

Unapproved Minutes
Council Special Session
April 5, 2010
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, April 5, 2010 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Edelen, Hofman, Meins, Osborne, Powell, Ward, Willson,
Mayor Christopherson

Absent: French

2. Educational Session - Police Officer Hiring and Background Investigation Process - Chad Passick

John Prescott, City Manager, reported that he has had an inquiry on the process used in hiring police officers and, as the Police Department is currently in the hiring process, he asked Art Mabry, Police Chief, and Chad Passick, Police Captain to update the City Council. Art and Chad reviewed the process used to hire new police officers. The process starts with posting the job opening and receiving applications. All applicants are then sent a letter listing the process that begins with a written test, physical agility testing, personal history background information, comprehensive background investigation, and personal interview, with conditional job offer contingent upon medical evaluation and polygraph test. Art and Chad answered questions of the City Council on the process.

3. Educational Session - Update on Joint Jurisdictional process

John Prescott, City Manager, stated that inquiries have been received from County officials on the joint extraterritorial zoning ordinance. John reported that the City Planning Commission with the assistance of SECOG is updating the City comprehensive plan. This updated process is anticipated to take until this fall as the reports on stormwater study and utility extensions have just been completed. Once the potential growth areas are identified, the review of the extraterritorial area can be reviewed. Public input will be collected on the plan before the Planning Commission is completed with the update for City Council consideration.

Mayor Christopherson reported that the County had requested joint meetings with two representatives from the County Commission, County Planning Commission, City Council and City Planning Commission on the extraterritorial zoning ordinance. Maybe a meeting of this group could be held just to update them on the progress of the City Planning Commission. Discussion followed on the process. The consensus was to have the Finance Officer work with the County Auditor to set up the joint meeting.

4. Briefing on the April 5, 2010 City Council Regular Meeting Agenda

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

Alderman Hofman requested to leave at 1:00 p.m.

Alderman Ward requested to leave at 1:10 p.m.

5. Adjourn

093-10

Alderman Meins moved to adjourn the Council special session at 1:20 p.m. Alderman Osborne seconded the motion. Motion carried 6 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of April, 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
April 5, 2010
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on April 5, 2010 at 7:00 p.m. by Mayor Christopherson.

1. Roll Call

Present: Edelen, French, Meins, Osborne, Powell, Ward, Willson,
Mayor Christopherson

Absent: Hofman

2. Pledge of Allegiance

3. Minutes

A. March 15, 2010 Special Session; March 15, 2010 Regular Session;
March 16, 2010 Special Session

094-10

Alderman Edelen moved approval of the March 15, 2010 special session minutes, March 15, 2010 regular session minutes and the March 16, 2010 special session minutes. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

4. Adoption of Agenda

095-10

Alderman Meins moved approval of the agenda. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

5. Visitors to be Heard

A. Coyoteopoly Day - April 10, 2010

Alderman Edelen read the proclamation recognizing April 10, 2010 as "Coyoteopoly Day" in Vermillion and encouraged citizens to support the Coyoteopoly project. Mayor Christopherson presented the Proclamation to representatives of Coyoteopoly who explained this year's fundraising activities.

B. Arbor Day Proclamation

Alderman Meins read the proclamation recognizing April 30, 2010 as "Arbor Day" in Vermillion. Mayor Christopherson presented the proclamation to Aaron Badke and Jessica Kennedy who represented the Parks Department. Jessica reviewed the events planned for April 30th - May 30th in recognition of Arbor Month.

C. Will Kennedy - Clay County Extension Educator - 4H Youth Development

Will Kennedy, Clay County Extension Educator, invited the City Council and community to a presentation by Dayton O Hyde on April 10th at the Clay County Extension Building. Doors open at 4:00 p.m. with the meal at 5:00 p.m. and program to follow. Contact the Extension Office for ticket information.

6. Public Hearings

A. Retail on-off sale malt beverage and wine licenses for Red Steakhouse, Inc for Red Steakhouse at 1 East Main Street

Mike Carlson, Finance Officer, reported that an application was received from Red Steakhouse, Inc for a retail on-off sale malt beverage and a retail on-off sale wine license for Red Steakhouse at 1 East Main Street. The Notice of Hearing and Police Chief's report are included in the packet. Michelle Maloney and Tom Willey answered questions of the City Council and stated that they plan to open in mid June.

096-10

Alderman Powell moved approval of the retail on-off sale malt beverage and retail on-off sale wine license for Red Steakhouse Inc for Red Steakhouse at 1 E Main Street. Alderman Edelen seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

B. Special permit to exceed permissible sound levels by more than 50% in the northwest portion of Prentis Park on Wednesday, April 21, 2010 from 5:00 p.m. to 7:00 p.m. for a fundraising concert by Pi Kappa Alpha

Mike Carlson, Finance Officer, reported that the application and Notice of Hearing are included in the packet. This event has been held a number of years without any complaints. TJ Jerke, representing Pi Kappa Alpha, explained the fundraising event and activities planned. TJ answered questions of the City Council on the event.

097-10

Alderman Willson moved approval of the special permit to exceed permissible sound levels by more than 50% in the northwest portion of Prentis Park on Wednesday, April 21, 2010 from 5:00 p.m. to 7:00 p.m. for a fundraising concert by Pi Kappa Alpha. Alderman Ward

seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

C. Conditional Use Permit to construct a 9,776 sq ft addition on the existing assisted living building located at 809 N Norbeck Street

Farrel Christensen, Building Official, reported that the developer, Paradigm Construction, applied for a conditional use permit to expand the existing assisted living facility. The original building was built in 1985 and has operated as an assisted living center since that time without any complaints as to the location of the facility. Farrel noted that the City Council, serving as the Board of Adjustment, may authorize conditional use permits. Assisted living centers are specifically designated in the R-2 District as a conditional use and if approved the Board of Adjustment may impose conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety and general welfare of the public. Farrel reviewed the parking requirements noting that the existing facility has a parking variance. The plan shows 15 parking spaces noting that the applicant may need additional spaces to serve employees and visitors.

Bradley Richardson, 1442 East Cherry, stated that he had concerns about the access to the assisted living facility coming off of East Cherry by his residence. He was concerned about the upkeep of such a road as the owner has not mowed the property or removed the sidewalk snow.

Farrel Christensen, Building Official, noted that the private drive was not included on the plans for access to the assisted living facility as it would be serviced from the existing access on Norbeck Street. He stated that there was considerable property east of the assisted living facility that when developed would most likely need the access from the private drive on East Cherry.

Bradley Richardson stated that he talked to the owner and that the access was coming from East Cherry and, as such, he was concerned about the traffic, safety and drainage in the area if the road is built.

Discussion followed.

Chris Carlson, assisted living developer, provided a map of the property noting the private drive from East Cherry would serve future development of the property to the east of the assisted living facility. The plan is to add onto the north side of the existing building with access to remain from Norbeck Street. As to

parking, he stated that there will be between 4 to 6 staff depending upon occupancy and visitors. The plan provides for 15 parking spaces that should be more than enough, but, if the City Council would want more, it could be added to the back side.

Discussion followed on the conditional use permit and possible conditions that could also address the access concerns of Mr. Richardson.

098-10

Alderman Powell moved approval of the conditional use permit for the 9,776 sq. ft. addition to the existing assisted living facility at 809 N. Norbeck conditional on the providing of 15 parking spaces and the ingress and egress for the assisted living facility shall be from Norbeck Street noting these conditions are based on the use as an assisted living facility and any changes to the use would require compliance with the zoning ordinance. Alderman Osborne seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

D. An appeal to the Board of Adjustment for the denial of a Mobile Home Park license application for Cottage Villa Mobile Home Park at 807 Cottage Avenue

Farrel Christensen, Building Official, reported that the mobile home park located at 807 Cottage, known as Cottage Villa, has failed to meet the minimum standards established by City Code Chapter 151. In March 2009, Code Enforcement completed the annual mobile home inspection for all mobile home parks in the City. The March inspections were made as part of the process for a calendar 2010 license. The inspection is made in the spring of the year preceding the actual license so that the owner has time to correct deficiencies during the construction season. On March 2, 2009, a letter was sent to the owner of Cottage Villa outlining the deficiencies found during the inspection and establishing a deadline of October 1, 2009 to correct the listed deficiencies. Staff re-inspected the park for compliance in October and found that numerous violations were not corrected. We have talked to the manager about the numerous violations, noting that some are caused by the tenants, but it is the management's responsibility to make sure the tenants comply with the code. The letter listing the deficiencies was included in the packet with such items as abandoned vehicles, abandoned mobile homes, lack of mowing and snow removal documented by the City's need to take corrective action. As the deficiencies were not corrected, the notice of denial of the license was issued. The court owner has appealed this decision to the City Council serving as the Board of Adjustment and staff recommends that the

license be denied or a corrective action plan be developed to correct the deficiencies. Farrel noted that on an inspection of the court today most all of the violations still exist and provided a listing of the deficiencies.

Heather Voegele-Anderson, attorney with Koley Jessen Law firm representing One Request LLC the owner of the Cottage Villa mobile home park, reported that a letter in response to the denial has been sent detailing the actions taken. She noted that one trailer was skirted and another in process, contracts have been entered into with snow and mowing contractors, the trees have been trimmed and, as to the unlicensed vehicles, the tenants stated they are being used. A contract has been entered into for the removal of the two trailers within the next two weeks. She stated that the owner was unable to make the meeting tonight as he is out of the country but stated that he is committed to working with the City to make the court comply with the City code. The owner wants to work with the City to bring the court into compliance and has two representatives that will answer questions. She stated that in working with the City they would like to better understand the specific issues that could be listed in a plan as Mr. Christensen had suggested.

Ted Munster, 509 Linden, stated that the City of Vermillion image is that of poorly maintained mobile home parks. The owner has had since last March to clean it up without much change. Ted stated that he had called the owner who wants to clean up the property. Ted suggested allowing 60 days to clean up the property.

Tyler Evens, 328 N Crawford Road, stated that he oversaw the court from June 2007 to June 2009 noting he had talked to Mr. Christensen during that time period. He stated that he took steps to maintain the property with the tenants but noted that he has not inspected the property since June 2009.

Nick Walter, 1119 W Clark #101, stated that he is currently overseeing the property and stated that they would correct all the issues within 60 days. He stated that he would work with Farrel to clean up the property. As to the two abandoned trailers, the deposit check was issued in December but due to the weather the contractor did not get them moved yet.

There were public comments from representatives of the tenants, individual tenants and concerned citizens requesting the additional time to clean up the property vs. not renewing the license and displacing the residents.

Discussion followed with the City Council requesting if the attorney representing the owner and individuals overseeing the property could complete the work within 60 days.

Heather Voegele-Anderson stated that One Request LLC is committed to resolving this issue and has the financial ability to get this done. She felt that 90 day would be more workable but that they would work with the City and Mr. Christensen to resolve the issues.

099-10

Alderman Powell moved to grant an extension of 75 days to the denial of the Cottage Villa Mobile Home Park license to allow the owner time to correct the deficiencies reported by the Code Enforcement Office and if not completed in 75 days from April 6th the court license would not be renewed. Alderman Edelen seconded the motion. Discussion followed wanting to know what assurances are there that if the list is completed in 75 days that this will not happen again in the future. Heather stated that One Request LLC will work with the City to keep this from happening in the future. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

7. Old Business - None

8. New Business

A. First Reading of Ordinance 1229 amending Section 116.04 Exemptions from Chapter and adding Section 116.12 Special Event Permits (exemption for Farmers Market & Vermillion Businesses)

John Prescott, City Manager, reported that in working with Rebecca Terk and Steve Howe this morning there was another change in the proposed ordinance that was handed out to the Council members. John noted that in working with the representative of the Farmers Market the current ordinance exempts persons, including farmers or farmers' cooperative associations, selling, offering for sale or soliciting orders for the following items grown or produced by them and not purchased by them for sale: newspapers, firewood, Christmas trees, vegetables, or fruits. These issues are items that are made from such items that are to be sold so a specific exemption from the itinerant merchant license was put in place for Farmers Markets that included arts and crafts.

John noted that in reviewing the ordinance an exemption was put in place for businesses based in Vermillion that are not conducting door to door sales and a special events permit section was added that will allow a special event organizer to obtain one permit to cover all vendors instead of each vendor obtaining an individual

permit. If these changes are adopted at second reading, a fee will need to be established for the special event permit by resolution.

Rebecca Turk, 117 Forest Ave, President of the local Farmers Market, stated that the ordinance, as presented, exempts Farmers Markets from the itinerant merchant license requirements. She wanted to thank the City Manager and Chamber of Commerce for working with them in making the change.

Kelly Fuller, 15 Bloomingdale, Sharon Gray, 32 Bloomingdale, Nick Severson 610 E Lewis, and others spoke in support of the exemption of Farmers Markets from the itinerant merchant licensing requirements. They noted that a farmers market is a benefit to the community.

Steve Howe, Executive Director for the Chamber Development Company, stated that he worked with the City Manager and farmers market on the ordinance change and requested that the City Council adopt the ordinance.

Jody Harnois, 409 Sterling, wanted to thank everyone who assisted with the change to this ordinance and urged the City Council to support the ordinance.

100-10

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1229 amending Section 116.04 Exemptions from Chapter and adding Section 116.12 Special Event Permits (exemption for Farmers Market & Vermillion Businesses) 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 5th day of April, 2010 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman French. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Christopherson declared the motion adopted.

B. First Reading of Ordinance 1230 Amending Section 154-06 Design Standards (frontage road access requirements)

Jose Dominguez, City Engineer, reported that the City was approached about design standards for access to SD HWY 50 and that access to this road is dictated by the SD DOT. The approval of the SD DOT, as to the access, is required prior to any plat. Jose stated that this ordinance would require frontage road easement for all lots adjacent to a State or County road. Discussion followed on the proposed ordinance.

101-10

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1230 Amending Section 154-06 Design Standards (frontage road access requirements) 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 5th day of April, 2010 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman French. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Christopherson declared the motion adopted.

C. First Reading of Ordinance 1231 amending Section 150.38 to update buildings and development in the Flood Plain

Jose Dominguez, City Engineer, reported that FEMA is in the process of updating their flood plain maps and the City has been identified as a special flood hazard area as the City limits extend to the center of the Vermillion River. The ordinance was received from FEMA and there is a small area along the Vermillion River with no livable structures within the flood plain area. Discussion followed.

102-10

Mayor Christopherson 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 1231 amending Section 150.38 to update buildings and development in the Flood Plain 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 5th day of April, 2010 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Edelen. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Christopherson declared the motion adopted.

D. Resolution revising Wastewater Rates

Mike Carlson, Finance Officer, reported that in 2008, when the SRF loan application for the Phase II improvements was completed, sewer rates were adopted for 2009-2011 based upon projections at that time. The rate in 2008 was at 121% and based upon the water sales for January-March, the rate of 118% will generate the needed revenue. The rate includes a surcharge fee of 15.2% for the debt service in the SRF loan.

103-10

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

RESOLUTION ESTABLISHING SEWER RATES

WHEREAS Section 53.018 of Title V Public Works of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to establish and change sewer rates and reads as follows:

The monthly sewer charge to each user for ordinary use of the public sanitary sewer utility shall be equal to a percentage, set from time to time by resolution of the council, of the average monthly charges made for water during the last January, February and March period to any person occupying any premises served by the utility and to his successors in the occupancy. In cases where the premises were unoccupied during the months of January, February and March and/or where the use of the premises has significantly changed the water usage, the sewer charge may be based on the average usage during three (3) other months of the year.

WHEREAS, the State Revolving Loan for the Phase II improvements required the creation of a surcharge fee sufficient to produce net revenues for each fiscal year at least equal to one hundred ten

(110) percent of the principal and interest on the bonds coming due in such fiscal year be established, and;

WHEREAS, the rates being proposed are projected to produce the revenues necessary to cover the wastewater operations and the debt service surcharge requirement of the SRF loan.

BE IT HEREBY 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 5th day of April, 2010, that the percentage for calculating the sewer charge be established or charged as follows:

(a) Total charge:

One hundred eighteen percent (118%).

This rate include a surcharge fee defined in (b) below.

(b) Debt Service Surcharge Fees effective for billing after April 20, 2010: There is hereby established and imposed, pursuant to the authority of SDCL ch. 9-40, a surcharge upon the sewer service in the City of Vermillion. The surcharge shall apply to all classes of customers. The debt service surcharges is a special charge for the use of the wastewater plant and lift station improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2008 Clean Water State Revolving Fund Loan. The City does hereby establish the debt service surcharge fees for each customer of its System who received or benefits from the Project or services of the Project. Such allocation shall be set at a level which, assuming a ten percent (10%) delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the borrower 2008 bonds and the administrative expense surcharges and all other payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The debt service surcharge percentage included in (a) above, per monthly billing shall be fifteen and two tenths percent (15.2%).

The Debt Service Surcharge may be combined with the Meter Service Charge on the monthly billing for ease of reporting.

Effective Date of Rate:

The effective date of the rates listed in Vermillion City Ordinance 53.018 is for bills with a billing date after April 20, 2010.

Dated at Vermillion, South Dakota this 5th day of April, 2010.

FOR THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
Dan Christopherson, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 members voted in favor of and 0 members voted in opposition to the Resolution. Alderman Ward and Edelen were absent during the vote. Mayor Christopherson declared that the Resolution was adopted.

E. Electric Joint Use Pole agreements with East River Power Cooperative

Harold Holoch, Utility Engineer, reported that as part of the City's electric transmission line project, DGR, our electrical consulting engineer, in completing the final design, determined that it would be beneficial to construct a single pole double circuit arrangement along the south side of SD Hwy 50 from Sanford Street to Carr Street in lieu of City line on the north and East River on the south. The new single pole double circuit line will be in the same location as the existing East River line on the south side of Hwy 50. The second location for a joint use pole agreement will be at the intersection of University Road and 314th Street. The City line will run north-south and the proposed East River line will run east-west. The agreement will split the cost of the pole between the two entities. Based upon the oral agreement the project was bid based upon these joint use agreements being adopted. The agreements have been reviewed by the respective attorneys and City staff recommends the adoption of the joint use agreements.

Discussion followed.

104-10

Alderman Edelen moved approval and authorized the execution of the Joint Use Pole Agreement with East River Power Cooperative for the area on the south side of Hwy 50 between Sanford and Carr Street and the shared pole at University Road and 314th Street as presented. Alderman Powell seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

F. First Reading of Ordinance 1232 adding Chapter 118 to permit and establish requirements for a Furniture Use Zone and Limited Lease in the Central Business District (Downtown Furniture guidelines)

John Prescott, City Manager, reported that over the last year the City has been in discussions with the Downtown Action Team about the use of the public sidewalks for dining and the display and sale of merchandise. A draft ordinance was presented and discussed during the March 15th noon City Council meeting. Items from the discussion at the March noon meeting including addressing issues related to the sale and consumption of alcohol on the sidewalk, the hours of alcohol sales, crowd management for large groups, separation requirements for the designated furniture zone area and provisions for trash containers have been included. The proposed ordinance is very similar to the current Sioux Falls ordinance and a draft application has been included in the packet.

Paula Keller, representing the Downtown Action Team, stated that she has reviewed the ordinance and questioned the insurance requirement as to the cost and availability. Jim McCulloch, City Attorney, stated that the business owner would most likely just add the use of the sidewalk onto their current insurance policy.

105-10

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No 1232 adding Chapter 118 to permit and establish requirements for a Furniture Use Zone and Limited Lease in the Central Business District (Downtown Furniture guidelines) 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 5th day of April, 2010 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 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Christopherson declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all three items.

4,350 Gal Unleaded 10% ethanol: Stern Oil \$2.6360, Brunick's Service \$2.66

3,000 Gal No. 2 diesel fuel-dyed: Stern Oil \$2.5096, Brunick's Service \$2.63

1,000 Gal No. 1 diesel fuel-clear: Stern Oil \$2.7461, Brunick's Service \$2.90

106-10

Alderman Willson moved approval of the low quote of Stern Oil on Item 1, 2, and 4. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

B. Main substation 115 kV expansion

Harold Holoch, Utility Engineer, reported that as part of the City's substation improvements to provide a high side voltage compatible with our electric transmission line project, bids were opened on Tuesday, March 30th for expansion and conversion of the existing substation from 69 kV to 115 kV. A copy of the bid tabulation and consulting engineer's recommendation is attached to the packet. Seven bids were received for this project with the low bidder, E & I Specialists, submitting a written notice to withdraw its bid due to a substantial mistake. The consulting engineer concurs with the withdrawal of E & I Specialists bid. DGR, our electrical consulting engineer, has reviewed the next low bid and recommends the award of the main substation 115 kV expansion project to Karian/Peterson Power Line Contracting for a total of \$597,491.19. Discussion followed.

Bids for main substation 115 kV Expansion: E&I Specialists, Inc \$521,773.94 (withdrawn by bidder due to substantial mistake in preparing the bid); Karian/Peterson Power Line Contracting, LLC \$597,491.19; Tiede's Lien Construction, Inc \$616,736.94; Addison

Construction Company \$621,573.94; H.K. Scholz Company \$639,290.94; Ies Commercial, Inc \$669,966.24; Brink Constructors, Inc \$760,887.98

107-10

Alderman Powell moved approval of the low bid of Karian/Peterson Power Line Contracting, LLC of \$597,491.19 for the main substation 115 kV expansion project. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

C. Sale of surplus equipment

Harold reported that bids were opened on the surplus 2006 bobcat S185 loader, 1998 Toro greens mower and 2007 Ford Crown Victoria police car. On the bobcat loader, no bids were received so Mark's Machinery, the company that is selling us the new bobcat loader and assisted with the appraised value, was contacted and agreed to pay the 90% of appraised value price of \$14,850. It is recommended to accept this offer as there will be no other selling expenses. On the 1998 Toro greens mower, two bids were received and it is recommended to accept the high bid of Marty Johnson \$3,301 and on the 2007 Ford Crown Victoria police car three bids were received and it is recommended to accept the high bid of Welcome Motors of \$6,226.00.

2006 Bobcat S185 Skidsteer Loader: No bids

1998 Toro 3100 Greens Reel Mower: The Meadows, Inc. \$3,150.00; Marty Johnson \$3,301.00

2007 Ford Crown Victoria police car: Welcome Motors, Inc. \$6,226.00; Chicago Motors, Inc. \$6,107.00; Grace Quality Used Cars \$5,454.00

108-10

Alderman Edelen moved approval of awarding the sale of the surplus 2006 Bobcat S185 skid steer loader to Mark's Machinery for \$14,850 being 90% of the appraised value as no bids were received, the surplus 1998 Toro greens reel mower to the high bidder, Marty Johnson, for \$3,301, and the surplus 2007 Ford Crown Victoria police car to the high bidder, Welcome Motors, for \$6,226. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

10. City Manager's Report

A. John reported that the Census Bureau has a Questionnaire Assistance Center in the lobby of City Hall staffed on Monday, Tuesday and Wednesday from 1:00 pm to 5:00 pm and Thursday from 1:00

pm to 4:00 pm. until mid April. A similar center is also available in the Muenster University Center.

B. John reported upon the receipt of a raffle notification from Coyoteopoly. They will be conducting a raffle from April 1st to April 10th.

C. John reported that the landfill voucher was in last week's Plain Talk and is also available at City Hall. The landfill is also open on Saturday morning from 8:00 am until noon. The roll-off boxes are available at the recycling center for disposal of yard waste and small branches.

D. John reported that Harold has set up a meeting for downtown businesses to explain the cured-in-place sewer main project that will be conducted this summer. The meeting is Thursday at 2:00 pm.

11. Invoices Payable

109-10

Alderman French moved approval of the following bills:

JOHN POWELL	TRAVEL REIMBURSEMENT	119.00
MARY EDELEN	TRAVEL REIMBURSEMENT	1,056.34
WILLSON FLORIST	FLORAL ARRANGEMENT	85.00

Alderman Ward seconded the motion. Alderman Edelen, Powell, and Willson requested to abstain. Motion carried 5 to 0. Mayor Christopherson declared the motion adopted.

110-10

Alderman Powell moved approval of the following bills:

ALLTEL	POLICE COMMUNICATIONS	211.15
AMSAN	SUPPLIES	221.72
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	193.10
ARAMARK-WEARGUARD	WORK SHIRTS	89.45
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	443.79
AUTOMATIC BUILDING CONTROL	ANNUAL INSPECTION	326.00
AWWA	MEMBERSHIP	330.00
BAKER & TAYLOR BOOKS	BOOKS	418.80
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	23,133.67
BBC AUDIOBOOKS AMERICA	BOOKS	216.71
BIERSCHBACH EQPT & SUPPLY	PARTS	1,359.60
BOMGAARS	SUPPLIES	3.63

BOOK WHOLESALERS, INC	BOOKS	1,084.17
BROADCASTER PRESS	ADVERTISING	108.00
BRUNICKS SERVICE INC	FUEL	8,272.50
BUTCH'S PROPANE INC	PROPANE	3,655.32
BUTLER MACHINERY CO.	PARTS	2,954.25
CADD/ENGINEERING SUPPLY, INC	MAINTENANCE AGREEMENT	56.25
CALLAWAY GOLF	MERCHANDISE	1,189.95
CAMPBELL SUPPLY	SUPPLIES	1,454.38
CASK & CORK	MERCHANDISE	682.00
CENTURY BUSINESS LEASING, INC	COPIER LEASE	44.13
CHESTERMAN CO	MERCHANDISE	372.14
CITY OF VERMILLION	COPIES/POSTAGE	1,733.83
CITY OF VERMILLION	UTILITY BILLS	34,002.85
CLAY RURAL WATER SYSTEM	WATER USAGE	38.20
CLEVELAND GOLF	MERCHANDISE	1,725.83
COFFEE KING, INC	SUPPLIES	57.75
COLONIAL LIFE ACC INS.	INSURANCE	2,533.63
COX AUTO SUPPLY	PARTS	19.74
CREATIVE GIFT CARDS	MERCHANDISE	168.50
CULLIGAN WATER	SALT	27.80
D-P TOOLS	SUPPLIES	148.48
DAKOTA BEVERAGE	MERCHANDISE	8,818.00
DAKOTA PC WAREHOUSE	COMPUTERS/REPAIRS	1,504.86
DAKOTA PUMP INCORP	PARTS	136.50
DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	186.90
DALE HUSBY	SAFETY BOOT REIMBURSEMENT	100.00
DANKO MES, INC.	PARTS	5,857.02
DAPHNE'S HEADCOVERS	MERCHANDISE	88.23
DAVE FEDDERSON	REPAIRS	145.00
DAYS INN BROOKINGS	TRAVEL	134.00
DELTA DENTAL PLAN	INSURANCE	5,303.60
DEMCO	SUPPLIES	235.73
DENNIS MARTENS	MAINTENANCE	833.34
DESIGN SOLUTIONS & INTEGRATION	REPAIRS	1,090.50
DEVIN CHRISTIANSON	SAFETY BOOTS/MEALS	121.00
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	21,757.00
DIESEL SPECIALTIES, INC	REPAIRS	331.30
DIVISION OF MOTOR VEHICLE	PLATE RENEWAL	4.00
DUST TEX	SUPPLIES	55.26
E.A SWEEN COMPANY	SUPPLIES	146.56
ECHO ELECTRIC SUPPLY	SUPPLIES	1,320.51
EDC EDUCATIONAL SERVICES	BOOKS	550.83
ELECTRONIC ENGINEERING	SUPPLIES	6,493.77

ELLIOTT EQUIPMENT CO	PARTS	401.50
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	294.53
ENGRAVING, AWARDS & GIFTS	CITIZENS ACADEMY GRAD	77.00
ENVIRONMENTAL PRODUCTS	PARTS	109.97
ENVIRONMENTAL RESOURCE ASSOC	CHEMICALS	1,019.05
ERIN J. SEEP	MAINTENANCE	94.25
EZ-LINER INDUSTRIES	REPAIR KIT	68.71
FAR FROM NORMAL	SUPPLIES	102.00
FARMER BROTHERS CO.	SUPPLIES	25.99
FAST AUTO GLASS	CHIP REPAIR	40.00
FASTENAL COMPANY	SUPPLIES	57.35
FILTERTEC	SUPPLIES	1,124.34
FLAGS UNLIMITED	SD FLAGS	102.06
FOLD-A-GOAL	SOCCER NETS	417.00
FRED SAVOIE	SAFETY GLASSES REIMBURSE	150.00
FULLERTON LUMBER CO	SUPPLIES	196.80
GE CAPITAL	COPIER LEASE	114.48
GEAR FOR SPORTS	MERCHANDISE	7,072.16
GLOBAL DIST.	MERCHANDISE	426.25
GLOBAL EQUIPMENT COMPANY	SUPPLIES	52.05
GOLFBALLSONLY.COM	MERCHANDISE	498.00
GOPHER	REC SUPPLIES	138.33
GRAHAM TIRE CO.	TIRES	186.76
GRAINGER	SUPPLIES	1,693.85
GREGG PETERS	FREIGHT	1,956.50
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	238.62
HACH CO	CHEMICALS	1,300.35
HALI-BRITE INC.	PARTS	2,692.50
HANDER INC. PLUMBING & HEATING	REPAIRS	2,060.74
HANSEN LOCKSMITHING	REPAIRS	75.00
HARLAND TECHNOLOGY SERVICE	MAINTENANCE AGREEMENT	1,457.00
HARRY L. SCHOLTEN	TREE REMOVAL/TRIMMING	200.00
HAWKINS WATER TREATMENT	CHEMICALS	702.43
HD SUPPLY WATERWORKS	SUPPLIES	200.66
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	3,218.18
HEIMAN, INC.	ANNUAL INSPECTION	114.30
HERREN-SCHEMPP BUILDING	SUPPLIES	75.99
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	701.87
HOUSE OF WHITE BIRCHES	BOOKS	29.91
HY VEE FOOD STORE	SUPPLIES	103.91
INCODE-TYLER TECHNOLOGIES	SOFTWARE MAINTENANCE	17,606.00
INGRAM	BOOKS	2,516.69

INLAND TRUCK PARTS CO.	PARTS	3,662.44
INTERNATIONAL CODE COUNCIL	SUPPLIES	296.00
INTERNATIONAL PUBLIC MGMT	MEMBERSHIP DUES	145.00
JACKS UNIFORM & EQPT	VESTS	1,183.55
JENSEN AUTO BODY INC	REPAIRS	405.50
JOHN A CONKLING DIST.	MERCHANDISE	4,993.12
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	37,172.41
JOHNSON CONTROLS	PARTS	92.60
JOHNSTONE SUPPLY	PARTS	74.88
JONATHAN WARNER	FUEL REIMBURSEMENT	20.06
JONES ACE HARDWARE	SUPPLIES	564.22
JONES FOOD CENTER	SUPPLIES	833.60
KARIAN PETERSON CONTRACTIN	TRANSMISSION LINE CONSTR	54,759.90
KARSTEN MFG CORP	MERCHANDISE	1,144.81
KNIFE RIVER MIDWEST, LLC	COLD MIX ASPHALT	1,123.20
LAKE REGION CONTRACTING, INC	SNOW REMOVAL	1,727.79
LAWSON PRODUCTS INC	SUPPLIES	168.47
LAYNES WORLD	NAME PLATES/BLANK PLATES	18.00
LEARNING OPPORTUNITIES, INC	BOOKS	190.67
LESSMAN ELEC. SUPPLY CO	SUPPLIES	797.95
LINCOLN MUTUAL LIFE	INSURANCE	543.18
LINWELD	SUPPLIES	427.64
LOCATORS AND SUPPLIES, INC	SUPPLIES	185.54
LUDEY'S READY MIX	CONCRETE	1,779.75
MALLOY ELECTRIC	PART	138.19
MARK CLARK	MEAL/MILEAGE REIMBURSEMENT	59.40
MARKS MACHINERY	PARTS	600.00
MART AUTO BODY	TOWING/REPAIRS	1,275.00
MATTHEW BENDER & CO, INC	BOOKS	30.97
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,736.00
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	105.00
MERRITT GROH	REGISTRATION REIMBURSEMENT	170.00
METROTECH	PARTS	284.12
MICHELE D & JUDITH E MARSH	TREE REMOVAL/TRIMMING	300.00
MICRO MARKETING ASSOC	SUPPLIES	175.93
MICROFILM IMAGING SYSTEMS	MONTHLY RENTAL	250.00
MICWEBS	WEB HOSTING	130.00
MID-AMERICAN RESEARCH	CHEMICALS	167.65
MIDCONTINENT COMMUNICATONS	REPAIRS	1,122.05
MIDWEST ALARM CO	ALARM MONITORING	60.00
MIDWEST BUILDING MAINTENAN	MAT SVC	403.10
MIDWEST READY MIX	REPAIRS	509.28
MIDWEST TURF & IRRIGATION	2-MOWERS/PARTS	70,331.02

MINN MUNICIPAL UTILITY ASSOC	2010 MEMBER DUES	821.00
MINNESOTA'S HERITAGE	SUBSCRIPTION	25.00
MISSOURI RIVER ENERGY SERVICE	ADVERTISING	75.00
MISSOURI VALLEY MAINTENANCE	REPAIRS	957.00
MOORE WELDING & MFG	REPAIRS	114.00
MOTOROLA INC	RADIOS	10,089.36
NATL GOLF FOUNDATION	MEMBERSHIP	199.00
NCL OF WISCONSIN, INC	SUPPLIES	185.09
NEBRASKA JOURNAL-LEADER	ADVERTISING	32.94
NETSYS+	PROFESSIONAL SERVICES	871.50
NEW YORK LIFE	INSURANCE	95.00
NGK-LOCKE, INC	TRANSMISSION LINE MATER	108,489.40
NICK MERRIGAN	TREE REMOVAL/TRIMMING	300.00
NORTH CENTRAL RENTAL & LEASING	RENTAL	4,525.00
NORTHERN BALANCE & SCALE	PARTS	140.90
NORTHERN TRUCK EQPT CORP	LIFT GATE	1,850.00
NORTHLAND	SUPPLIES	408.20
NOVELTY MACHINE & SUPPLY	PART	52.49
NPC INTERNATIONAL	PIZZA	30.00
OFFICE SYSTEMS CO	MAINTENANCE/INK CARTRIDGES	1,490.60
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	3,276.00
PETE LIEN & SONS, INC	CHEMICALS	7,883.84
PHEASANTLAND INDUSTRIES	CONFERENCE TABLE	425.00
PHILIP B JR. AND ELAINE JOHNSON	TREE REMOVAL/TRIMMING	1,500.00
PITNEY BOWES	POSTAGE MACHINE RENTAL	242.49
PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	302,286.48
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
PRAIRIE BERRY WINERY	MERCHANDISE	1,380.00
PRESSING MATTERS	PAPER/COPIES/BINDING	93.50
PRESTO-X-COMPANY	INSPECTION/TREATMENT	45.15
PRINT SOURCE	FORMS	92.00
PRO AUTO INC	REPAIRS	625.00
PUMP N PAK	FUEL	2,160.28
QUEEN CITY WHOLESALE	SUPPLIES	789.83
QUILL	SUPPLIES	2,179.16
QWEST	TELEPHONE	705.42
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RANDOM HOUSE, INC	BOOKS	370.00
RASMUSSEN MOTORS, INC	REPAIRS	86.29
RECORDED BOOKS, INC	BOOKS	214.10
REGENT BOOK CO.	BOOKS	14.51
REINHART FOODSERVICE, LLC	SUPPLIES	721.57
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	19,050.96

RIVERSIDE HYDRAULICS & LAB	PARTS	107.13
ROAD KING, INC	PARTS	163.11
ROBINSON PRO CLEANING	CLEAN FRYERS	215.00
ROCKMOUNT RESEARCH & ALLOY	SUPPLIES	495.59
RODNEY TIEMAN	SAFETY BOOT REIMBURSEMENT	45.05
ROSE MARIE OSMANSON	TREE REMOVAL/TRIMMING	400.00
ROYAL CAR WASH	TOKENS	48.00
SARA LEE BAKERY GROUP	SUPPLIES	15.51
SCHOLASTIC LIBRARY PUBLISH	BOOKS	58.44
SD ASPHALT CONFERENCE	REGISTRATION	100.00
SD DEPT OF REVENUE	TESTING	344.00
SD ELECTRICAL COMMISSION	PERMIT	36.00
SD MUNICIPAL LEAGUE	REGISTRATION	105.00
SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	37.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	45,043.16
SDN TECHNOLOGIES	REPAIRS	442.71
SENIOR CITIZEN	CONTRIBUTION	15,000.00
SERVALL TOWEL & LINEN	SUPPLIES	49.92
SIOUX CITY WINTRONIC	PARTS	236.50
SIOUX FALLS TWO WAY RADIO	REPAIRS	1,087.36
SIOUXLAND SCALE SERVICE	REPAIRS	392.38
SIOUXLAND TRAILER SALES	TOOL BOX	624.00
SMITH & LOVELESS, INC	REPAIRS	923.13
SOOLAND BOBCAT	PART	112.92
SPORT SUPPLY GROUP	REC SUPPLIES	246.17
STERN OIL CO.	SUPPLIES/FUEL	2,204.27
STEWART OIL-TIRE CO	REPAIRS	34.95
STRYKER SALES CORPORATION	STAIR CHAIR - AMBULANCE	2,427.44
STURDEVANTS AUTO PARTS	PARTS	2,412.52
T&R SERVICE	TESTING	310.00
TAYLOR MADE	MERCHANDISE	4,762.79
THATCHER COMPANY	SODA ASH	6,947.60
THE EQUALIZER	ADVERTISING	84.00
THE HIGHSMITH CO.	SUPPLIES	21.50
TITLEIST DRAWER CS	MERCHANDISE	9,387.31
TRAVIS TARR	SAFETY BOOT REIMBURSEMENT	100.00
TRUE VALUE	SUPPLIES	272.62
TURNER PLUMBING	PARTS	40.25
ULTEIG ENGINEERS, INC	PROFESSIONAL SERVICES	357.50
ULVERSCROFT LARGE PRINT	BOOKS	94.44
UNITED WAY	CONTRIBUTIONS	306.50
USA BLUEBOOK	PARTS	75.98
VALMONT NEWMARK	TRANSMISSION LINE MATER	365,901.80

VAN DIEST SUPPLY CO	SUPPLIES	907.50
VERMILLION CHAMBER OF COMMERCE	PIERRE DAY TRAVEL	60.00
VERMILLION COMMUNITY CPR	CPR/FIRST AID CARDS	100.00
VERMILLION CONSTRUCTION CO	WATER HEATER REBATE	150.00
VERMILLION FORD	PARTS	206.73
VERMILLION GARBAGE SERVICE	HAULING	1,029.42
VERMILLION NOW!	CONTRIBUTION	30,000.00
VERMILLION RADIO	ADVERTISING	118.50
VIDEO BREAD	LIBRARY MATERIALS	73.90
VISA/FIRST BANK & TRUST	TRAVEL/FUEL/SUPPLIES	4,172.71
WAHLTEK	CONTRACT	1,950.00
WAL-MART COMMUNITY	SUPPLIES	629.48
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	165.00
WATERRA USA INC	PARTS	224.10
WESCO DISTRIBUTION, INC	PARTS	4,683.80
WEST GROUP PAYMENT CENTER	LAW BULLETIN	176.50
WESTERN IOWA TECH	REGISTRATION	70.00
WILFRED J. SCHMIDT	TREE REMOVAL/TRIMMING	200.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	1,002.10
ZEE MEDICAL SERVICE	SUPPLIES	164.35
ZEP SALES & SERVICE	SUPPLIES	234.87
CURT JOHNSON	BRIGHT ENERGY REBATE	25.00
GREG CARD	BRIGHT ENERGY REBATE	10.00

Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of April 19, 2010 for the transfer of the retail on sale liquor and on-off sale malt beverage license from Red Shirt, Inc to Bebee Street, LLC operating Carey's Bar at 18 & 20 West Main street

111-10

Alderman Osborne moved approval of the consensus agenda. Alderman Edelen seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

13. Adjourn

112-10

Alderman Osborne moved to adjourn the Council Meeting at 9:20 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Christopherson declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of April, 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Dan Christopherson, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.