such as

offices,

Conditioning,

all-weather

Sports Science

2) A facility connecting the new

Arena to the existing Dakota-

rooms, a large club area, ath-

letic administration and coach-

Sports Medicine, Strength and

programs. Minor remodel of

DakotaDome space adjacent to

the connecting facility is also an-

ticipated to provide additional

3) A track / soccer complex

field, and exterior spectator

bleacher seating. Also included

is a building consisting of toilet

rooms, concessions, storage, ele-

are available on the Office of

State Engineer web site at:

http://www.state.sd.us/boa/ose/Ad

vertisements/ose_advertisements.

CMR Services will be con-

Firms wishing to be considered

for providing professional con-

struction manager at risk services

for this project should send a

Statement of Qualifications out-

lining their qualifications includ-

ing past experience with similar

projects, resumes of key personnel

who will be assigned to this job

including subconsultants, schedul-

ing capabilities, estimating, budget and cost control. Include

your last three comparable CMR

projects completed. Discuss fee

expectations for two phases of

Proposals as electronic email at-

tachment (no paper please) should

sent

Gordon.Hollenbeck@state.sd.us

in the Office of State Engineer,

Joe Foss Building, 523 East Capi-

tol, Pierre, South Dakota 57501-3182 **by 4:00 PM, CST,**

Wednesday, October 3, 2012.

Evaluation of the proposals will

be based on prior experience as

Construction Manager at Risk

(40%), accessibility and respon-

siveness to owner (30%), and

Your proposal will be ranked

bilities, and technical competence

approach and methodology to

form the work, including any spe-

cialized services, within the speci-

(2) Resources available to per-

(3) Record of past performance,

previous projects, quality of work,

ability to meet schedules, cost

control, and contract administra-

(5) Familiarity with the project

(6) Proposed project manage-

(7) Ability and proven history in

Questions may be directed to

fax

number

Gordon Hollenbeck, Office of

State Engineer, telephone number

605.773.5980 or Cathy Wagner,

University of South Dakota, tele-

phone number 605.677.6319, fax

Published twice at the total ap-

Estimated publishing cost per published copy

Published: September 21 & 28,

The special session of the City

Vermillion,

City of

South Dakota was held on Mon-

day, September 17, 2012 at 12:00

noon in the City Hall large confer-

Present: Collier-Wise, Meins, Os-

borne, Ward (arrived at 12:04

2. Executive Session pursuant to

SDCL (1-25-2(5) Economic De-

velopment - VCDC Executive

into executive session pursuant to

Willson,

Absent: Davies, Grayson

Director Steve Howe

handling special project con-

(1) Specialized expertise, capa-

based on the following criteria:

meet the project requirements;

fied time limits for the project;

services

Construction.

other (30%).

cale;

locale;

ment techniques; and

605.773.3466,

State Engineer

number 605.677.8853.

KRISTI HONEYWELL, P.E.

Office of the State Engineer

proximate cost of \$92.79

Unapproved Minutes

September 17, 2012

Monday 12:00 noon

Council,

ence room.

1. Roll Call

Mayor Powell

p.m.),

Council Special Session

contact information for

- Preconstruction and

tracted using AIA Document

A121/CMc and General Condi-

tions as a basis for Agreement.

restroom and concession spaces.

comprised of a 9

soccer field, practice

vator and press box.

The total

\$58,000,000.

criteria and

and spaces for

track, competition

project budget is

Additional project

scope requirements

incorporating

rooms.

Legal and Public 2010 2010 **Notices**

poses to appropriate 0.56 cubic feet of water per second (cfs) from one well to be completed the Lower: Vermillion Missouri Aquifer (157 feet deep) located in NW 1/4 NE 1/4 Section 22 for irrigation of 25 acres located in the NW 1/4 NE 1/4 Section 22; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 7384-3 proposes to appropriate 1.67 cfs from one well to be completed into the Upper:Vermillion Missouri Aquifer (166 feet deep) located in S 1/2 SW 1/4 Section 9 for irrigation of 80 acres located in the S 1/2 SW 1/4 Section 9; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application Nos. 7383-3 and 7384-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 9, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$34.16 Estimated publishing cost per published copy

\$.0183 Published: September 28, 2012

PUBLIC NOTICE

Clay County Planning Commission and Vermillion **City Planning Commission to Hold Joint Public Hearing on** Re-Zoning application.

Notice is hereby given that a Public Hearing will be held before the Clay County Planning Commission and the Vermillion City Planning Commission in joint session at 5:30 pm on October 9, 2012 at Vermillion City Hall to consider the following:

A request to re-zone land from Agriculture to Rural Residential in order to split the property into two (2) one-acre lots by Richard Jahn for property located at 46171 Timber Road, Vermillion, South Dakota, which is Lot 1 of Parcel A, N1/2, SE1/4, 15-92-52, Vermillion Township, Clay County, South Dakota.

All interested persons are encouraged to attend this public hearing. Those interested persons not able to intend are invited and encouraged to send written comments before October 9, 2012 to the Clay County Planning Commission, 211 W. Main Street, Suite 203, Vermillion, SD, 57069.

Cynthia Aden

Zoning Administrator Published once at the total approximate cost of \$16.77 Estimated publishing cost per published copy

Published: September 14, 2012

Request For Qualifications **Construction Manager at Risk** (CMR) Services

The Office of the State Engineer, on behalf of the University of South Dakota, is soliciting Construction Manager at Risk Services from firms interested in providing professional Construction Manager at Risk Services required for the University Sports Performance Enhancement Complex, University of South Dakota, SD OSE# R0612--02X.

The project comprises three distinct, but inter-related components including: 1) A new Arena for basketball

Legal and Public 2010 Legal and Public 2010 Notices

Notices SDCL (1-25-2(5)) for economic and volleyball consisting of a competition court, two full-size development at 12:02 p.m. Alderman Zimmerman seconded the practice courts, men's and women's locker rooms, visiting motion. Motion carried 6 to 0. team locker rooms, an open Mayor Powell declared the Counclub area, and support spaces cil in executive session. official's and staff

Alderman Ward arrived at 12:04

training

Kinesiology,

lane

soccer

and academic

Alderman Meins moved to come out of executive session at 12:46 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the City Council out of executive session.

3. Briefing on the September 17, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

336-12

Alderman Ward moved to adjourn the Council special session at 12:50 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of September, 2012.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

BYJohn E (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance Offi-

Unapproved Minutes City Council Regular Session **September 17, 2012** Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on September 17, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Collier-Wise, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Stu-

Absent: Grayson

2. Pledge of Allegiance

3. Minutes

A. September 4, 2012 Special Session; September 4, 2012 Regu-

as demonstrated by the proposed

Alderman Willson moved approval of the September 4, 2012 special session minutes and the September 4, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried including price and cost data from 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

(4) Availability to the project lo-

Alderman Collier-Wise moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Constitution Week 2012 Proc-

Alderman Meins read the proclamation recognizing the week of September 17 - September 23, 2012 as Constitution Week in Vermillion, SD.

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about October 6, 2012 at 202 Washington Street for the Chili Blues event

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about October 6, 2012 at 202 Washington Street for their annual Chili Blues event. The notice of hearing and Police Chief's report are included in the packet.

339-12

Alderman Zimmerman moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on Zimmerman, or about October 6, 2012 at 202 Washington Street. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor declared the Powell motion adopted.

7. Old Business

A. Second reading of Ordinance 1285 - Correcting the title of 112.09 to read "Providing Alco-Alderman Willson moved to go holic Beverages to Persons under

Legal and Public 2010 **Notices**

21 Years of Age'

John Prescott, City Manager, reported that this is the second reading of an ordinance 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 body to the section to persons under age 21.

340-12

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. 1285 entitled Correcting the title of 112.09 to read "Providing Alcoholic Beverages to Persons under 21 Years of Age" 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 4th 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 17th day of September, 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. 1285

AN ORDINANCE AMEND-ING CHAPTER 112, SECTION PROVIDING 112.09 ALCO-BEVERAGE TO PER-HOLIC SONS UNDER 18 YEARS OF AGE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE VERMILLION. SOUTH DAKOTA that Section 112.09 of Chapter 112 is hereby amended the title of said section to read as follows:

§112.09 PROVIDING ALCO-HOLIC BEVERAGE TO PER-SONS UNDER 21 YEARS OF Dated at Vermillion, South Da-

kota this 17th day of September, 2012. THE GOVERNING BODY OF CITY OF VERMILLION, THE

SOUTH DAKOTA John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Offi-

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 Collier-Wise-Y. follows: Davies-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance 1286 - 2012 Budget Ordinance

John Prescott, City Manager, re ported that this was the second reading of the 2013 Appropriations Ordinance that had first reading on September 4, 2012. John noted that this process started with the budget presentation at the first meeting in August followed by the budget hearings to finalize the documents that are being considered tonight. Discussion followed.

341-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1286 entitled 2012 Budget Ordinance was first read the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 4th 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 17th day of September, 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. 1286

2013 APPROPRIATIONS ORDI-NANCE

AN ORDINANCE ADOPTING THE 2013 Appropriations Ordinance for the City of Vermillion, South Dakota

BE IT ORDAINED, BY THE GOVERNING BODY, of the City Vermillion that the following

Legal and Public 2010 **Notices**

sums are appropriated to meet the obligations of the municipality.

BUDGET, 2013 FUND, REVENUES: General Property Taxes 1,796,820 Sales Tax 1,566,500 Penalties & Interest 4,000 Licenses & Permits 125,200 Cable TV Franchise 110,000 State Intergovernmental 271,800

County Intergovernmental 96,900 County Payment Emergency

Communications 295,976 Charges for Goods & Services 467,165 Fines & Forfeits 41,050

Miscellaneous Revenues 100,800 GENERAL 4,876,211 REVENUES

EXPENDITURES: Policy & Administration: General Government 513,814 Finance Office 160,578 282.113 Engineering Planning & Zoning Code Compliance 192,392 Community Promotion Total Policy & Administration 1,200,697

Public Safety & Security: Police Administration & Invest 432,064 1,200.712

Police Patrol

Emergency Communications 573.293 185,881 Fire & Rescue Emergency Management Ambulance 297,146 Total Public Safety & Security 2,692,196

Maintenance & Transportation: Municipal Garage 131,775 Municipal Service Center 31,310 Street Department 688,978 Snow Removal 70.511 Sweeping & Mowing 107,307 Carpentry 31,723 City Hall Maintenance 64,950 Old Library Maintenance 850 Old Landfill Maintenance

12,000 Airport 67,660 Total Maintenance & Transporta-1,207,064 tion

<u>Human</u> Development & Leisure Services: Library 551,846 270,360 Parks & Forestry Swimming Pool 106,772 Recreation 166,885 Mosquito Control 20,541 National Guard Armory Center

56,958 Total Human Development & 1,173,362 Leisure GENERAL FUND EX-TOTAL PENDITURES 6,273,319

GENERAL FUND NEEDS (1,397,108)

803,117 Transfer from Water Fund 2,306 Transfer from Sewer Fund 1,402

Transfer from Liquor Fund 194,200 Transfer from Capital Projects

16,800 Transfer from Utilities Engineering Fees 136,387 Transfer from Sales Tax

Appropriation from Reserve 215,396 GENERAL FUND BALANCE 0

SPECIAL REVENUE FUNDS SECOND CENT SALES TAX

<u>FUND</u> Revenues 1,634,500 Expenditures - Second Cent Sales Tax782,000 Transfer in Airport Capital Pro-27,945 jects Transfer to General Fund

(27,500)Transfer to Bluff Enterprise (200,000)Transfer to Airport Capital Pro-(1,397)jects Transfer to Library Capital Pro-(472,200) Transfer to City Hall Debt Service

(344,134)

Appropriation from Reserve

Fund

164,786 SECOND CENT SALES TAX FUND BALANCE 0

PARKS IMPROVEMENT FUND Revenues-Recreation Fees

17,040 Expenditures - Parks Improve-17,040 ments PARKS IMPROVEMENT FUND BALANCE

BBB SALES TAX FUND

Revenues 317,500

Expenditures

Appropriation to Reserve (37.500)BBB SALES TAX FUND BAL-ANCE 0

280,000

STORMWATER MAINTE-NANCE FUND Revenues - Stormwater Fees 193,450 Expenditures: 40,000

Appropriation to Reserve (153,450)STORMWATER FEE BALANCE

Legal and Public

Notices LIBRARY FINE AND GIFT

Expenditures - Library 9,000 Appropriation to Reserve (3,600)LIBRARY FINE AND FUND BALANCE 0 DEBT SERVICE FUNDS

Revenues- Library Fine & Gifts

12,600

BALANCE

BALANCE

DEBT SERVICE--SPECIAL AS-SESSMENT FUND Revenues 81,348 70,183 Expenditures Interfund Loan 118,800 Transfer to Capital Projects (118,800)Appropriation to Reserve (11,165)SPECIAL ASSESSMENT FUND

DEBT SERVICE-- TIF District No. 3 Revenues 156,000 156,000 Expenditures DEBT SERVICE - TIF 3 FUND BALANCE

DEBT SERVICE - TIF District No. 4 Revenues 129,875 Expenditures 401,107 Appropriation from Reserve 271,232 DEBT SERVICE - TIF 4 FUND

DEBT SERVICE - CITY HALL Revenues 10,500 354,634 Expenditures Transfer in Sales Tax Fund 344,134 DEBT SERVICE - CITY HALL FUND BALANCE 0 CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND -SPECIAL ASSESSMENT 110,000 Expenditures Transfer to General Fund (16,800)Transfer from Debt Service 118,800 Appropriation from Reserve 8,000 CP SPECIAL ASSESSMENT

FUND BALANCE 0

ANCE 0

CAPITAL PROJECTS FUND -<u>AIRPORT</u> Revenues 26,548 Transfer to Second Cent Sales Tax(26,548) CP AIRPORT FUND

CAPITAL PROJECTS FUND -**LIBRARY** Revenues 147.800 Expenditures 620,000 Transfer from Sales Tax 472,200 CP LIBRARY FUND BAL-ANCE 0 INTERNAL SERVICE FUNDS (Information Only)

Unemployment Fund, Copier - Fax-Equipment Postage Fund, Custodial Fund, Equipment Replacement Fund

Revenues Internal Dept Charges 0, 21,500, 72,750, 403,488 Interest on Investment 100, 0, 0, 2,000 Other Revenues 0, 0, 0, 284,000 Total Revenues 100, 21,500, 72,750, 689,488

Expenditures Personnel 0.0.70.492.0 Operating Expenses 100, 20,400, 2,387, 0 Capital 0.0.0.1.064.700 Total Expenditures 100, 20,400, 72,879, 1,064,700 Transfer Out (In) 0, 0, 0, (100,000) (To) From Reserve 0, (1,100), 129, 275,212 Fund Balance 0, 0, 0, 0

UTILITY AND ENTERPRISE FUNDS (Information Only) Electric Fund, Water Wastewater Fund, Joint Powers Fund, Liquor Fund, Golf Course Fund, Curbside Recycling Fund Revenues Sales 5,615,600, 1,399,000, 1,416,000, 1,232,750, 1,257,000, 712,760. 116,000 Surcharge 767,350, 260,000, 321,000 Other Revenue

75,000, 50,500, 28,100, 15,000 Interest 188,400, 13,065, 10,135, 10,000, 1,500, 54,500 Bond Proceeds 0, 1,350,000, 0, 0, 0, 0, 0 0, 150,000, 0, 0, 0, 0, 0 Tax Increment 0, 0, 0, 0, 0, 519,500, 0 Total Revenues 6,646,350, 3,222,565, 1,257,750, 1,258,500, 1,286,760, 116,000

Expenditures Personnel 558,221, 968,152, 469,924, 479,862, 0, 354,289, 87,443

Operating