12 Vermillion Plain Talk

Legal and Public

Notices

2010

John Prescott, City Manager, reported that the ordinance is to correct the title to Section 112.09 that referred to giving alcoholic beverages to persons under age 18 while the text of the section referred to under age 21. The ordinance is to correct the title to the section to persons under age 21.

320-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1285 entitled An Ordinance Correcting the title of 112.09 to read "Providing Alcoholic Beverages to Persons under 21 Years of Age" 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 4th day of September, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Grayson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. First reading of Ordinance 1286 - 2013 Budget Ordinance.

Prescott, City Manager, John wanted to thank the City Council for the time spent meeting with all the departments to refine this budget during the budget hearings in August. John reviewed some of the major items that are included in the 2013 budget ordinance. Discussion followed on the budget.

321-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1286 entitled An Ordinance Adopting the 2013 Budget Ordinance 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 4th day of September, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

2010 Legal and Public 2010 Notices Jose Dominguez, City Engineer, reported that this listing is a porof the NE 1/4. Misc Entries tion of the northwest quadrant inspection program where errors 15880-09252were determined between the address and legal description. This 8, 9 & 10, notice will set a public hearing date of October 1, 2012 and notice 1/2 of Vacat will be sent to the listed property owners. Discussion followed on timing for corrective action which is to have the work done by June Parks Addition 28. 2013 or under contract to be completed by the end of 2013.

323-12

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING 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 4th day of September, 2012, that the necessity has arising for sidewalk repairs along the parcels of land hereinafter named, viz:

Violation Address, Violation Legal Description, Violation Addition, Violation Parcel Number Estimated Cost

519/521 Elm Street Lot 7 of Replat of Lot 7, Blk. 86 Addition to 15730-08600-070-33 Snyder's \$422.22

525 W. Clark Street Lot 4, Blk. 2 Lamberts Subdivision 15370-00200-040-00 \$63.33

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

15340-00100-030-06 \$1,768.44 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 \$253.33 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 \$81.78 218 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 \$664.89 120 Franklin Street S. 1/2 of Lots 1, 2 & 3, Blk. 40 Snyder's Addition 15720-04000-030-00 \$907.56 210 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 15720-05200-060-00 \$383 33 310 Center Street S. 1/2 of Lot 4

and Lot 5, Blk. 58 Snyder's Addi-15720-05800-040-00; tion 15720-05800-050-00 \$63.89

2010 Legal and Public Notices	2010 Legal and Public Notices
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 \$2,625.07 807 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	WHEREAS a special assess- ment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 4th day of September, 2012 for the abate- ment of public nuisance to be lev- ied against the property abutting upon:
adjacent to end of Lots 9 & 10 Parks Addition 15550-00400-100-00 \$1,306.67 611 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 \$327.11	<u>NUISANCE ABATEMENT</u> On various properties as follows: <u>Owner Name, Property Location</u> <u>Corrective Action, Amount</u> Jeanine Halverson 10 S Univer- sity grass/weed/debris removal
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;	1,031.75 Timothy N. Peterson &

& 4, Replat 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 1/4 of the NE 1/4, SW S14-T92-R52; Lot D, except Lot 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 \$4,613.44 1001 James Street Lot 5, Blk. 2 Westgate Addition 15840-00200-050-00 \$81.78 1800 Constance Drive Lots 2, 3, 4, 5 & 5A, Blk. 5 Westgate Addition 15840-00500-020-00 \$570.00 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 \$1,150.00

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.

BE IT FURTHER RESOLVED, that if a property owner does not repair their sidewalk properly within the time specified, the City of Vermillion will cause the repairs to be made and assess the costs, plus a fiscal fee. The fiscal fee will be EIGHT PERCENT (8%) of the cost or FIFTY DOL-LARS (\$50.00), whichever is greater.

BE IT FURTHER RESOLVED, that the assessment shall be payable in two (2) equal annual installments. Any assessment or installment not paid within THIRTY (30) days after filing the approved assessment roll in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of TEN PERCENT (10%) per annum.

BE IT FURTHER RESOLVED. that any person interested may appear and show cause before the Governing Body of the City of Vermillion at the City Council

Legal and Public	2010	Legal and Public
Notices		Notices

Resolution was adopted.

building

1407 E Main grass/weed removal

709 W Main grass/weed tagging

in the City of Vermillion, Clay

County, South Dakota, said spe-

cial assessment being against the

roll, now on file in the office of

the City Finance Officer of the

City of Vermillion, South Dakota,

is open for public inspection and

is referred to for further particu-

WHEREAS said assessment roll

1. The name of the owner(s) of

each lot to be assessed as shown

by the assessment rolls of the Di-

2. A description by lot, block,

and addition, or by metes and

bounds of each parcel of land to

be assessed, recognizing divisions

by deed of platted lots, and ob-

taining the legal description of

land as of the date of the adoption

of the Resolution of Necessity for

3. The amount assessed against

4. The number of installments,

the rate of interest deferred install-

ments shall bear, and the whole of

such assessment or any install-

ment thereof may be paid at any

time, and that all installments paid

prior to the respective due dates

shall be deemed paid in inverse

5. Whenever the word "lot" ap-

pears therein, it shall be construed

to include tracts and other parcels

rector of Equalization;

such improvement;

order of their due date;

each lot;

of land.

said assessment

property for the corrective action.

removal

grass/weed/dangerous

Elizabeth A. Goehring

Maple

Dorothy J. Rosenbaum

Megan Skeen 326 Center

grass/weed removal 654.36

Marion Specher 412 E Main

grass/weed removal 206.70

abandoned sign removal 185.50

Brian Steele 112 E Main

Charlie Vanwardhuizen

WHEREAS

716

545.90

53.00

lars.

shows:

13,263.72

F. Resolution establishing a fee for small commercial customers for curbside recycling and replacement bin costs.

Bob Iverson, Solid Waste Director, reported that the curbside program was established for residential collection for single family and multi-family dwellings not exceeding four units but we are currently serving about fifteen small businesses on a weekly basis at no charge. Bob noted that he has been contacted by fraternities and sororities about recycling collection. Currently residential customers are charged \$3.30 per month. Bob stated that the resolution is to provide weekly collection of cardboard, plastic and aluminum for small volume customers not currently included in the mandatory service at \$10 per month.

Bob stated that the resolution also addresses the replacement of the blue and green recycling bins. Bob noted that a grant provided the containers when the program started and we will be out of these bins at year end. The resolution provides that after January 1, 2013 there will be a \$10 charge to replace the bins as it is projected that this will be the cost to replace the bins. Discussion followed with Bob answering questions on the curbside program.

325-12

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

RESOLUTION REVISING CURBSIDE RECYCLING FEES

WHEREAS, 52.30 Sections through 52.99 of Chapter 52, Garbage and Trash, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, provide for a collection fee, collecprocedures and property tion rights of the materials all for the operation of a residential curbside recycling program; and

WHEREAS, in 2009, the City of Vermillion established a fee for monthly curbside recycling collection for single family and multi-family dwellings not exceeding four units; and

WHEREAS, the City has received interest in participating in curbside collection from retail, commercial and large group style living units, such as fraternities and sororities.

WHEREAS, an Energy Efficiency and Conservation Block Grant (EECBG) was utilized to fund the initial purchase of the green and blue recycling bins for each qualifying dwelling unit in existence in 2009 to assist in the collection of recyclables; and

ic 2010 Legal and Public

September 14, 2012 www.plaintalk.net

Notices tion. The Joint Powers Board has had considerable discussion about how to handle recycling in the fu-

ture. In Vermillion, the curbside recycling collection has been in place since 2009. This system requires the resident to sort recyclables by bin. The recyclables are further sorted by the curbside collection crew when the bins are emptied. Vermillion also utilizes drop-off collection points for adrecycling collection. ditional Yankton, a resident While in places all recycling items in the same container at the curb. Recyclables are further sorted by the Yankton crew at the curb.

Bob reported that the options ranging from only making much needed improvements at the Vermillion recycling center to single stream recycling by a private company have been discussed. The Joint Powers Board asked HDR, the consulting firm completing the Solid Waste Master Plan, to specifically review recycling and options for the future.

After consultation with the Joint Powers Board, HDR has prepared a proposal to further study three recycling service scenarios which would provide different levels of service. The options are:

o Complete upgrades to Vermillion facility with no change in services.

o Complete upgrades to Vermillion facility to receive additional materials types and greater quantities.

o Utilize a private collection firm to haul recyclables from Vermillion and Yankton to a single stream facility. Single stream is a process where the customer does not separate recyclable materials. Separation of materials is handled by the processing agent.

Bob stated that the HDR proposal is included in the packet noting that the report will cost \$13,016. Discussion followed on the proposal along with the cost.

326-12

Alderman Grayson moved approval of the Recycling Options Study agreement with HDR at a cost of \$13,016 to be paid from the Joint Powers Fund. Alderman Ward seconded the motion. Discussion followed on the study proposal and the Joint Powers. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. 2012 Sidewalk Repair Assessment Project

Jose Dominguez, City Engineer, reported that the City inspected sidewalks in the quadrant south of East Main Street and east of Dakota Street last year and notices were sent to property owners for the repairs to be completed or under contract by June 2012 or the City would contract for the re-Jose reported that bids pairs. opened on August 22nd and recommended acceptance of the low bidder of Vermillion Concrete for \$34,666.11. Discussion followed.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. First reading of Ordinance 1287 - 2012 Revised Budget Ordinance.

John Prescott, City Manager, reported that the City Council adopted the 2012 budget in September 2011 and during the 2013 budget process it is time to review and adjust the 2012 budget amounts based upon information that is available now. Some of the major items would be the library construction project, bike path extension and airport fuel system. John answered questions on the revised budget.

322-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1287 entitled An Ordinance Adopting the 2012 Revised Budget Ordinance 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 4th day of September, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Meins. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs (small list of northwest quadrant)

117' of Lot 1, Blk. 84 Addition to Snvder's 15730-08400-010-03 \$408.89 432 Cottage Avenue S. 10' of the time and place, be adopted and 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; tion. 15730-08500-080-12 \$81.78 23 W. Dartmouth Street W. 85' of Lot 10, Blk. 85 Addition to Snyder's 15730-08500-100-00 \$184.00 427 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 1 5 7 3 0 - 0 8 6 0 0 - 0 5 0 - 0 0 ; ATTEST: 15730-08600-050-02 \$81.78 607 Cottage Avenue Comm at pt. 264' S. & 200' W. of the NE Cor- cer ner, 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 \$163.56 603 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 15730-08700-000-06 \$245.33 535 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 \$163.56 511 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 \$327.11 525 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 \$395.78 713 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 \$329.86 1831 Constance Drive Lot 9, Blk. 4 Westgate Addition 15840-00400-090-00 \$73.89 1851 Constance Drive Lot 12, a Replat of Lot X, Blk. 4 Westgate Addition 15840-00400-120-00 \$81.78 1846 Constance Drive Lot 13 and Lot 13A, Blk. 5 Westgate Addition 15840 - 00500 - 130 - 00;15840-00500-130-03 \$81.78 5 W. Cherry Street Lot 1, Blk. 1, in the S. 1/2 of he SE 1/4 of the

406 High Street S. 58.5' of the N. Chambers of said City at 7:00 p.m. on the 1st day of October, 2012, why the above and foregoing resolution should not, at said passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discre-

> Dated this 4th day of September, 2012. THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA:

John E. (Jack) Powel, Mayor

Michael D. Carlson, Finance Offi-

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

E. Resolution fixing the time and place for a hearing and notice of hearing on the special assessment roll for nuisance abatement.

Mike Carlson, Finance Officer, reported that this resolution will set a public hearing of October 1, 2012 for the City Council to consider special assessment for the nuisance abatement costs to the property. The property owners will be sent notice of the public hearing and the resolution will be published. Discussion followed.

324-12

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL FOR NUISANCE ABATEMENT IN THE CITY OF VERMILLION, SOUTH DAKOTA

NOW, THEREFORE, IT IS RE-SOLVED that 1st day of October, 2012, at the hour of 7:00 p.m. in the City Hall Council Chambers Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to after October 20, 2012, defray the costs of the nuisance abatement.

BE IT FURTHER RESOLVED that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior By to the date set for said hearing.

Dated at Vermillion, South Dakota, this 4th day of September 2012. GOVERNING BODY OF THE CITY OF VERMILLION, THE COUNTY, SOUTH DA-CLAY KOTA

John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. 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

WHEREAS. replacement of bins, which have been damaged, stolen, or lost, create additional cost for the recycling program; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting, thereof, in the Council Chambers of said City at 7:00 p.m. on the 4th day of September 2012, that the following fees are established for bills with a billing date

Weekly recycling collection of either cardboard or plastic and aluminum for small volume customers not defined in 52.31 and not requiring specialized containequipment ers or for collection.\$10.00 per month

NOW, THEREFORE, BE IT Project FURTHER RESOLVED, that the following replacement fees will be charged after January 1, 2013:

Replacement of 14 gallon blue recycling bin \$10.00 Each

Replacement of 18 gallon green recycling bin \$10.00 Each

Dated at Vermillion, South Dakota, this 4th day of September, 2012. THE GOVERNING BODY OF CITY OF VERMILLION, THE CLAY COUNTY, SOUTH DA-KOTA

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.

G. Recycling Study Assessment with HDR Engineering.

Bob Iverson, Solid Waste Director, reported that, as part of the Solid Waste Master Plan, the Joint Powers Board has looked at the recycling component of the opera-

Carstensen Contracting, Inc \$68,236.52; Knife River Midwest, LLC \$67,756.10; Masonry Components, Inc. \$67,896.90; Vermillion Concrete \$34,666.11; Walker Construction \$44,455.32

327-12

Alderman Davies moved approval of the low bid of Vermillion Concrete of \$34,666.11 for the 2012 sidewalk repair assessment project. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Bluffs Clubhouse Roofing

Jose Dominguez, City Engineer, reported that bids were opened for the Bluffs clubhouse roof replacement on August 28th with the low bid from Adams Construction for \$19,360. Jose recommended the acceptance of the low bid. Discussion followed on the project.

Adams Construction, LLC \$19,360.00; Dave's Roofing Roofing \$21,687.70; Guarantee Company \$33,330.00; Muhlbauer Enterprises, LLC \$35,287.22; Winkler Roofing, Inc \$24,091.00

328-12

Alderman Zimmerman moved approval of the low bid of Adams Construction, LLC of \$19,360 for the Bluffs clubhouse roofing project. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Sale of Surplus Police Car

Jose Dominguez, City Engineer, reported that the new police vehicle is in service and that the City Council had declared the old vehicle as surplus to be sold by sealed bids. Jose stated that on August 28th bids were opened and no acceptable bids were received for the sale of the surplus vehicle. The bid from Chicago Motors did not include adequate bid security and was less than the 90% of the appraised value. As no acceptable