

## 6B Vermillion Plain Talk

### 2010 Legal and Public Notices

Unapproved Minutes  
Council Special Session  
October 6, 2014  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, October 6, 2014 at 12:00 noon at the City Hall large conference room.

#### 1. Roll Call

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

#### 2. N. Norbeck Street access review - Duane Mehlhaf

Jose Dominguez, City Engineer, provided an overview of the development in this area including a timeline of events in the process. Jose noted that in 2011 City staff assisted Mr. Mehlhaf in developing the site plan for the property at 1338 East Clark that included access from Clark Street and Norbeck Street. Jose stated that he notified Mr. Mehlhaf in 2013 that access would not be allowed on Norbeck Street as the access was too close to the intersection for safety concerns. Jose reviewed the national access design standards, SD DOT access design standards and local ordinance regarding access. Jose noted that in all cases the access requested by Mr. Mehlhaf would be denied for safety issues as it is so close to the intersection. Jose noted that when the SD DOT reconstructed Cherry Street there were 15 access points removed and with the Dakota Street reconstruction 7 access points were removed. Jose reported that both Clark Street and Norbeck Street will be major collectors for traffic in this area. Jose reviewed access points to other apartments in the area. Jose reviewed the number of conflict points at different types of intersections. Jose answered questions of the City Council.

Jeannie Mehlhaf, property owner, stated that the City approved the site plan for the property at 1338 East Clark that showed access from Clark Street and Norbeck Street. A copy of the site plan was handed out to City Council members. She stated that the apartments were constructed in 2012. She reported that the two access points are needed to allow for pass through for tenants moving in and out with trailers and trucks, as well as delivery trucks, without requiring them to back out of the one access. She noted that with no parking on Norbeck Street there will not be any obstructions from parked vehicles and the driveway proposed would be 54 feet from the intersection. She stated that she is concerned about access for emergency vehicles such as ambulance or fire trucks with just one access. She thanked the City Council for hearing their concerns and requested to work with the City on the second access.

Duane Mehlhaf, property owner, stated that he was not notified that the Norbeck street driveway was not allowed by the City until the curb and gutter was being installed. He stated that he was concerned about all the vehicles being required to back up to turn around in the parking lot which was designed to have the two driveways. Duane reported that there are other locations within the city that have driveways close to intersections.

Discussion followed on the access and safety issues. Mayor Powell stated that this item will be on a future agenda for Council consideration.

#### 3. Vermillion Liquor Store location option discussion - Gregg Peters

Gregg Peters, Liquor Store Manager, reported that he has been working with City staff on the management agreement noting that his proposal for the existing liquor store was to move the coolers, new flooring, add shelving, change the back room and video lottery room. Gregg reviewed a diagram of this proposal noting that the layout does not allow changes to the checkout area. He noted that with this proposal the City's cost of the change would be \$9,722 and the rent would remain the same at \$937.50. Gregg stated that another option would be to move the liquor store into the east portion of the old Ace building just to the west. Gregg reviewed a diagram of the proposed area that would be larger than the current location which he felt would allow for better layout and customer service. Gregg stated that this new location would also have the two coolers, new flooring, all new shelving, two lane customer checkout counter, backroom and video lottery room. Gregg stated that he would provide this larger space at the same rent of \$937.50 per month and the City cost of the improvements would be the same at \$9,722. Gregg stated that the building lease would be for 10 years at the same monthly rate and he would like the management agreement for five years with an option to renew for five additional years. Gregg answered questions of the City Council on the two proposals. Discussion followed on video lottery with the consensus to allow the liquor store to try it for a year and review it at that time to see if it should continue. As to the store location, the consensus was to authorize staff to develop the lease and management agreement with Gregg for the new location.

#### 4. Briefing on the October 6, 2014 City Council Regular Meeting

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#### Agenda

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

336-14  
Alderman Ward moved to adjourn the Council special session at 1:09 p.m. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of October, 2014.

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 6, 2014  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on October 6, 2014 at 7:00 p.m. by Mayor Powell.

#### 1. Roll Call

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

Absent: Ward

#### 2. Pledge of Allegiance

#### 3. Minutes

A. Minutes of September 15, 2014 Special Session; September 15, 2014 Regular Session

337-14  
Alderman Willson moved approval of the September 15, 2014 Special Session and September 15, 2014 Regular Session minutes. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

#### 4. Adoption of Agenda

338-14  
Alderman Holland moved approval of the agenda. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

#### 5. Visitors to be Heard

A. Proclamation National Disability Employment Awareness Month

Alderman Clarene Meins read the proclamation for National Disability Employment Awareness Month and recognized the month of October as "Disability Employment Awareness Month" in Vermillion. Mayor Powell presented the proclamation to representatives of SESDAC.

Kathleen Carlson, resident of 210 E Main, reported to the City Council that political signs are being placed on her property without her permission. She stated that this was reported to the Police Department but she also wanted to inform the City Council.

#### 6. Public Hearings

A. Resolution Adopting a Special Assessment Roll for Nuisance Abatement

Mike Carlson reported that on September 2nd 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 removal, snow removal and removal of dangerous buildings. 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.

339-14  
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 2nd day of September, 2014.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment roll for the 6th day of October, 2014 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

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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 SDCL Sections 9-43-102 to 9-43-113.

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 6th day of October, 2014. 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, 2015.

The assessment roll herein referred to is attached.

Dated at Vermillion, South Dakota, this 6th day of October 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. Jack Powell, Mayor

ATTEST:  
\_\_\_\_\_  
Michael D. Carlson, Finance Officer

City of Vermillion Special Assessment Roll  
Name, Parcel Number Legal & Property Address, Service, Amount  
Bare Assets III LLC, 15880-09251-181-52, Lot G-2 Exec W 110.9 of S 198.91 SW 1/4 SE 1/4 NE 1/4 & SE 1/4 SE 1/4 NE 1/4 & Exc Lot 1 18-92-51 Mise Entires 809 N Norbeck, grass tagging & mowing 8/27/13, 79.50; debris removal 9/2/13, 349.80, total 429.30.  
Raymond Gill Jr, 15170-00100-030-00, S 18" of Lots 1 & 2 & N 32" of Lot 3 Blk 1 Cottage Place 15 Linden, grass tagging & mowing 5/29/13 79.50, grass tagging & mowing 7/16/13 121.90, grass tagging 6/17/13 31.80, grass tagging & mowing 8/27/13 143.10, snow tagging & removal 12/8/13 95.40, total 471.70  
Jeanine Halverson, 15230-00000-040-00, Lot 4 East End Addn, 10 S University, grass tagging 5/23/13, 10.60, grass tagging & mowing 6/18/13 100.70, snow tagging & removal 12/8/13, 106.00, total 217.30  
Kimberlee Hoffman, 15530-01300-030-00 Comm 80' E of

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NW corner of lot S to 80' E of SW corner of Lot 3 thence E 44' N to N line of Lot 1 Blk 13, Original Town 21 E Bloomingdale, debris removal 9/24/13 116.60, snow tagging & removal 12/8/13 63.60, total 180.20  
Patricia Hunsucker, 15280-081000-020-00 S 103'7.5" of Lots 1 & 2 Blk 81 East Vermillion 324 Lewis, snow tagging & removal 12/8/13, 63.60  
Alice Kutelik Revocable Trust, 15720-04100-120-00 Lot 12 Blk 41 Snyders, 119 Franklin, grass tagging & mowing 7/23/13, 121.90, grass tagging & mowing 9/24/13, 121.90, snow tagging & removal 12/8/13, 127.20, Abatement dangerous structure, 13,696.98, grass tagging & mowing 7/2/14, 74.20, grass tagging & mowing 7/25/14, 95.40, total 14,237.58  
Alice Kutelik & Sheila Isom, 15730-08300-020-03 S 50' of E 106.25' Lot 2 Blk 83 Addn to Snyders Addn 420 Franklin, grass tagging & mowing 5/16/14, 74.20  
Peter Mark & Karin Monzel 15860-09251-190-24 Lot 1 Replat of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud tract A 19-92-51 601 Lewis, grass tagging 5/23/13, 31.80, grass tagging 6/21/13, 53.00, grass tagging & mowing 7/2/14, 111.30, total 196.10  
Sarah Nelson 15710-07600-160-00 Lot 16 Blk 76 Smiths Addn 25 S Yale, grass tagging 7/19/13, 10.60, debris removal 1/14/14, 143.10, total 153.70  
Chris & Jessica Tiesen 15330-00400-110-00 E 37' of Lot 10 & W 16' of Lot 11 Blk 4 Holiday Village Addn, 714 W. Clark, grass tagging 6/21/13, 10.60, grass tagging 7/16/13, 121.90, grass tagging & mowing 8/27/13 132.50, grass tagging & mowing 9/24/13, 137.80, grass tagging & mowing 6/13/14, 74.20, total 477.00  
Jason Wyatt, 15080-00300-020-00 Lot 2 Blk 3 Replat of Blessing Addn 316 Prentis, grass tagging 5/23/13, 10.60, debris removal 7/22/13 106.00, total 116.60

The amount of the assessment is payable, under Plan One, at 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 work "Lot" appears in this exhibit, it shall be construed to include tracts and other parcels of land.

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. Mayor Powell declared that the Resolution was adopted.

#### 7. Old Business - None

#### 8. New Business

A. Municipal Swimming pool Committee concept presentation

Jim Goblirsch, Parks and Recreation Director, reported that the City Council in January adopted the Master Plan for Prentis Park with the main feature being a new swimming pool. Jim stated that a committee consisting of Anthony Burbach, Jenny French, Carrie Mart, Ted Muenster, Shane Nordyke, Nate Welch and Steve Ward has been working with Burbach Aquatics, Inc on a pool design. He noted that the goal was a swimming pool that meets the wants of the community but is also what we can afford. Jim introduced Shane Nordyke who is serving as the committee chairman.

Shane Nordyke, Chairman of the Swimming Pool Committee, reported that the committee has been working with the consultant to develop a plan for the swimming pool that meets the wants and needs of the community while being cost effective as to initial construction as well as the ongoing operating costs. Shane presented the plan as proposed by the committee and reviewed the amenities included in the pool. Shane noted that the cost estimate is over \$4 million for the pool.

Shane and Jim answered questions of the City Council on the proposed pool plan.

Jim stated that members of the Swimming Pool Committee will have the pool plan and be available to answer questions on the design at the Light and Power open house on Friday, at the Lions Pancake Days next Wednesday and Thursday, at Hy-Vee on Wednesday from 6:00 a.m. to 10:00 a.m. and at the library meeting room on Wednesday evening from 7:00 p.m. to 9:00 p.m. Jim encouraged the community to take time to review the plans and ask questions.

B. Resolution to reduce special assessment for 716 Maple Street

Mike Carlson, Finance Officer, reported that the City tagged the property located at 716 Maple Street numerous times over the years for tall grass and weeds and sidewalk snow removal. Mike noted that the City had to hire a contractor several times to mow and remove sidewalk snow. Mike stated that the City cited the house as a dangerous structure in July 2011 and after repeated attempts to get the property owner to address

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the situation City crews demolished the property in November 2011. Mike reported that Dakota Hospital Foundation has acquired the property at 716 Maple Street and has paid all the delinquent taxes on the lot. Mike noted that with interest the special assessments on this lot are approximately \$18,000 with the bulk of the assessment being from the demolition of the house that includes City labor and equipment. Mike stated that City staff worked with Dakota Hospital Foundation leadership to develop the proposed settlement amount for City Council consideration. The proposal allows the City to recover contractor fees for mowing; landfill fees, asbestos abatement and fill dirt related to the house demolition; a Maple Street paving assessment fee; a sidewalk improvement assessment; and related sales tax. Mike stated that a large part of the reduction is due to the City foregoing charges assessed to the property for the cost of City labor (\$1,642) and the equipment rental charge for use of City equipment (\$6,515) related to the demolition of the house along with the accrued interest on these amounts. Mike reported that the City has forgiven a portion of the special assessments in the past when ownership has been or will be transferred to a new owner who will improve the property. Mike noted that the full amount of special assessments has typically not been forgiven in these cases as there are landfill or contractor fees that are out of pocket costs for the City. Mike stated that a resolution has been prepared to reduce the special assessments to \$8,000 for this property. Discussion followed on the reduction of special assessments.

340-14  
After reading the same once, Alderman Holland moved adoption of the following:

RESOLUTION TO REDUCE SPECIAL ASSESSMENT

WHEREAS, Mr. Timothy Peterson and Ms. Elizabeth Goehring were the previous property owners of 716 Maple Street, Vermillion, South Dakota, and were the property owners of record until July 2014; and

WHEREAS, the property fell into a state of disrepair when Timothy Peterson and Elizabeth Goehring failed to maintain the property or improve its aesthetic appearance after receiving numerous notices of code violations from the City of Vermillion; and  
WHEREAS, City of Vermillion cited Timothy Peterson and Elizabeth Goehring on different occasions for tall grass and weeds and sidewalk snow removal and in most of these instances the City had to hire a contractor to resolve the matter; and  
WHEREAS, City of Vermillion declared the house on the property owned by Timothy Peterson and Elizabeth Goehring a dangerous structure and had to demolish the house using city staff time and equipment and incurring landfill disposal fees and asbestos abatement costs as the property owner failed to address the situation; and  
WHEREAS, Timothy Peterson and Elizabeth Goehring did not pay the invoices or special assessments which have led to a current indebtedness to the City of Vermillion in an amount exceeding \$18,650.72 in compensatory special assessments stemming from costs accrued to the City associated with the aforementioned property maintenance activities, house demolition along with special assessments for Maple Street Paving and sidewalk replacement; and  
WHEREAS, Dakota Hospital Foundation acquired ownership of the property at 716 Maple Street as the previous owners abandoned the property; and  
WHEREAS, the transfer of ownership of the property at 716 Maple Street to Dakota Hospital Foundation will produce both civic and economic gains for the community, and  
WHEREAS, Dakota Hospital Foundation has paid all of the back property taxes at 716 Maple Street as part of acquiring the property; and  
WHEREAS, Dakota Hospital Foundation plans to develop the site in the future to serve community oriented health care needs of the Vermillion area and as a non-profit organization has limited funds to spend acquiring clear title to a property; and  
WHEREAS, the City of Vermillion is authorized through SDCL 9-43-54 to compromise the outstanding special assessments against lots or parcels of real estate; and  
WHEREAS, a partial reduction in outstanding assessments on the property at 716 Maple Street will facilitate said development of the property.

NOW, THEREFORE, BE IT RESOLVED, if a check, in the amount of \$8,000, is presented to the City of Vermillion Finance Officer before Noon on the 10th day of October 2014, the Vermillion City Council agrees to abate the remainder of outstanding special assessment certificates numbers 6908, 7501, 7532, 7592, 7631 and 7658 along with miscellaneous invoices for mowing presently held against the property at 716 Maple Street and will file this resolution as proof of such action with the Clay County Treasurer's Office; and

BE IT FURTHER RESOLVED, that the said forgiveness of property assessments is explicitly limited only to the property at 716 Maple Street, and in no way precludes the City, either from levy-

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ing or from collecting future assessments on other properties owned by Dakota Hospital Foundation.  
Dated at Vermillion, South Dakota this 6th day of October, 2014.

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 Collier-Wise. 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. Mayor Powell declared that the Resolution was adopted.

C. Lot A1, Accretion to Government Lots 3 and 4, Section 16; and Lot A1, Accretion to Lot A, Section 22; All in Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota

Jose Dominguez, City Engineer, reported on the location of the property being platted noting this plat falls within two different plating jurisdictions. The portion on Section 16 falls within the City's plating jurisdiction, but outside of the Joint Jurisdictional Zoning Area. The other portion within Section 22 falls within the Joint Jurisdictional Zoning Area. Jose stated that, due to this, the plat had to first be approved by the City's Planning Commission and then the County's Planning Commission. Since both of the Planning Commissions have reviewed the plat, the City Council can now act on the final plat and the County Commissioners will act on the plat after the City Council.

Jose stated that this plat was reviewed by the City's Planning Commission at their September 22nd meeting and by the County's Planning Commission at their September 29th meeting. Both of the Planning Commission bodies recommended approval of the plat.

341-14  
After reading the same once, Alderman Collier-Wise moved approval of the following plat:

#### Plat Resolution

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot A1, Accretion to Government Lots 3 and 4, Section 16; and Lot A1, Accretion to Lot A, Section 22; All in Township 92 North, Range 52 West of the 5th P.M., Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion 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 alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, 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 the same is hereby accordingly approved.

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. Mayor Powell declared that the Resolution was adopted.

D. Resolution for Funding Agreement for the Airport Layout Plan for Harold Davidson Field between the City and State

Jose Dominguez, City Engineer, reported that the budget included an airport layout plan. At last meeting, the grant agreement with the FAA was approved for 90% of the project costs and this agreement is with the State of South Dakota for 5% of the project costs with the remaining 5% being city funds. Jose stated that the resolution included in the packet is required for the State grant and recommended adoption.

342-14  
After reading the same once, Alderman Collier-Wise moved adoption of the following:

RESOLUTION ACCEPTING THE FUNDING AGREEMENT FOR THE AIRPORT LAYOUT PLAN FOR HAROLD DAVIDSON FIELD BETWEEN THE CITY AND STATE OF SOUTH DAKOTA.

WHEREAS, the City of Vermillion wishes to update the airport layout plan by utilizing a combination of Local, State and Federal Funds; and;

WHEREAS, the Governing Body of the City of Vermillion is asked by the State of South Dakota's Department of Transportation to approve the above mentioned agreement by resolution, and;