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Unapproved Minutes Council Special Session September 2, 2014 Tuesday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, September 2, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins (arrived at 12:02 p.m.), Price, Willson, Mayor Powell

Absent: Ward

Mayor Powell introduced Alan Dale who is the new editor for the Plain Talk.

2. Report on German American Partnership Program trip - Kami Dibley, Vermillion High School

Mayor Powell introduced Kami Diblev, VHS German Teacher and Coordinator of the student exchange through the German American Partnership Program.

Alderman Holly Meins arrived 12:02 p.m.

Kami Dibley explained the German American Partnership Program and the exchange program coordinated with our Sister City Ratingen Germany whereby five students participated in the exchange program. The students reviewed their individual experiences with the exchange program. Kami and the students answered questions of the City Council. Kami again thanked the City Council for their support and stated that the German exchange students will be in Vermillion the last week of March and the first week of April next year and that she will be looking to coordinate a meeting during that time.

3. Discussion on proposals to manage the Vermillion Liquor Store -John Prescott

John Prescott, City Manager, stated that two proposals were received to manage the city liquor store that were sent to the City Council members late last week. John stated that he was requesting direction from the City Council on items contained in the proposals that they would request additional research completed as the review process moves forward.

Mayor Powell asked if the individuals present would like to present information to the City Council. Thomas Slattery, owner of JJ's Wine, Spirits & Cigars, reviewed his business management background, management team approach for operations, business philosophy and operating model that he uses in his Sioux Falls operations.

Gregg Peters reviewed the proposal that was submitted noting that he has been managing the liquor store for the last nine years. Gregg noted that sales as well as profits have increased during this time period. Gregg reviewed his experience in the retail as well as the experience of the operations supervisor and daily manager. Gregg reviewed some of the changes that he included in his proposal.

Discussion followed on the proposals including possible locations if the store was to move. Both individuals answered questions of the City Council on their proposals.

Evie Clercx, Broker for a Wine & Spirits supplier, explained how a larger varied selection at the liquor store would increase sales and prof-

Discussion followed with the Council requesting comparisons where possible of the proposals for consideration at a future meeting.

Mayor Powell stated that a letter from the Vermillion Food Pantry requesting financial support from the City was handed to all members and can be added to a future agenda for consideration.

4. Briefing on the September 2. 2014 City Council Regular Meeting

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

5. Adjourn

BY

304-14

Alderman Holland moved to adiourn the Council special session at 1:08 p.m. Alderman Price seconded the motion. Motion carried 8 to 0. Mavor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 2nd day of September, 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA

ohn E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance

Officer

Unapproved Minutes City Council Regular Session September 2, 2014 Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on September 2, 2014 at 7:00 p.m. by Mayor Powell.

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

2. Pledge of Allegiance

3. Minutes

Powell

1. Roll Call

A. Minutes of August 18, 2014 Special Session; August 18, 2014 Regular Session

305-14

Alderman Collier-Wise moved approval of the August 18, 2014 Special Session and August 18, 2014 Regular Session minutes. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

Mayor Powell requested that the agenda be amended to add an executive session before adjourn. The executive session is pursuant to SDCL 1-25-2 (3) for legal matters.

Alderman Collier-Wise moved approval of the agenda with the addition of an executive session pursuant to SDCL 1-25-2 (3) for legal matters. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation Recognizing Direct Support Professionals Week -September 7-13, 2014

Alderman Clarene Meins read the proclamation of Direct Support Professional Recognition Week designating the week of September 7-13, 2014 as Direct Support Professionals Week in Vermillion. Mayor Powell presented the Proclamation to Brandee McMahon, Ashlev Peters and Adran Peters Direct Support Professionals from SESDAC.

6. Public Hearings

A. First Reading of Ordinance No. 1320 - Amending Chapter 155, Zoning Regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, Section 155.026, entitled Adoption of Official Zoning Map, and adding Section 155.059 entitled Community Oriented Healthcare Planned Development District, rezoning lots 1-4. Hospital Addition to the City of Vermillion. Clay County, South Dakota, from the R-2 Residential District to the Community Oriented Healthcare Planned Development District; and lots 1-15, Kahl's Addition and lots 11-20, block 3, Eastside Addition, to the City of Vermillion, Clay County, South Dakota from the NC Neighborhood Commercial District to the Com-Oriented Healthcare Planned Development District, and

adopting regulations therefore. Jose Dominguez, City Engineer, re- the bond resolution, the budget will ported that Tim Tracy, on behalf of the Dakota Hospital Foundation, Discussion followed on the budget. approached the City to obtain a permit to construct a maintenance garage on property across the street from the hospital. In looking at the plan and the City zoning ordinance. it became clear that the project could not be permitted because the proposed use would be considered BE IT RESOLVED, that the minan accessory building on a different parcel than the primary structure. Jose stated that City staff met with Mr. Tracy and discussed the issue of the maintenance garage and the future needs of the hospital. It appeared that the best possible solution that would provide some flexibility while still allowing opportunities for public input, would be a Planned Development District. Jose stated that Planned Development Districts are custom zoning districts that combine uses with the goal of developing and redeveloping areas of the community. The concept of a Planned Development District makes sense in this area of town because several healthcare and medical uses are concentrated along Plum Street with Sanford, the Vermillion Medical Clinic, and Chiropractic Wellness Center. Jose stated that Banner Associates is the consultant working with Dakota Hospital Association to put together the Planned Development District. Jose stated that the uses permitted in the district are those that would typically be related to healthcare facilities, including hospitals, offices, clinics, nursing homes, pharmacies and related uses. Jose noted that it is important to remember that these uses are currently permitted in the area. Jose reported that the Planning Commission considered the Planned Development District regulations and initial development plan and unanimously recommended approval.

Lisa Ketcham, President of the Dakota Hospital Association. thanked the City Council for consideration of the request. Lisa noted that the Planning Commission recommended approval of the request and asked the City Council for their approval.

Tim Tracy, CEO of Sanford Vermillion, stated that City staff has been very helpful in assisting to resolve the issues relating to the maintenance building and the Planned Development District will meet the needs for the hospital as it moves forward with the \$11 million improvement project. Tim stated that the information on the Planned Development District and the improvement project was available to the public at the community celebration held at the high school on

August 13th and invitations were

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sent to property owners within 250 feet for a public meeting at the library on August 26th. Tim stated that both meetings had positive community support for the project.

Jose presented a map of the proposed Planned Development District. Discussion followed on the Planned Development District.

Mayor Powell read the title to the

above mentioned Ordinance and Alderman Willson moved adoption of the following Resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1320 entitled An Ordinance Amending Chapter 155, zoning regulations, of the revised ordinances of the City of Vermillion, South Dakota, section 155.026 entitled adoption of official zoning map and adding section 155.059 entitled Community Oriented Healthcare Planned Development District, rezoning lots 1-4. Hospital Addition to the City of Vermillion from the R-2 Residential District to the Com-Oriented Healthcare Planned Development District; and lots 1-15, Kahl's Addition and lots 11-20, block 3, Eastside Addition from the NC Neighborhood Commercial District to the Community Oriented Healthcare Planned Development District, and adopting regulations therefore, 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 2nd day of September, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. 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.

7. Old Business - None

8. New Business

A. First Reading of Ordinance No. 1318-2015 Appropriations

John Prescott, City Manager, reported that the proposed budget was presented to the City Council on August 4th and the Council held hearings to review the budget on August 11th and 14th. John wanted to thank the City Council for the time spent meeting with all the departments to refine the budget. John reviewed some of the major items that are included in the 2015 budget ordinance. He noted that the Prentis Park improvement project was not included in the budget as the bond for the financing will be voted on at the November 4th election. John stated that, following approval of be revised to reflect the project.

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

utes of this meeting shall show that the title to proposed Ordinance No. 1318 entitled An Ordinance Adopting the 2015 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 2nd day of September, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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.

B. First Reading of Ordinance No. 1319-2014 Revised Appropriations

John Prescott, City Manager, reported that the City Council adopted the 2014 budget in September 2013 and, during the 2015 budget process adjustments, the 2014 budget amounts are proposed based upon information that is available now. Some of the major items would be the Business Improvement District No. 1, water tower, shared project with the County for the HVAC at the public safety center building, Library Foundation for donations for the building fixtures and equipment and the Cottage Street water main replacement. John answered questions on the revised budget.

Mayor Powell read the title to the

above mentioned Ordinance and Alderman Willson moved adoption of the following Resolution:

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1319 entitled An Ordinance Adopting the 2014 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 2nd day of September, 2014 at the

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Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. 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. Firework public display permit on September 18, 2014 for Vermillion High School Homecoming

Mike Carlson, Finance Officer, reported that the Vermillion School District has requested a public fireworks display permit for a fireworks display after coronation on Thursday, September 18, 2014 south of the high school for a 10-15 minute show between 8:00 p.m. and 9:00 p.m. Mike noted that a letter from the high school principal and the report from Fire Chief Draper were included in the packet.

310-14 Alderman Erickson moved approval of the public fireworks display permit for the Vermillion School District for the public display on Thursday, September 18, 2014 south of the high school for a 10-15 minute display between 8:00 p.m. and 9:00 p.m. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Resolution extending the cable franchise agreement for 1 year to continue franchise renewal discus-

John Prescott, City Manager, reported that, in September 1999, the City Council adopted Ordinance No. 1078. He stated that this ordinance provided for a 15-vear nonexclusive franchise agreement for cable television services. The original franchise agreement was signed with Zvlstra Communications Corporation but has been transferred several times since 1999 and is currently held by Midcontinent Communications. John stated that a conference call has been held and some exchange of email communications on the nonexclusive franchise but no final document is available. John stated that the current ordinance provided for two additional twelve month extensions by the Manager with the approval of the Municipality notifying the Company of the same in writing. John stated that he has contacted the company and they are agreeable to the extension and as such he recommends adoption of the resolution extending the Cable TV franchise agreement. Discussion followed on

311-14

Alderman Ward moved approval of the Resolution Amending Ordinance No. 1078 Cable Communications Franchise Ordinance to allow for a twelve month extension as provided in section 10.2 of the ordinance. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

the franchise and extension.

E. Resolution fixing the time and place for a hearing and notice of hearing to levy special assessments for nuisance abatement

Mike Carlson, Finance Officer, reported that, as part of the nuisance abatement process, the City incurred costs for tagging, hiring contractors to mow or remove the snow and remove dangerous buildings. The state statute provides for the special assessment of these costs and requires that the City Council set a public hearing date, notify the property owners by sending notice and publishing the notice of hearing. The resolution will set a public hearing date of October 6, 2014 and provides for notice to the property owners. Discussion followed.

312-14

After reading the same once, Alderman Holland 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

SOUTH DAKOTA WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 2nd day of Septem-

ber. 2014 for the abatement of pub-

lic nuisance to be levied against the

NUISANCE ABATEMENT

property abutting upon:

On various properties as follows: Property Location, Legal, Corrective Action,

Amount 809 N Norbeck, Lot G-2 Exc 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 Misc Entries. grass tagging & mowing 8/27/13, \$79.50; debris removal 9/2/13,

\$349.80 15 Linden, S 18" of Lots 1 & 2 & N 32' of Lot 3 Blk 1 Cottage Place, grass tagging & mowing 5/29/13, \$79.50; grass tagging and 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, \$95.40 813 W Cedar, E75' of S150' of outlot V-1 in SE1/4 14-92-52 & SW 1/4 of 13-92-52 Torstensons unplatted, grass tagging & mowing

5/16/14, \$74.20; grass tagging

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6/5/14, \$31.80; grass tagging 7/25/14, \$53.00

10 S University, Lot 4, East End Addn, grass tagging 5/23/13, \$10.60; grass tagging & mowing 6/18/13, \$100.70; snow tagging & removal 12/8/13, \$106.00 \$217.30 21 E Bloomingdale, Comm 80' E of NW corner of Lot S to 80' E of SW corner of Lot 3 thence E 44' to N line of Lot 1 Blk 13 Original Town. debris removal 9/24/13, \$116.60; snow tagging & removal 12/8/13, \$63.60

324 Lewis, S 103' 7.5" of Lots 1 & 2 Blk 81, East Vermillion, snow tagging & removal 12/8/13, \$63.60 119 Franklin, Lot 12 Blk 41 Snyders, 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, \$95.40 420 Franklin, S 50' of E 106.25' Lot 2 Blk 83, Addn to Snyders Addn. grass tagging & mowing 5/16/14, \$74.20

601 Lewis, Lot 1 Replat of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud tract A 19-92-51, grass tagging & mowing 5/23/13, \$31.80; grass tagging & mowing, 6/21/13, \$53.00; grass tagging & mowin 7/2/14, \$111.30

25 S Yale, Lot 16 Blk 76 Smiths Addn, grass taggin & mowing 7/19/13, \$10.60; debris removal 1/14/14, \$143.10 716 Maple, E 77.7' of 11, 12 &

E77.7' of S 1/2 of Lot 13 Blk 3 Eastside, grass tagging & mowing 5/29/13, \$100.70; grass tagging & mowing 6/25/13, \$100.70; grass tagging & mowing 7/30/13, \$121.90; grass tagging & mowing 8/27/13, \$143.10; grass tagging & mowing 5/16/14, \$74.20; grass tagging & mowing 6/13/14, \$31.80 714 W Clark, E 37' of Lot 10 & W 16' of Lot 11 Blk 4 Holiday Village Addn, grass tagging & mowing 6/21/13, \$10.60; grass tagging & mowing 7/16/13, \$121.90; grass taggin & mowing 8/27/13, \$132.50; grass tagging & mowing 9/24/13, \$137.80; grass tagging & mowing 6/13/14, \$74.20

316 Prentis, Lot 2 Blk 3 Replat of Blessing Addn, grass tagging & mowing 5/23/13, \$10.60; debris removal 7/22/13, \$106.00

in the City of Vermillion, Clav County, South Dakota, said special assessment being against the property for the corrective action.

WHEREAS, said assessment 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 particulars.

WHEREAS, said assessment roll

The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization:

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 obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;

The amount assessed against each

The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due

Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of

NOW, THEREFORE, IT IS RE-SOLVED, the 6th day of October, 2014. at the hour of 7:00 p.m. in the City Hall Council Chambers 25 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 assess-IN THE CITY OF VERMILLION. ment roll, to 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 firstclass 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 to the date set for said hearing.

Dated at Vermillion. South Dakota, this 2nd day of September 2014.

THE GOVERNING BODY OF THE CITY OF VERMILLION. SOUTH DAKOTA

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John E. (Jack) Powell, Mayor ATTEST:

Michael D. Carlson, Finance

The motion was seconded by Alderman Erickson. 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.

F. Right-of-Way and Utilities Certification Forms for the West Main Street Mill and Overlay Project from High to Stanford Streets

Jose Dominguez, City Engineer, reported that the West Main Street from High Street to Stanford Street is scheduled to be milled and overlaid during the 2015 construction season. As this project will be administered by the DOT, it will be using the STIP funds allotted to the City for part of the funding. Jose renorted that the DOT is requesting that the City provide a right-of-way certificate stating that all construction will take place in the existing right-of-way and that the City certifies that the affected utilities have been contacted and notified of the project. Jose recommended the signing of the Right-of-Way and Utilities Certification forms. Discussion followed.

Alderman Willson moved approval of authorizing the Mayor to sign the Right-of-Way and Utilities Certification Forms for the West Main Street Mill and Overlay Project from High Street to Stanford Street that are required by the DOT. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Letting Authorization for the West Main Street Mill and Overlay Project from High to Stanford

Jose Dominguez, City Engineer, reported that the West Main Street from High Street to Stanford Street is scheduled to be milled and overlaid during the 2015 construction season. Jose noted that the document the DOT is requesting the City Council to approve will allow the DOT to bid, review and award the bid without the City's review. This process was followed during the Stanford Street project and for the Shared Used path being constructed along Stanford Street between W. Cherry Street and Highway 50. Jose stated that the DOT is estimating the cost of the mill and overlay at approximately \$441,690.23. When you include the engineering fees, the construction administration fees, and the non-participating costs the total project cost would be closer to \$536,000. However, it should be noted that the City has already paid for all of the engineering fees associated with the design of the project. This cost would be split between the STP funds and City funds. The STP funds would cover up to \$300,000 while the rest would be from City funds. Jose stated that we have budgeted \$140,000 of City funds to cover project costs. Once the project is awarded, we may need to revise the City's budget to provide for any additional expenses. Jose recommended approval of the Mayor signing the

Alderman Willson moved approval of authorizing the Mayor to sign the Letting Authorization for the West Main Street Mill and Overlay Proiect from High Street to Stanford Street with the DOT. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

agreement with the DOT.

H. Resolution to surplus and authorization to transfer expired lesslethal munitions to the City of Yankton Police Department

Matt Betzen, Police Chief, reported that the Police Department has been storing some expired less-lethal munitions that the Department no longer trains with or uses. Matt stated that with changes in storage requirement we no longer possess adequate storage facilities for such items. Matt stated that these expired items could be used for training and the City of Yankton Police Department maintains a tactical team that could use these items in their training. Matt stated that state statute allows for the transfer of items between political subdivisions by resolution and requested approval of the resolution to transfer the expired less-lethal munitions.

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

RESOLUTION AUTHORIZING THE TRANSFER OF PROPERTY TO THE CITY OF YANKTON POLICE DEPARTMENT

WHEREAS, SDCL 6-5 authorizes political subdivisions to exchange and transfer property to one another: and

WHEREAS, the City of Vermillion Police Department has determined that certain expired munitions are no longer suitable for the purpose for which they were acquired; and

WHEREAS, the cost for the City of Vermillion to dispose of the munitions would be substantial: and

WHEREAS, the City of Yankton Police Department would like to ac-