

PUBLIC NOTICES

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Unapproved Minutes
Council Special Session
October 1, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 1, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Ward, Willson, Zimmerman, Mayor Powell

Absent: Collier-Wise, Grayson, Meins, Osborne

2. Informational Item – final results of the Police Department Community Survey – Matt Betzen

Matt Betzen, Police Chief, reported on the results of the community survey that was recently completed. Matt stated that the survey will serve as a benchmark for the Department as it develops a five year plan. Matt reviewed the survey goals, committee members that participated in developing the survey and the survey results. He summarized his conclusions of the results that he will use in community policing and the next steps in developing a five year plan. Matt answered questions of the City Council on the survey and the Police Department noting that the survey is available on the Police Department page on the city web site.

3. Possible Executive Session pursuant to SDCL 1-25-2(3) Pending Legal Matter

Mayor Powell asked that this item be continued until the evening meeting to allow more members to be present.

4. Briefing on the October 1, 2012 City Council Regular Meeting Agenda

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

5. Adjourn

352-12
Alderman Zimmerman moved to adjourn the Council special session at 12:48 p.m. Alderman Willson seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of October, 2012.

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
October 1, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 1, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, Meins, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Thiel

Absent: Collier-Wise, Grayson, Osborne

2. Pledge of Allegiance

3. Minutes

A. September 17, 2012 Special Session; September 17, 2012 Regular Session

353-12
Alderman Davies moved approval of the September 17, 2012 special session minutes and the September 17, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

354-12
Alderman Willson moved approval of the agenda with the addition of New Business 8G – Resolution to authorize submitting a grant application to the US Soccer Foundation and approving the installation of lights for the soccer field and the addition of Executive Session A – Executive Session pursuant to SDCL 1-25-2(3) Pending Legal Matters. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Public Power Week Proclamation

Alderman Ward read the Proclamation designating the week of October 7 – October 13, 2012 as Public Power Week in Vermillion.

B. Fire Prevention Week Proclamation

Alderman Meins read the Proclamation designating the week of October 7 – October 13, 2012 as Fire Prevention Week and encouraged all people in Vermillion to practice their home fire escape plan.

6. Public Hearings

A. Special Assessment roll for nuisance abatement

Mike Carlson reported that on September 4th the City Council adopted a resolution setting the public hearing for tonight for consideration of the special assessment roll. The resolution was published and mailed to the property owners. The assessments are for nuisance abatement during the last year for grass/weed, debris, dangerous building and abandon sign removal. Mike reported that, if adopted, the listed property owners will be sent the resolution allowing 30 days to pay the assessment

without interest and if not paid will be certified to the county to be included on next year's taxes. Discussion followed. 355-12

After reading the same once, Alderman Willson 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 4th day of September 2012.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment roll for the 1st day of October, 2012, 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 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 2nd day of October, 2012. 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, 2013.

Owner Name	Property Location	Corrective Action	Amount
Jeanine Halverson	10 S University	grass/weed/debris removal	1,031.75
Timothy N. Peterson & grass/weed/dangerous			
Elizabeth A. Goehring	Maple	building removal	716
Dorothy J. Rosenbaum	E Main	grass/weed removal	1407
Megan Skeen	326 Center	grass/weed removal	654.36
Marion Sprecher	412 E Main	grass/weed removal	206.70
Brian Steele	112 E Main	abandoned sign removal	185.50
Charlie Vanwardhuizen	709 W Main	grass/weed tagging	709
			53.00

Dated at Vermillion, South Dakota, this 1st day of October 2012.

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. 6 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs (Northwest Quadrant – small list)

Jose Dominguez, City Engineer, reported that the City implemented a sidewalk inspection program in 2010. On September 4th, the City Council adopted a resolution setting a public hearing for tonight for notice to the property owners to repair sidewalks. The resolution gives property owners until June 28, 2013 to complete the repair or demonstrate that the repairs are under contract to be completed by the end of 2013 or the City will contract to have the repairs done. Discussion followed.

356-12
After reading the same once, Alderman Zimmerman moved adoption of the following:

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR SIDEWALK REPAIRS IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 1st day of October, 2012, that the necessity has arising for sidewalk repairs along the parcels of land hereinafter named, viz:

Violation Description	Address	Legal Violation	Parcel Addition
519/521 Elm Street	Blk. 86	Addition to Snyder's	Lot 7 of Replat of
525 W. Clark Street		Lot 4, Blk. 2	
Lamberts Subdivision		15370-00200-040-00	
916 N. Dakota Street		N. 105.32' of the S. 320' of the E. 4' of Lot 5 & N. 105.32' of the S. 320' of Lot 3 & S. 16.73' of the N. 122.05' of the S. 320' of the W. 22.28' of the E. 111.53' of Lot 3 & S. 30.68' of the N. 136' of the S. 320' of the E. 89.26' of Lot 3, All in Blk. 1	Johnson's Addition
21 Walnut Street		Lots 6, 7, 8, 9 & 10, Blk. 1, except the N. 95' & the N. 1/2 of Vacated Alley South of Lots 9 & 10 Jones Addition	15350-00100-060-00; 15350-00100-100-00
1128 Westend Drive		E. 1/2 of Lot 2 and all of Lot 3 Larson's Subdivision	15390-00000-030-00; 15390-00000-020-02
218 Hall Street		The S. 64' of Lot 26, all of Lot 27 and Lot 50 Larson's Subdivision	15390-00000-260-00; 15390-00000-500-00
120 Franklin Street		S. 1/2 of Lots 1, 2 & 3, Blk. 40	Snyder's Addition
210 Washington Street		The S. 19' of Lot 3, all of Lots 4 & 5 and the N. 4' of Lot 6, Blk. 52	Snyder's Addition
310 Center Street		S. 1/2 of Lot 4 and Lot 5, Blk. 58	Snyder's Addition
15720-05800-050-00			
406 High Street		S. 58.5' of the N. 117' of Lot 1, Blk. 84	Addition to Snyder's
432 Cottage Avenue		S. 10' of the E. 165' of Lot 7 and the N. 1/3 of the E. 1/2 of Lot 8, & the W 2/3 of the W 1/2 of Lot 8, Blk. 85	Addition to Snyder's
15730-08500-080-09;			
15730-08500-080-12			
23 W. Dartmouth Street		W. 85' of Lot 10, Blk. 85	Addition to Snyder's
427 Cottage Avenue		N. 60' of Lot 4 and the N. 60' of the W. 40' of Lot 5, & 70' x 104' of Lot 5, Blk. 86	
		Addition to Snyder's	
607 Cottage Avenue		Comm at pt. 264' S. & 200' W. of the NE Corner, Blk. 87,	
		thence W. 130'; thence S. 54'; thence E. 130'; thence N. 54' to POB, Blk. 87	
		Addition to Snyder's	15730-08700-000-00
603 Cottage Avenue		W. 88' of the E. 200' of the N. 66' of the S. 132' & W. 130' of the N. 12' of the S. 78', Blk. 87 & W. 218' of the N. 46' of the S. 66', Blk. 87	Addition to Snyder's
		Addition to Snyder's	15730-08700-000-06
535 W. Cedar Street		Lot 1, Blk. 1 and the EC-1 of the SW 1/4 of the SW 1/4, S13-T92-R52	Lambert's Subdivision
		15370-00100-010-00;	
		15770-09252-133-21	
511 W. Cedar Street		E. 55' of the S. 1/2 of IS-1 of the SW 1/4, S13-T92-R52	
		Torstenson's Unplatted Addition	15770-09252-133-45
525 W. Cedar Street		Lots IS-3 in the SW 1/4 of S13-T92-R52, except the N. 150'	Torstenson's Unplatted Addition
		15770-09252-133-57	
713 W. Main Street		Lot CK-2 & CK-3, a part of Lot 4, Blk. 13, & Lot CK-4 of Outlot, Torstenson's Addition	Van Meter's Addition
		15810-01300-000-03	
1831 Constance Drive		Lot 9, Blk. 4	Westgate Addition
		15840-00400-090-00	
1851 Constance Drive		Lot 12, a Replat of Lot X, Blk. 4	Westgate Addition
		15840-00400-120-00	
1846 Constance Drive		Lot 13 and Lot	

13A, Blk. 5 Westgate Addition 15840-00500-130-00; 15840-00500-130-03
5 W. Cherry Street Lot 1, Blk. 1, in the S. 1/2 of he SE 1/4 of the NW 1/4 & the S 1/2 of the SW 1/4 of the NE 1/4, S13-T92-R52 Misc. Entries Addition 15880-09252-130-01
807 Cottage Avenue Lots 5, 6, 7, 8, 9 & 10, Blk. 4 & the N. 1/2 of Vacated Spruce Street & the W. 1/2 of Vacated Elm Street & Vacated alley between Lots 5, 6, 7

& 8 and the W. 1/2 of Vacated Alley adjacent to end of Lots 9 & 10 Parks Addition 15550-00400-100-00
611 Olive Drive Lots 6, 7 & 8, Blk. 1 of Lot E in the NW 1/4 of the SE 1/4, S14-T92-R52 Misc. Entries Addition 15880-09252-144-26
1312 Westgate Drive Lots 1, 2, 3 & 4, Replat of Lot C in the SW 1/4 of the NE 1/4, S14-T92-R52; Lot G in the SW 1/4 of the NE 1/4, S14-T92-R52; Lot H in the SW 1/4 of the NE 1/4, S14-T92-R52; Lot D, except Lot 1, Anderson Addition, S14-T92-R52

Misc. Entries Addition 15880-09252-141-04; 15880-09252-141-07; 15880-09252-141-08; 15880-09252-141-10; 15880-09252-141-16; 15880-09252-141-17; 15880-09252-144-17
1001 James Street Lot 5, Blk. 2 Westgate Addition 15840-00200-050-00
1800 Constance Drive Lots 2, 3, 4, 5 & 5A, Blk. 5 Westgate Addition 15840-00500-020-00
25 Franklin Street N. 9' of the W. 100' of Lot 13 and the W. 100' of Lot 14, Blk. 38 Snyder's Addition 15720-03800-140-00

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 4th day of September 2012 is approved and that the Engineer shall proceed with the work in the manner provided by law.

BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be completed by the 28th day of June, 2013, or be under contract to be completed no later than the end of 2013.

Dated at Vermillion, South Dakota this 1st day of October 2012.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA BY _____

John E. (Jack) Powell, Mayor
ATTEST:
BY _____

Michael D Carlson, Finance Officer
The motion was seconded by Alderman Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

7. Old Business

A. Second Reading of Ordinance 1288 – Amending the Width of Driveways in the Industrial zoning districts

Jose Dominguez, City Engineer, reported that City ordinance sets the maximum width for all driveways at 36 feet. The ordinance will allow driveway widths up to 50 feet in the industrial zone. Administration recommends adoption of second reading of the ordinance. Discussion followed.

357-12
Mayor Powell read the title to the above named Ordinance, and Alderman Willson moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1288 entitled Amending the Width of Driveways in the Industrial zoning districts was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 17th day of September, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of October, 2012 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. 1288

AN ORDINANCE AMENDING TITLE 15, CHAPTER 154, SUBDIVISION REGULATIONS, SECTION 154.11.1.E.1.d AND SECTION 154.11.1.E.2.e, DESIGN STANDARDS – STREETS/URBAN, FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY AMENDING THE ACCESS SIZE FOR DRIVEWAY WIDTHS FOR INDUSTRIAL USES.

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Sections 154.11.1.E.1.d and 154.11.1.E.2.e are hereby amended to read as follows:

The maximum driveway width for residential and commercial uses (as defined in the Zoning Ordinance) shall be 36 feet (36'). Driveway widths for industrial uses will be determined on a case-by-case basis depending on the size of vehicles and frequency of vehicles utilizing the driveway access. At no point, shall the driveway width exceed 50 feet (50'). The distance does not include the tapers at the access cut.

Dated at Vermillion, South Dakota this 1st day of October, 2012

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor
ATTEST
BY: _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Meins. 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 follows: Davies-Y, Meins-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 6 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second Reading of Ordinance 1289 – 2012 Supplemental Appropriations Ordinance for 911 Fund

Mike Carlson, Finance Officer, reported that this is the second reading of the ordinance to adopt a budget for the special revenue 911 Fund as required by the 911 Coordination Board Administrative rule. The ordinance removes the emergency communications budget and County reimbursement from the general fund to the new fund along with a transfer for the City share from the general fund. Discussion followed.

358-12
Mayor Powell read the title to the above named Ordinance, and Alderman Willson moved adoption of the following:

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1289 entitled 2012 Supplemental Appropriations Ordinance for 911 Fund was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 17th day of September, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of October, 2012 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. 1289
2012 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE, adopting a 2012 Supplemental Appropriations Ordinance, for the City of Vermillion, South Dakota.

The supplemental appropriations ordinance is to report the budget for the operations of Emergency Management in the newly created special revenue 911 Fund for 2012.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

Amount of 2012 General Fund Revenues:	Proposed Budget	Supplemental Budget
County Payment		
Emergency Communications	0	
239,853		
(239,853)		
Expenditures:		
Emergency Communications	0	
479,706		
(479,706)		
Transfer to 911 Special Revenue Fund		
0	239,853	
239,853		

911 Special Revenue Fund Revenues:	County Payment	Emergency Communications	0
239,853		239,853	
239,853			0
		239,853	

Expenditures	Emergency Communications	0	479,706
0	479,706		
479,706			

Dated at Vermillion, South Dakota this 1st day of October, 2012

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor
ATTEST
BY: _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. 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 follows: Davies-Y, Meins-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 6 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 Lots 9-1