Regular Meeting Agenda

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

Alderman Ward requested to be excused at 1:00 p.m.

5. Adjourn

Alderman Powell moved to adjourn the Council special session at 1:14 p.m. Alderman Edelen seconded the motion. Motion carried 4 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of October, 2009.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY **Dan Christopherson, Mayor**
ATTEST:

BY **Michael D. Carlson, Finance Officer**

Unapproved Minutes City Council Regular Session October 5, 2009 Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 5, 2009 at 7:00 p.m. by Mayor Christopherson.

1. Roll Call

Present: Edelen, French, Hofman, Meins, Osborne, Powell, Ward, Willson, Mayor Christopherson

2. Pledge of Allegiance

3. Minutes

A. September 21, 2009 Special Session; September 21, 2009 Regular Session

318-09

Alderman Edelen moved approval of the September 21, 2009 special session minutes and the September 21, 2009 regular session minutes. Alderman Powell seconded the motion. Motion carried 9 to 0. Mayor Christopherson declared the motion adopted.

4. Adoption of Agenda

320-09

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

5. Visitors to be Heard

A. Proclamation - National 4-H Week

Mike Carlson, Finance Officer, read the proclamation designating October 4-11, 2009 as "National 4-H Week" in Vermillion. Mayor Christopherson presented the proclamation to 4-H members present.

6. Public Hearings

A. Public Progress Hearing on the community Development Block Grant for the Vermillion Wastewater Treatment Facility Improvement Project Phase II

Kyle Niemann, Planner with SECOG, noted that a requirement of the Community Development Block Grant (CDBG) is to hold a progress hearing and a sign-in sheet to document those present at the hearing has been started. The Wastewater Treatment Facility Improvement Project involves replacement of existing primary and final clarifier mechanisms and repainting of basins, replacement of existing primary and secondary digester covers and repainting tanks, construction of a new main lift station, and construction of a new supplemental force main between the main lift station and the Wastewater Treatment Facility. The cost of the project was projected to be \$5,616,000. A CDBG was secured for \$765,000 for construction and administration costs, and a Clean Water State Revolving Fund (CWSRF) loan of \$4,851,000 was secured to finance the remaining portion. Currently there have been two CDBG draws totaling \$561,085.50 and after the second there is \$203,914.50 of CDBG funds remaining. On the CWSRF loan, \$440,322 has been drawn with \$4,410,678 remaining for the project. Kyle stated that Harold Holoch, Utility Engineer, would provide an update on the construction.

Harold Holoch, Utility Engineer, stated that the low bidder for the improvements in the amount of \$4,066,996 was PKG Contracting, Inc. Total work completed to date and materials stored is \$654,540 or approximately 16% of the project. The completion date for the project is January 1, 2011. Work progress occurred in the following areas: primary and final clarifiers sandblasting to remove the old coating system has been completed in one of the final clarifiers and started in one of the primary clarifiers; electrical work has been ongoing in both primary and final clarifiers; in the primary and secondary digesters, plumbing and electrical work is on-going with the cover replacement and tank recoating scheduled for next year; in the main lift station, the base slabs are completed and two of the three below grade walls pour complete; the last pour is scheduled for this week; the new supplemental forced main has been completed from within 200' of the new lift station to the treatment plant with final connections to be made at the appropriate times; numerous pumps, motors, mechanisms are either on order or in the shop drawing review process. Harold noted that overall the project is proceeding well and offered to answer any questions.

Mayor Christopherson asked for any comments, as this is a public hearing. Upon hearing none, he

closed the hearing noting that no action is required and thanked Kyle for his assistance on the project.

B. Resolution approving special assessment roll for nuisance abatement

Mike Carlson, Finance Officer, reported that this was the time set for the public hearing by the resolution adopted September 8th. The notice of hearing was published and notices were sent to the property owners listed. Mike read the listing of assessments.

321-09

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

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL

AND NOTICE OF SPECIAL ASSESSMENTS FOR NUISANCE ABATEMENT IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established a special assessment roll for defraying the cost of nuisance abatement against the several tracts of real property upon:

NUISANCE ABATEMENT as listed at the end of this Resolution in the City of Vermillion, Clay County, South Dakota. The assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 8th day of September 2009.

WHEREAS, said Governing Body, by resolution, has determined a place for hearing upon the assessment roll for the 5th day of October 2009 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 roll, the time and place for the hearing, that the assessment roll would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment roll for further particulars. The Finance Officer was further directed to mail a copy of 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 roll, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment roll is 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 roll is hereby approved without amendment or change.

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

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 roll, a copy of this Resolution and Notice along with the approved assessment roll.

NOTICE IS HEREBY GIVEN that the assessments mentioned in the assessment roll will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Compiled Laws of 1967 of the State of South Dakota.

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 the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty (30) days after the filing of the approved assessment roll in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, plus interest thereon from the filing date to the date of payment may be paid to the said City Finance Officer. 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 roll will be filed with the City Finance Officer on 5th day of October 2009. The assessment is payable in one (1) installment at ten percent (10%) per annum interest on unpaid installments. The first installment due date is January 1, 2010.

The assessment roll herein referred to is attached.

Dated at Vermillion, South Dakota, this 5th day of October 2009.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY **Dan Christopherson, Mayor**
ATTEST:

BY **Michael D. Carlson, Finance Officer**

ORDINANCE NO. 1217

AN ORDINANCE AMENDING CITY OF VERMILLION, SOUTH DAKOTA, CODE OF ORDINANCES TITLE XI, CHAPTER 112, SECTION 112.18 TO SET THE FEE FOR SPECIAL LICENSES FOR SALE OF MALT BEVERAGES AND/OR WINE BY RESOLUTION

WHEREAS, the City of Vermillion, South Dakota, has a long history of providing for the sale of malt beverage and/or wine within the City of Vermillion, South Dakota, and the City Council has determined that it is in the best interest of the City to amend the Ordinance to set the fee for special licenses for sale of malt beverage and/or wine by resolution for the City of Vermillion, South Dakota.

BE IT RESOLVED that the minimum fee for this meeting shall be the amount set by the proposed Ordinance No 1217 entitled AN ORDINANCE AMENDING CITY OF VERMILLION, SOUTH DAKOTA, CODE OF ORDINANCES TITLE XI, CHAPTER 112, SECTION 112.18 TO SET THE FEE FOR SPECIAL LICENSES FOR SALE OF MALT BEVERAGES AND/OR WINE BY RESOLUTION

Amount: Troy Boysen, 104 N University, S 1/2 of E 140' of 12 & E 140' of Lots 13 & 14, Block 64 Bigelows Addition 15050-0640-140-00, Settlement Agreement violation 6-1-08 to 5-30-09, 18,250.00

Troy Boysen, 104 N University, S 1/2 of E 140' of 12 & E 140' of Lots 13 & 14, Block 64 Bigelows Addition, 15050-0640-140-00, Grass Tagging 5-13-08, Grass Tagging/Removal 6-10-08, Snow Tagging/Removal 12-31-08, Grass Tagging 5/14/09, 441.15

James A. Johnson, 14 W Cherry, W 293' of 1 & 2 EXC H-1, Block 85, Addition to Snyders, 15730-08500-020-00, Grass Tagging/Removal 6-13-08, Grass Tagging/Removal 5-28-09, 477.00

Joseph Parlett, 211 S Pine, Lot 3, Block 2, Eastside Addition, 15270-00200-030-00, Grass Tagging 6-5-08, Grass Tagging 8-28-09, 242.40

Timothy Peterson, 716 Maple, E 77.7' of 11, 12 & E 77.7' of S 1/2 of 13, Block 3, Eastside Addition, 15270-00300-130-00, Snow Tagging 12-12-08, Snow Tagging/Removal 12-12-08, Grass Tagging 5-21-09, 127.20

Tau Kappa Epsilon Fraternity, 205 N Pine, Lots 8 & 9 & S 12' OF 10, Block 9, Bigelows University Addition, 15060-00900-100-00, Snow Tagging/Removal 12-30-08, 79.50

The amount of the assessment is payable, under Plan One, at the office of the Clay County Treasurer, in the Courthouse, in the City of Vermillion, Clay County, South Dakota, UNLESS paid to the City Finance Officer, whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, Clay County, South Dakota, within 30 days after the approved assessment roll is filed in the office of the City Finance Officer. Whenever the word "Lot" appears in this exhibit, it shall be construed to include tracts and other parcels of land.

The motion was seconded by Alderman Hofman. Discussion followed and the question of the adoption of the Resolution was presented to the Board of the Government, Body, 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared that the Resolution was adopted.

B. Ordinance 1218 to amend Section 96 of the Vermillion Code of Ordinances regarding New Sidewalk Construction

Jose Dominguez, City Engineer, reported that Section 96.52 amends the width from 4 ft to 5 ft. Section 96.53 changes the thickness to five feet through driveways and amending Section 96.54 would require new sidewalks during construction and when 75% of the block is complete. Discussion followed.

324-09

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1218 entitled An Ordinance amending Section 96 of the Vermillion Code of Ordinances regarding New Sidewalk Construction Required 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.

BE IT FURTHER RESOLVED that the Board of the Government, Body, 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Christopherson declared the motion adopted.

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PUBLIC NOTICES

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, to amend City of Vermillion Code of Ordinances Title XI, Chapter 112, Section 112.18 as follows:

112.18 SPECIAL LICENSES FOR SALES OF MALT BEVERAGES AND/OR WINE.

The City Council may recommend to the State Department of Revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. The granting of the special license shall be subject to such conditions and restrictions, as the City Council may deem appropriate and consistent with state law. The fee for such license shall be set by resolution of the City Council.

Dated at Vermillion, South Dakota this 5th day of October, 2009.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY **Dan Christopherson, Mayor**
ATTEST:

BY **Michael D. Carlson, Finance Officer**

Adoption of the Ordinance was seconded by Alderman Powell. Discussion followed and the question of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Edelen-Y, French-Y, Hofman-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Mayor Christopherson-Y.