

Unapproved Minutes
Council Special Session
September 19, 2016
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, September 19, 2016 at 12:00 noon at Prentis Park.

1. Roll Call

Present: Holland, Humphrey, Price, Sorensen, Ward, Mayor Powell

Absent: Collier-Wise, Erickson, Meins

2. Briefing on the September 19, 2016 City Council Regular Meeting

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

3. Educational Item - Tour of Prentis Park pool construction - Jim Goblirsch

Jim Goblirsch, Director of Parks and Recreation, conducted a tour of the Prentis Park pool construction area and answered questions of the City Council on the project.

5. Adjourn

303-16

Alderman Holland moved to adjourn the Council special session at 12:13 p.m. Alderman Sorensen seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of September, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
September 19, 2016
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, September 19, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Erickson, Holland, Humphrey, Meins, Price, Sorensen, Ward, Mayor Powell, Student Representative Ireland

Absent: Collier-Wise

2. Pledge of Allegiance

3. Minutes

A. Minutes of September 6, 2016 Special Meeting, September 6, 2016 Regular Meeting

304-16

Alderman Sorensen moved approval of the September 6, 2016 Special Meeting and September 6, 2016 Regular Meeting minutes. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

305-16

Alderman Price moved approval of the agenda. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation recognizing National Senior Center Month

Alderman Ward read the proclamation designating September as National Senior Center Month in Vermillion to recognize the special contributions of the Senior Center participants and the special efforts of the staff and volunteers.

6. Public Hearings

A. Resolution Approving the Special Assessment Roll and Notice of Special Assessments for Nuisance Abatement

Mike Carlson reported that on September 6th the City Council adopted a resolution setting the public hearing for tonight for consideration of the special assessment roll. The notice of hearing resolution was published and mailed to the property owners. The assessments are for nuisance abatement during the last year for grass/weed removal, snow removal and removal of debris. Mike stated that, since the notices were mailed, two properties have been paid, one has changed hands and two others have inquired about the assessment. Mike reported that, if adopted, the listed property owners will be sent this resolution allowing 30 days to pay the assessment without interest and if not paid will be certified to the County to be included on next year's taxes. Discussion followed.

306-16

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

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL
AND NOTICE OF SPECIAL ASSESSMENTS
FOR NUISANCE ABATEMENT
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established a special assessment roll for defraying the cost of nuisance abatement against the several tracts of real property upon:

NUISANCE ABATEMENT as listed at the end of this Resolution

in the City of Vermillion, Clay County, South Dakota. The assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 6th day of September, 2016.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment roll for the 19th day of September, 2016 and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment roll, the time and place for the hearing, that the assessment roll would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment roll for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their

address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment roll, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment roll is in all respects true and correct, and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment roll is hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment roll be filed in the office of the City Finance Officer the day after approval of the assessment roll. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice, along with the approved assessment roll.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner, or owners, of each lot, parcel or piece of ground as shown by the assessment roll, a copy of this Resolution and Notice along with the approved assessment roll.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment roll will be payable according to the provisions of Plan One as set forth in SDCL Sections 9-43-102 to 9-43-113.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time within thirty (30) days after the filing of the approved assessment roll in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, plus interest thereon from the filing date to the date of payment may be paid to the said City Finance Officer. No installment

under Plan One shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment roll will be filed with the City Finance Officer on 20th day of September, 2016. The assessment is payable in one (1) installment at ten percent (10%) per annum interest on unpaid installments. The first installment due date is January 1, 2017.

The assessment roll herein referred to is attached.

Dated at Vermillion, South Dakota, this 19th day of September, 2016.

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

John E. Jack Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

City of Vermillion Special Assessment Roll

<u>Name</u>	<u>Legal/Location</u>	<u>Corrective Action</u>	<u>Amount</u>
Doug L. Akins	15720-05100-020-00	snow tagging 11/23/2015	10.60
	Lots 1 & 2 Blk 51 Snyders	grass tagging 5/10/2016	10.60
	226 High	grass tagging & mowing 5/23/2016	103.84
		grass tagging & mowing 6/17/2016	98.52
		grass tagging 7/8/2016	<u>53.25</u>
		Total	276.81
Apostolic Faith Church	15050-06200-090-00	grass tagging & removal 8/14/2015	74.20
Contract For Deed	W 71' Of N 1/2 Of Lot 8 &	snow tagging & removal 2/9/2016	84.80
Dennis A. Klein	W 71' Of Lot 9 Blk 62	grass tagging & removal 5/2/2016	<u>76.85</u>
	Bigelows Addn	Total	235.85
	23 N Harvard		
Alice I Kutilek	15720-04100-120-00	grass tagging & removal 7/17/15	95.40
Revocable Trust	Lot 12 Blk 41 Snyders	grass tagging & removal 8/27/15	116.60
	119 Franklin	snow tagging & removal 2/9/16	84.80
		grass tagging & removal 5/10/16	98.05
		grass tagging & removal 6/10/16	119.81
		grass tagging & removal 7/8/16	<u>141.11</u>

		Total	655.77
Alice Kutilek &	15730-08300-020-03	grass tagging & removal 5/2/16	79.50
Sheila Isom	S 50' Of E 106.25' Lot 2 Blk 83		
	Addn To Snyders Addn		
	420 Franklin		
Peter Mark &	15860-09251-190-24	grass tagging & removal 7/17/15	169.60
Karin Monzel	Lot 1 Replat Of Aud Tract A S	grass tagging & removal 9/21/15	135.15
	1/2 Lot 2 NW 1/4 19-92-51 Aud	grass tagging & removal 5/17/16	76.85
	Tract 19-92-51	grass tagging & removal 5/24/16	<u>335.48</u>
	601 Lewis	Total	717.08
Abul Shaifullah	15080-00100-070-00	grass tagging & removal 8/27/15	247.78
	Lot 7 Blk 1 Replat Of Blessing	snow tagging & removal 1/4/16	76.85
	325 Prentis	snow tagging 2/9/16	<u>31.80</u>
		Total	356.43
Timothy & Jane Tilden	15720-06000-010-00	snow tagging & removal 11/24/15	148.40
	Lot 1 Blk 60 Snyders	grass tagging & removal 5/2/16	76.85
	324 N Dakota	grass tagging & removal 5/20/16	<u>98.51</u>
		Total	323.76

The amount of the assessment is payable, under Plan One, at the office of the Clay County Treasurer, in the Courthouse, in the City of Vermillion, Clay County, South Dakota, UNLESS paid to the City Finance Officer, whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, Clay County, South Dakota, within 30 days after the approved assessment roll is filed in the office of the City Finance Officer. Wherever the work "Lot" appears in this exhibit it shall be construed to include tracts and other parcels of land.

The motion was seconded by Alderman Ward. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Special Permit to exceed permissible sound levels by no more than 50% for USD Dakota Days Executive Board for Vermtown Bash street dance with DJ/Live music on October 5, 2016 from 5:00 p.m. to 11:00 p.m. on Ratingen Platz and portions of Market and Main Streets.

Mike Carlson, Finance Officer, reported that a request for a special permit to exceed permissible sound levels by no more than 50% was received from USD Dakota Days Executive Board for Vermtown Bash street dance with DJ/Live music on October 5, 2016 from 5:00 p.m. to 11:00 p.m. on Ratingen Platz and portions of Market and Main Streets. Mike stated that the application and notice of hearing are included in the packet with the street closing request later on the agenda.

307-16

Alderman Holland moved approval of the special permit to exceed permissible sound levels by no more than 50% for the USD Dakota Days Executive Board for Vermtown Bash street dance with DJ/Live music on October 5, 2016 from 5:00 p.m. to 11:00 p.m. on Ratingen Platz and portions of Market and Main Streets. Alderman Humphrey seconded the motion. Discussion followed on the enforcement of the sound level ordinance. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Special permit to exceed permissible sound levels by no more than 50% for Sorority & Fraternity Life for Greek Life Awards Ceremony on Cedar Street between Plum and Pine Streets on September 23, 2016 from 5:00 p.m. to 8:00 p.m.

Mike Carlson, Finance Officer, reported that a request for a special permit to exceed permissible sound levels by no more than 50% was received from USD Sorority & Fraternity Life for a Greek Life Awards Ceremony on Cedar Street between Plum and Pine Streets on September 23, 2016 from 5:00 p.m. to 8:00 p.m. Mike stated that the permit application and notice of hearing are included in the packet with the street closing later on the agenda. Sami Baus, representing the event, answered questions of the City Council, noting that they planned on contacting the neighbors if the City Council approved the special permit. Discussion followed on the need to notify the neighbors.

308-16

Alderman Ward moved approval of the special permit to exceed permissible sound levels by no more than 50% for USD Sorority & Fraternity Life for a Greek Life Awards Ceremony on Cedar Street between Plum and Pine Streets on September 23, 2016 from 5:00 p.m. to 8:00 p.m. contingent upon the neighbors being notified prior to the event. Alderman Sorensen seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1345 - Cable Franchise agreement with MIDCO

John Prescott, City Manager, reported that the current cable TV franchise was entered into in 1999 with a term of 15 years and there

were also two one year extensions. John noted that discussions have been ongoing with MIDCO on the franchise agreement and that Utility Committee recommended approval of the ordinance at the August 1st meeting. John reviewed the major items of the non exclusive cable TV franchise. John noted that the ordinance had first reading on September 6th and has been posted on the City web site.

309-16

Second reading of title to Ordinance 1345, entitled AN ORDINANCE Related To Re-Authorizing the Grant of Cable Communications Franchise for the City of Vermillion, South Dakota

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1345 entitled An Ordinance Related To Re-Authorizing the Grant of Cable Communications Franchise 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 6th day of September, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of September, 2016 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. 1345

AN ORDINANCE RELATED TO RE-AUTHORIZING THE GRANT OF CABLE COMMUNICATIONS FRANCHISE IN THE CITY OF VERMILLION; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE

CITY OF VERMILLION, SOUTH DAKOTA
CABLE TELEVISION FRANCHISE AGREEMENT WITH MIDCO

THIS FRANCHISE AGREEMENT made and entered into as of the 19th day of September, 2016 by and between the City of Vermillion, a municipal corporation duly organized under the laws of the State of South Dakota (hereinafter referred to as "Municipality") and MIDCO (hereinafter referred to as "Company"), a South Dakota corporation with its principal place of business located in Sioux Falls, South Dakota.

WITNESSETH

WHEREAS, Company currently holds a cable communications franchise agreement for the construction and operation of a cable communications system within the Municipality; and

WHEREAS, Municipality is authorized to grant one or more non-exclusive franchises for the provision of cable service within Municipality by means of a cable system; and

WHEREAS, Municipality has reviewed Company's request and has considered the terms and conditions for a new franchise and the future cable-related community needs and interests of the Municipality; and

WHEREAS, Municipality has determined that granting of this franchise will assist in meeting the cable-related needs and interests of the community, such as by providing a portion of the funding necessary for public, educational, and government channels; and

WHEREAS, Municipality has determined that granting of a franchise on the terms set forth herein is in the public interest and in the interest of the Municipality and its residents.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, in consideration of the mutual covenants and promises herein contained, that the following sections regarding the terms and conditions of the franchise agreement be recreated and amended and the parties hereto agree as follows:

SECTION 1. SHORT TITLE AND DEFINITIONS

1. Short Title. This Ordinance shall be known and cited as the Cable Communications Regulatory Ordinance.
2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.
 - (a) "Basic Cable Service" means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7).
 - (b) "Cable Programming Service" means any Video Programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such Video Programming, other than:

Video Programming carried on the Basic Service Tier;

Video Programming offered on a pay-per-channel or pay-per-program basis;

or

A combination of multiple channels of pay-per-channel or pay-per program Video Programming offered on a multiplexed or time-shifted basis so long as the combined service:

Consists of commonly-identified Video Programming; and

Is not bundled with any regulated tier of service.

Cable Programming Service as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §543(1)(2) and 47 C.F.R. 76.901(b) (1993).

- (c) "Cable Service" means the one-way transmission to Subscribers of Video Programming, or other programming service, and Subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.
- (d) "Cable System" or "System" shall have the meaning ascribed to it in federal law.
- (e) "Council" means the Vermillion, South Dakota City Council.
- (f) "Franchise" means an initial authorization, or renewal thereof issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System or other MVPD facility.
- (g) "Franchise Area" means the area within the corporate boundaries of the Grantor.
- (h) "Grantee" is the entity which is granted a Franchise in City pursuant to this Ordinance, its agents and employees, lawful successors, transferees or assignees.
- (i) "Grantor" is the City of Vermillion, South Dakota.
- (j) "Gross Revenue" means all amounts of monthly revenue received from Cable Service, Cable Programming Service, advertising sales, fees on equipment leased by customers in order to provide video services, and Pay Television directly by the

Grantee from the operation of its System within Franchise Area. Gross Revenue shall not include bad debt.

- (k) "Multichannel Video Program Distributor" or "MVPD" means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, an OVS provider, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.
- (l) "Open Video Services" or "OVS" means any video programming Services provided to any person by a Franchisee certified by the FCC to operate an Open Video System pursuant to Section 47 U.S.C. 573, as may be amended, regardless of the Facilities used.
- (m) "Pay Television" means the delivery over the System of pay-per-channel or pay-per-program audio-visual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or Cable Programming Services.
- (n) "Person" is any person, firm, partnership, association, corporation, company, or other legal entity.
- (o) "Standard Installation" means any residential installation which can be completed using a drop of one hundred fifty (150) feet or less.
- (p) "Street" means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by Grantor.
- (q) "Subscriber" means any Person who lawfully receives Cable Service.
- (r) "Video Programming" means programming provided by, or generally considered comparable to programming provided by a television broadcast station.

SECTION 2. GRANT OF AUTHORITY AND GENERAL PROVISIONS

1. Franchise Required. It shall be unlawful for any Person or Entity to construct, operate or maintain a Cable System or MVPD facility or to provide Cable Service, Video Programming or other MVPD services, including OVS, in the Grantor without a Franchise authorizing the same, unless applicable federal or State law prohibits the Grantor's enforcement of such a requirement.

2. Grant of Franchise. Any Franchise that is granted in City shall be subject to the terms and conditions contained herein.

3. Grant of Nonexclusive Authority.

- (a) A Grantee shall have the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the Streets, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in Franchise Area, existing poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in Franchise Area of a Cable System. Grantee is not authorized to erect any new poles without the express written permission of the Grantor.
- (b) A Franchise shall be nonexclusive, and Grantor reserves the right to grant a similar use of said Streets to any MVPD at any time, provided, however, that all Franchises shall contain the same terms and conditions as this Franchise in order that one MVPD is not granted a competitive advantage over another. In the event a MVPD commences operation without a Franchise or is granted a Franchise to operate by the Grantor, the terms and conditions of which do not comply with this Ordinance, other Grantees shall have the right either (i) to opt in to the competitor's Franchise by providing ten (10) days prior written notice to the Grantor; or (ii) to petition the Grantor for modifications to its Franchise, in which case the Grantor shall work in good faith with the affected Grantee(s) to review and adopt modifications which the Grantee(s) deem necessary, review and approval by Grantor shall not be unreasonably denied.
- (c) Before granting an additional franchise, the Grantor shall give written notice to all Grantees of any new application, identifying the applicant for such additional Franchise and providing at least thirty (30) days prior notice of the date, time, and place at which the Grantor shall consider and/or determine whether such additional Franchise should be granted.
- (d) Every Franchise shall apply to the entire service area of the Grantor, as it exists now or may later be configured.
- (e) Neither City nor Grantee(s) may unilaterally alter the material rights and obligations set forth in this Franchise. In the event of a conflict between any other ordinance and this Franchise, the Franchise shall control.

4. Franchise Term. A Franchise shall be in effect for a period of up to ten (10) years from the date of acceptance by a Grantee, unless renewed, revoked, or terminated sooner as herein provided.
5. Territorial Area Involved. A Franchise shall be granted for the corporate boundaries of Grantor, as it exists from time to time. In the event of annexation by Grantor, or as development occurs, any new territory shall become part of the area covered. Grantor shall advise Grantee whenever property is annexed. Whenever the Grantee shall receive a request for service from at least ten (10) residences within 1,320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its system to such subscribers at no cost to said subscribers for system extension, other than the usual collection fees for all subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition, or market development of the system, or as provided for under Section 2 item 6 of this franchise.
6. Subscriber Charges for Extensions of Service. No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate his cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscribers, or a density of less than ten (10) residences per 1,320 cable-bearing strand feet of trunk or distribution cable, service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. If a potential Subscriber requires a non-Standard Installation e.g. a Drop in excess of one hundred fifty (150) feet, Grantee shall, upon request, provide a quote for construction of the non-Standard Installation and shall establish a mutually acceptable payment schedule not to exceed one (1) calendar year. For residential installations only, Grantee shall be responsible for all costs of the Standard Installation and the Subscriber shall be responsible for one half (1/2) of the Actual Cost of any construction required beyond the cost of the Standard Installation; Grantee shall be responsible for the balance of the costs for the non-Standard Installation.
7. Written Notice. All notices, reports, or demands required to be given in writing under this Ordinance shall be deemed to be given when delivered personally to any officer of Grantee or Grantor's Manager of this Ordinance as specified in a Franchise.

SECTION 3. APPLICATION FOR NEW FRANCHISE

1. Application Information. An application for an initial Franchise to provide Video Programming shall provide the following information in writing.

- (a) Applicant name and business address of Applicant.
- (b) A statement as to the proposed Franchise Area, and whether Applicant holds an existing authorization to access the Rights-of-Way in the City and a map of the areas where such authorization exists if for an area other than the entire City.
- (c) Resume of prior history of Applicant, including the legal, technical, and financial expertise of Applicant in the Cable Service field.
- (d) List of officers, directors, and managing employees of Applicant and resumes of each.
- (e) A proposed construction and schedule to provide Cable Service or Video Programming to Subscribers.
- (f) A certificate of insurance consistent with the requirements of this Ordinance.
- (g) A description of the Cable System the Applicant intends to build, including its capacity, the types of equipment proposed for use and the Cable Services or Video Programming which will be offered.
- (h) A description of the financial qualifications of the Applicant to construct and operate the System including a balance sheet, income statement sources and uses of funds statement and pro forma projections for at least three (3) years of operation subsequent to System completion.
- (i) A proposed plan for Public, Educational, and Government Access Channels, including funding, facilities, and equipment and capacity on the System to be dedicated for educational and governmental use if applicable.

2. Evaluation Criteria. The Initial Franchise Application may be evaluated according to the following criteria, and approved within one-hundred eighty (180) days after City deems the Application is complete. In the event Applicant is already authorized to occupy the Rights-of-Way, the time for review and approval will be ninety (90) days.

- (a) The evidence of legal, technical and financial ability required in the Applicant's proposal will be such as to assure

the ability to complete the entire System within a reasonable time from the date the Franchise is granted. The City will also consider the Applicant's ability to operate the System and provide the necessary Cable Services or Video Programming in compliance with the terms of this Ordinance.

- (b) The City Manager or designee shall prepare a report and make his or her recommendations respecting such application to the City Council.
- (c) A public hearing held at a regularly scheduled council meeting shall be set prior to any grant of a Franchise, at a time and date approved by the City Council. A published Notice of the regularly scheduled meeting shall be considered sufficient public notice. Within thirty (30) days after the close of the hearing, the City Council shall make a decision based upon the evidence received at the hearing as to whether or not the Franchise(s) should be granted, and, if granted subject to what conditions.
- (d) The City may consider any additional information that it deems applicable.

SECTION 4. CONSTRUCTION AND OPERATIONS STANDARDS

1. Conditions on Street Use.

- (a) A Grantee shall obtain all required permits from Grantor before commencing any construction upgrade or extension of the System.
- (b) The Grantor shall impose no special permit fees upon a Grantee for access to the public way.
- (c) Conditions of street occupancy. All transmission and distribution structures, existing poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways.
- (d) Restoration of public ways. If during the course of Grantee's construction, operation, or maintenance of the system there occurs a disturbance of any public way by the Grantee, it shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance as determined by the City Engineer. The restoration shall take

place within 20 days during non-weather precluded construction times unless otherwise approved by Grantor.

- (e) If at any time during the period of this Franchise Grantor shall elect to alter, or change the grade or location of any utility, Street, alley or other public way, a Grantee shall, at its own expense, upon reasonable notice by Grantor, not less than five (5) business days, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System. If Grantor reimburses other occupants of the Street, a Grantee shall be likewise reimbursed.
- (f) A Grantee shall, on request of any Person holding a moving permit issued by Grantor, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and a Grantee shall be given not less than ten (10) days advance notice to arrange for such temporary changes.
- (g) A Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of Grantor so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee. Absent an emergency situation, Grantee shall provide Grantor and affected homeowners reasonable advance notice of Grantee's intent to trim trees. The Grantee shall reasonably compensate the franchising authority for any damages caused by such trimming, or shall, in its sole discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the system undertaken by the Grantee. Such replacement shall satisfy any and all obligations the Grantee may have to the franchising authority pursuant to the terms of this section.
- (h) Nothing contained in this Ordinance shall relieve any Person from liability arising out of the failure to exercise reasonable care to avoid injuring Grantee's facilities.
- (i) In areas where all other utility lines are placed underground, Grantee shall construct and install its cables, wires and other facilities underground. In any area where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of the pole.
- (j) A Grantee shall at all times construct and operate its System in accordance with applicable FCC Technical specifications.

- (k) In the event that the use of any part of the system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such systems or property has been installed in any street or public place without complying with the requirements of this Ordinance, or the rights granted hereunder have been terminated, cancelled or have expired, Grantee shall, subject to the rights of the City to acquire the system, promptly remove from the streets, or public places all such property and poles of such system other than any which the City may permit to be abandoned in place. In the event of such removal, Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the City Engineer.
- (l) Any property of Grantee to be abandoned in place shall be abandoned in such a manner as the City may prescribe. Upon permanent abandonment of the property of Grantee in place, it shall submit to the City an instrument to be approved by the City, transferring to the City the ownership of such property.
- (m) All cable and passive equipment for cable television reception service installed by Grantee at a subscriber's location shall remain the property of Grantee and Grantee shall have the right to remove said cable and equipment. Upon termination of service to any subscriber, the Grantee shall promptly remove all its above ground facilities and equipment from the premises of such subscriber upon his request.
- (n) No poles or other wire-holding structures shall be erected by the Grantee without prior approval of the of the City with regard to locations, height, type or any other pertinent aspect, which approval shall not be unreasonably withheld. However, no locations of any pole or wire-holding structure of the Grantee shall be a vested interest and such poles or structures shall be removed or modified by the Grantee at its own expense whenever the City or its designated representative determines that the public convenience would be enhanced thereby.
- (o) Where poles or other wire-holding structures already existing in use in serving the City are available for use by Grantee, but it does not make arrangements for such use, the City may require the Grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to the Grantee are just and reasonable.
- (p) Where the City or a public utility serving the City desires to make use of poles or other wire-holding structures of the

Grantee but agreement therefore, with the Grantee cannot be reached, the City Council may require the Grantee to permit such use for such consideration as is just and reasonable and upon such terms as the Council determines the use would enhance the public convenience and would not unduly interfere with the Grantee's operations.

- (q) Grantee shall furnish to and file with City the as built maps of the System including location of underground facilities. Grantee shall also file updates of such maps, plats and permanent records annually if changes have been made in the System.
- (r) Subject to Federal Law and Regulation, Grantee shall at all times maintain on file with the Finance Officer a schedule setting forth all rates and charges to be made to subscribers for basic cable service, including installation charges.
- (s) During the term hereof, the City may regulate rates only if authorized to do so by Federal Communications Commission regulations and then such regulation shall only be in accordance with the provisions of such regulations.

SECTION 5. SYSTEM PROVISIONS AND PUBLIC SERVICES

1. Operation and Maintenance of System. A Grantee shall render effective service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible.
 2. Service to Schools and City. A Grantee shall, subject to the line extension requirements of Section 2.5 herein, provide one (1) Drop and one (1) outlet of Basic Cable Service at no cost to the accredited K-12 schools and the City facilities listed in Appendix A, attached to this Agreement. The outlets of Basic Service shall not be used to distribute or sell services in or throughout such buildings. Users of such outlets shall hold the Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but limited to, those arising from copyright liability. The Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said building or premises exceeds 150 cable feet or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. If additional outlets of Basic Service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials.
- (a) PEG Channel. Grantee shall dedicate two (2) channels for public, educational and governmental ("PEG") programming.

Every Subscriber receiving Cable Service over a Grantee's System shall receive the PEG channels at no additional charge. The PEG channels shall be provided as part of Basic Cable Service and shall not be moved without the City's written approval which shall not be unreasonably withheld. The Grantee shall cablecast all PEG programming produced or created by the City, or its designee, including any live programming. The City may use the PEG channels for any lawful purpose including to cablecast programming produced by the City, local educational institutions or other public institutions, or members of the public.

(b) The City shall have sole responsibility for managing and controlling the PEG channels. The City shall establish rules for the programming, operation or administration of the PEG channels, which shall be subject to Grantee's review and approval. Grantee shall have no responsibility whatsoever for the programming, operation or administration of the PEG channels.

3. Emergency Use. In the case of any emergency or disaster, a Grantee shall, upon request of the City Council or City Manager, make available its facilities to the City for emergency use. A Grantee shall comply with the emergency alert requirements of federal law.

4. Lockout Device. Upon the request of a Subscriber, Grantee shall provide by sale or lease a Lockout Device.

SECTION 6. OPERATION AND ADMINISTRATION PROVISIONS

1. Indemnification of Grantor.

(a) A Grantee shall indemnify, defend, and hold harmless Grantor, its officers, boards, committees, councils, elected officials, employees and agents, from and against all liability, damages, and penalties which they may legally be required to pay as a result of the exercise of a Franchise granted pursuant to this Ordinance, except claims covered by worker's compensation insurance or any claims arising from or related to Grantor's negligence. Nothing in this Ordinance relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work complete with grading, regarding, or changing the line of a Street or public place or with the construction or reconstruction of a sewer or water system.

(b) In order for Grantor to assess its rights to be indemnified, defended, and held harmless, Grantor must with respect to each claim:

- i. Promptly notify a Grantee in writing of any claim or legal proceeding which gives rise to such right;
 - ii. Afford Grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and
 - iii. Fully cooperate with reasonable requests of Grantee, at Grantee's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to paragraph ii. above.
- 2. Insurance. A Grantee shall maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage, in protection of Grantor in its capacity as such. The policies of insurance shall be in the sum of not less than One Million Dollars (\$1,000,000) for personal injury or death of any one Person, and Three Million Dollars (\$3,000,000) for personal injury or death of two or more Persons in any one occurrence, Five Hundred Thousand Dollars (\$500,000) for property damage to any one Person and One Million Dollars (\$1,000,000) for property damage resulting from any one act or occurrence. Grantee shall provide Grantor with a Certificate of Insurance naming the Grantor as an additional insured.
- 3. Franchise Fee.
 - (a) A Grantee will pay Grantor a monthly franchise fee in the amount of five (5%) percent of Grantee's Gross Revenues.
 - (b) The franchise fee shall be payable monthly, together with a brief report showing the basis for the computation.
 - (c) The period of limitation for recovery of any franchise fee payable hereunder shall be five (5) years from the date on which payment by Grantee is due.
- 4. Compliance and Monitoring. The Grantee shall make available for inspection by authorized representatives of the City, its books, accounts and financial records at reasonable times and upon reasonable advance notice for the purpose of verifying payments. Grantee shall not be required to maintain any books for longer than five years. Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature. Grantee shall not be required to provide

subscriber information in violation of applicable law regarding subscriber privacy.

SECTION 7. REVOCATION, ABANDONMENT, AND SALE OR TRANSFER

1. Grantor's Right to Revoke. Grantor reserves the right to revoke, terminate or cancel a Franchise, if after strictly following the procedures required by Section 7.2 herein, it is determined that a Grantee has violated any material provision of its Franchise or this Ordinance and has failed to substantially cure said violation.
2. Procedures for Revocation.
 - (a) Grantor shall provide a Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee sixty (60) days subsequent to receipt of the notice in which to substantially cure the violation or to provide adequate assurance of performance.
 - (b) Grantee shall be provided the right to a public hearing affording due process before the Grantor Council prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (a) above. Grantor shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.
 - (c) After the public hearing and upon written determination by Grantor to revoke the Franchise, Grantee may appeal said decision with an appropriate state or federal court or agency.
 - (d) During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires.
 - (e) Upon satisfactory correction by Grantee of the violation upon which said notice was given, the initial notice shall become void.
3. Sale or Transfer of Franchise. No sale or transfer of a Franchise shall take place without the written approval of the Grantor per applicable federal law, which approval shall not be unreasonably withheld. All of the rights, privileges, obligations, duties, and liabilities created by this Franchise shall pass to and be binding upon the successor or assign of a Grantee.

SECTION 8. MISCELLANEOUS PROVISIONS

1. Franchise Renewal. Any renewal of a Franchise shall be done in accordance with applicable federal law.

2. Amendment of Franchise. A Grantee and Grantor may agree to amend a Franchise. Such written amendments may be made at any time.
3. Marketing. A Grantee shall have the right to conduct direct selling in the Franchise Area, including door to door sales, subject to the registration and compliance provisions of Grantor's existing ordinance.
4. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, unenforceable or unconstitutional by a decision of any authority or court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and the remainder shall remain in full force and effect.
5. Status Reports. Grantee shall periodically meet with the City Council to brief them on the status of the system and franchise. Grantee acknowledges City has the right to amend this section to require different types and frequencies of reports.

SECTION 9. PUBLICATION, EFFECTIVE DATE

1. Publication; Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.
2. Acceptance.
 - (a) Grantee shall accept this Franchise by executing same. Such acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes. With its acceptance, Grantee shall also deliver any insurance certificates required herein that have not been previously delivered.
 - (b) Upon acceptance of this Franchise, Grantee shall be bound by all the terms and conditions contained herein.

Passed and adopted at Vermillion, South Dakota this 19th day of September 2016.

WITNESSES: THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA
By _____
John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

APPENDIX A - MUNICIPAL LOCATIONS

Bluffs Golf Course 2021 E. Main Street	Vermillion Recreation Department 603 Princeton Street
City Hall - City Council Chambers 25 Center Street	Water Treatment Plant 118 Church Street
Municipal Liquor Store 820 Cottage Avenue	Austin Elementary School 300 High Street
Municipal Service Center 115 W. Duke Street	Jolley Elementary School 224 S. University Street
Recycling Center 840 N. Crawford Road	Public School Administration Office 17 Prospect Street
Vermillion Civil Defense 15 N. Washington Street	Vermillion High School 1001 E. Main Street
Vermillion Police Department 15 N. Washington Street	Vermillion Middle School 422 Princeton Street
Vermillion Public Library 18 Church Street	Clay County Extension Office 515 High Street
Vermillion Radigan Fire EMS 820 N. Dakota Street	Vermillion Main Street Center 320 W. Main Street

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 follows: Erickson -Y, Holland-Y, Humphrey-Y, Meins-Y, Price-Y, Sorensen-Y, Ward-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 1346 - 2017 Appropriations

John Prescott, City Manager, stated that the final step in the 2017 budget process is second reading of the appropriations ordinance. John stated that the budget ordinance was developed following the City Council budget hearings in August and first reading was approved on September 6th. John reviewed some of the major items included in the 2017 budget ordinance. John recommended approval of second reading of the budget ordinance for 2017.

Second reading of title to Ordinance 1346, entitled AN ORDINANCE Adopting the 2017 Budget Ordinance for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1346 entitled An Ordinance Adopting the 2017 Budget Ordinance 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 6th day of September, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of September, 2016 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. 1346

2017 APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2017 Appropriations Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED BY THE GOVERNING BODY of the City of Vermillion that the following sums are appropriated to meet the obligations of the municipality.

2017 Budget

GENERAL FUND

REVENUES:

General Property Taxes	2,241,000	
Sales Tax	1,920,000	
Penalties & Interest	5,000	
Licenses & Permits	159,950	
Cable TV Franchise	109,000	
State Intergovernmental	628,400	
County Intergovernmental	74,500	
Charges for Goods & Services	599,600	
Fines & Forfeits	45,350	
Miscellaneous Revenues	223,525	
TOTAL GENERAL FUND REVENUES		6,006,325

EXPENDITURES:

Policy & Administration:

General Government	606,320	
Finance Office	194,429	
Engineering	328,773	
Planning & Zoning	800	
Code Compliance	241,516	
Community Promotion	114,961	
Total Policy & Administration		1,486,799

Public Safety & Security:

Police Administration & Invest.	511,405	
Police Patrol	1,437,457	

Fire & Rescue	277,906	
Emergency Management	2,200	
Ambulance	350,185	
Total Public Safety & Security		2,579,153
<u>Maintenance & Transportation:</u>		
Municipal Garage	177,428	
Municipal Service Center	35,280	
Street Department	674,483	
Snow Removal	73,181	
Sweeping & Mowing	110,842	
Carpentry	33,474	
City Hall Maintenance	88,450	
Old Landfill Maintenance	13,000	
Airport	103,801	
Total Maintenance & Transportation		1,309,939
<u>Human Development & Leisure Services:</u>		
Library	627,377	
Parks & Forestry	320,154	
Swimming Pool	179,900	
Recreation	203,970	
Mosquito Control	19,659	
National Guard Armory Center	52,926	
Total Human Development & Leisure		1,403,986
TOTAL GENERAL FUND EXPENDITURES		6,779,877
GENERAL FUND NEEDS		(773,552)
Transfer to 911 Fund - Communications		(300,922)
Transfer to Prentis Park Debt Service		(112,000)
Transfer to STIP Project Main Street		(225,000)
Reserved for STIP Projects		(116,000)
Transfer to Prentis Park Capital Project		(1,000,000)
Transfer from Electric Fund		803,117
Transfer from Water Fund		2,306
Transfer from Sewer Fund		1,402
Transfer from Liquor Fund		194,200
Transfer from Capital Projects		6,800
Transfer from Utilities Engineering Fees		136,387
Transfer from BID #1		1,300
Appropriation from Reserve		1,381,962
GENERAL FUND BALANCE		0
SPECIAL REVENUE FUNDS		
<u>SECOND CENT SALES TAX FUND</u>		
Revenues		1,931,500
Expenditures - Second Cent Sales Tax		498,100
Transfer to Bike Path Capital Projects		(240,380)
Transfer to Airport Capital Projects		(30,000)
Transfer to City Hall Debt Service Fund		(349,770)
Transfer to TIF #6 Debt Service		(31,575)
Transfer to Prentis Park Capital Projects		(708,851)
Transfer to Prentis Park GO Debt Service		(87,070)
Appropriation from Reserve		14,246
SECOND CENT SALES TAX FUND BALANCE		0
<u>PARKS IMPROVEMENT FUND</u>		
Revenues-Recreation Fees		4,760

Expenditures - Parks Improvements	13,935
Appropriation from Reserve	9,175
PARKS IMPROVEMENT FUND BALANCE	<u>0</u>
<u>BBB SALES TAX FUND</u>	
Revenues	358,900
Expenditures	321,125
Appropriation to Reserve	(37,775)
BBB SALES TAX FUND BALANCE	<u>0</u>
<u>911 FUND - COMMUNICATIONS</u>	
Revenues	324,921
Expenditures	625,843
Transfer from General Fund	300,922
911 FUND FUND BALANCE	<u>0</u>
<u>BUSINESS IMPROVEMENT DISTRICT #1</u>	
Revenues	65,000
Expenditures	55,250
Transfer to General Fund	1,300
Appropriation to Reserve	(8,450)
Business Improvement District #1 Fund Balance	<u>0</u>
<u>STORMWATER MAINTENANCE FUND</u>	
Revenues - Stormwater Fees	233,200
Expenditures:	590,000
Appropriation from Reserve	356,800
STORMWATER FEE FUND BALANCE	<u>0</u>
<u>LIBRARY FINE AND GIFT FUND</u>	
Revenues- Library Fine & Gifts	18,380
Expenditures - Library	14,620
Appropriation to Reserve	(3,760)
LIBRARY FINE AND GIFT FUND BALANCE	<u>0</u>
<u>DEBT SERVICE FUNDS</u>	
<u>DEBT SERVICE--SPECIAL ASSESSMENT FUND</u>	
Revenues	46,899
Expenditures	32,338
Interfund Loan	162,000
Transfer to Capital Projects	(162,000)
Appropriation to Reserve	(14,561)
DS SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>
<u>DEBT SERVICE-- TIF District No. 5</u>	
Revenues	45,235
Expenditures	45,235
DEBT SERVICE - TIF 5 FUND BALANCE	<u>0</u>
<u>DEBT SERVICE-- TIF District No. 6</u>	
Revenues	29,045
Expenditures	60,620
Transfer from Second Cent Sales Tax Fund	31,575
DEBT SERVICE - TIF 6 FUND BALANCE	<u>0</u>
<u>DEBT SERVICE - CITY HALL</u>	
Revenues	35,170

Expenditures	3,105,890
Transfer from Second Cent Sales Tax Fund	349,770
Appropriation from Reserve	2,720,950
DEBT SERVICE - CITY HALL FUND BALANCE	<u>0</u>

DEBT SERVICE - PRENTIS PARK GO BOND

Expenditures	199,070
Transfer from Second Penny Sales Tax Fund	87,070
Transfer from General Fund Malt Beverage	112,000
DEBT SERVICE - PRENTIS PARK BOND FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

Expenditures	150,000
Transfer to General Fund	(6,800)
Transfer from Debt Service	162,000
Appropriation to Reserve	(5,200)
CP SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	570,000
Expenditures	600,000
Transfer from Second Cent Sales Tax Fund	30,000
CP AIRPORT FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - PRENTIS PARK

Revenues	36,780
Expenditures	1,745,631
Transfer from General Fund	1,000,000
Transfer from Second Cent Sales Tax Fund	708,851
CP PRENTIS PARK FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - BIKE PATH

Revenues	36,320
Expenditures	276,700
Transfer from Second Cent Sales Tax Fund	240,380
CP BIKE PATH FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - MAIN STREET SIGNALS

Expenditures	225,000
Transfer from General Fund STIP	225,000
CP W MAIN MILL & OVERLAY FUND BALANCE	<u>0</u>

INTERNAL SERVICE FUNDS (Information Only)

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges	-	18,150	100,000	337,541
Interest on Investments	130	-	-	4,000
Other Revenues	-	-	-	34,000
Total Revenues	<u>130</u>	<u>18,150</u>	<u>100,000</u>	<u>375,541</u>
<u>Expenditures</u>				
Personnel	-	-	98,879	-
Operating Expenses	130	16,350	3,352	-
Capital	-	-	500	339,000
Total Expenditures	<u>130</u>	<u>16,350</u>	<u>102,731</u>	<u>339,000</u>

(To) From Reserve	-	(1,800)	2,731	(36,541)
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

UTILITY AND ENTERPRISE FUNDS (Information Only)

	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Golf Course Fund	Curbside Recycling Fund
<u>Revenues</u>							
Sales	5,260,000	1,515,000	1,628,000	1,462,000	1,628,000	750,960	111,300
Surcharge	1,040,000	270,000	332,000	-	-	-	-
Other Revenue	484,000	49,715	8,800	150,000	-	68,000	200
Interest	162,925	6,325	8,320	1,700	550	5,000	150
Grants	-	-	515,000	80,000	-	-	-
Total Revenues	<u>6,946,925</u>	<u>1,841,040</u>	<u>2,492,120</u>	<u>1,693,700</u>	<u>1,628,550</u>	<u>823,960</u>	<u>111,650</u>
<u>Expenditures</u>							
Personnel	1,096,103	716,055	554,454	599,259	-	411,638	112,092
Operating Expenses	3,636,119	552,846	611,933	555,725	1,391,780	416,355	13,337
Capital	6,456,580	198,420	1,099,300	698,500	2,000	4,000	24,250
Debt Service	-	186,475	249,226	196,814	-	-	-
Debt Service Surcha	824,649	235,669	291,013	-	-	0	0
Total Expenditures	<u>12,013,451</u>	<u>1,889,465</u>	<u>2,805,926</u>	<u>2,050,298</u>	<u>1,393,780</u>	<u>831,993</u>	<u>149,679</u>
Transfers Out	(884,950)	(38,583)	(28,679)	-	(194,200)	-	-
Transfers In	9,000	-	-	-	-	-	-
Bond Proceeds	-	-	293,000	175,000	-	-	-
(To) From Reserve	5,942,476	87,008	49,485	181,598	(40,570)	8,033	38,029
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

The City Manager is directed to certify the following dollar amount of tax levies in ordinance to the Clay County Auditor:

General Fund	\$ 2,236,000
General Obligation Bond	0

Dated at Vermillion, South Dakota this 19th day of September, 2016

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

by _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. 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 follows: Erickson -Y, Holland-Y, Humphrey-Y, Meins-Y, Price-Y, Sorensen-Y, Ward-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.

C. Second Reading of Ordinance 1347 - 2016 Revised Appropriations

John Prescott, City Manager, stated that the 2016 budget was adopted in September 2015 and since that time some things have changed that have been incorporated into the revised appropriations ordinance. John reviewed some of the major changes contained in the revised budget. John stated that there would most likely need to be another revised ordinance before the yearend to address unanticipated items. John recommended adoption of the 2016 revised appropriations ordinance.

311-16

Second reading of title to Ordinance 1347, entitled AN ORDINANCE Adopting the 2016 Revised Budget Ordinance for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1347 entitled An Ordinance Adopting the 2016 Revised Budget Ordinance 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 6th day of September, 2016 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 19th day of September, 2016 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.1347
2016 REVISED APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2016 Revised Appropriations Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED BY THE GOVERNING BODY of the City of Vermillion that the following sums are appropriated to meet the obligations of the municipality.

	<u>2016 Revised Budget</u>
GENERAL FUND	
<u>REVENUES:</u>	
General Property Taxes	2,195,700
Sales Tax	1,864,500
Penalties & Interest	5,000
Licenses & Permits	159,950
Cable TV Franchise	108,000
State Intergovernmental	788,722
County Intergovernmental	73,500
Charges for Goods & Services	574,600
Fines & Forfeits	45,350
Miscellaneous Revenues	215,925

TOTAL GENERAL FUND REVENUES		6,031,247
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General Government	551,896	
Finance Office	183,319	
Engineering	307,609	
Planning and Zoning	800	
Code Compliance	204,024	
Community Promotion	143,797	
Total Policy & Administration		1,391,445
<u>Public Safety & Security:</u>		
Police Administration & Invest.	488,864	
Police Patrol	1,315,020	
Fire & Rescue	249,705	
Emergency Management	2,200	
Ambulance	343,616	
Total Public Safety & Security		2,399,405
<u>Maintenance & Transportation:</u>		
Municipal Garage	140,483	
Municipal Service Center	35,000	
Street Department	673,005	
Snow Removal	79,129	
Sweeping & Mowing	113,972	
Carpentry	30,967	
City Hall Maintenance	103,800	
Old Library Maintenance	0	
Old Landfill Maintenance	13,000	
Airport	103,464	
Total Maintenance & Transportation		1,292,820
<u>Human Development & Leisure Services:</u>		
Library	622,195	
Parks & Forestry	293,412	
Swimming Pool	124,386	
Recreation	184,833	
Mosquito Control	19,655	
National Guard Armory Center	52,033	
Total Human Development & Leisure		1,296,514
TOTAL GENERAL FUNDEXPENDITURES		6,380,184
GENERAL FUND NEEDS		(348,937)
Transfer to 911 Fund		(279,931)
Transfer to Prentis Park Debt Service		(115,000)
Transfer to Prentis Park Capital Projects		(319,455)
Transfer to STIP Project Main Street		(54,000)
Transfer to Equipment Replacement		(8,300)
Reserved for STIP Projects		(432,800)
Transfer from Electric Fund		803,117
Transfer from Water Fund		2,306
Transfer from Sewer Fund		1,402
Transfer from Liquor Fund		194,200
Transfer from BID #1		1,240
Transfer from Utilities Engineering Fees		136,387
Appropriation from Reserve		419,771
GENERAL FUNDBALANCE		0
<u>SPECIAL REVENUE FUNDS</u>		
<u>SECOND CENT SALES TAX FUND</u>		
Revenues		2,034,515

Expenditures - Second Cent Sales Tax	732,150
Transfer to Bike Path Capital Projects	(9,620)
Transfer to Airport Capital Projects	(8,500)
Transfer to City Hall Debt Service Fund	(348,460)
Transfer to TIF #6 Debt Service	(42,400)
Transfer to Prentis Park Capital Projects	(656,042)
Transfer to Prentis Park GO Debt Service	(48,455)
Transfer to Equipment Replacement	(13,500)
Appropriation to Reserve	(175,388)
SECOND CENT SALES TAX FUNDBALANCE	<u>0</u>
<u>PARKS IMPROVEMENT FUND</u>	
Revenues-Recreation Fees	17,260
Expenditures - Parks Improvements	79,760
Appropriation from Reserve	62,500
PARKS IMPROVEMENT FUND BALANCE	<u>0</u>
<u>BBB SALES TAX FUND</u>	
Revenues	347,500
Expenditures	333,300
Appropriation to Reserve	(14,200)
BBB SALES TAX FUND BALANCE	<u>0</u>
<u>911 FUND -COMMUNICATIONS</u>	
Revenues	288,035
Expenditures	567,966
Transfer from General Fund	279,931
911FUND- FUND BALANCE	<u>0</u>
<u>BUSINESS IMPROVEMENT DISTRICT #1</u>	
Revenues	62,000
Expenditures	65,200
Transfer to General Fund	1,240
Appropriation from Reserve	4,440
Business Improvement District #1 Fund Balance	<u>0</u>
<u>STORMWATER MAINTENANCE FUND</u>	
Revenues - Stormwater Fees	239,000
Expenditures:	160,000
Appropriation to Reserve	(79,000)
STORMWATER FEE FUND BALANCE	<u>0</u>
<u>LIBRARY FINE AND GIFT FUND</u>	
Revenues- Library Fine & Gifts	16,920
Expenditures - Library	16,000
Appropriation to Reserve	(920)
LIBRARY FINE AND GIFT FUNDBALANCE	<u>0</u>
<u>DEBT SERVICE FUNDS</u>	
<u>DEBT SERVICE--SPECIAL ASSESSMENT FUND</u>	
Revenues	200,098
Expenditures	169,073
Interfund Loan	91,800
Transfer to Capital Projects	(91,800)
Appropriation to Reserve	(31,025)

SPECIAL ASSESSMENT FUND BALANCE	0
<u>DEBT SERVICE - TIF District No. 5</u>	
Revenues	27,256
Expenditures	27,256
DEBT SERVICE - TIF 5 FUND BALANCE	0
<u>DEBT SERVICE - TIF District No. 6</u>	
Revenues	18,220
Expenditures	60,620
Transfer from Second Cent Sales Tax Fund	42,400
DEBT SERVICE - TIF 6 FUND BALANCE	0
<u>DEBT SERVICE - City Hall</u>	
Revenues	25,750
Expenditures	407,130
Transfer from Second Cent Sales Tax Fund	348,460
Appropriation to Reserve	32,920
DEBT SERVICE - CITY HALL FUND BALANCE	0
<u>DEBT SERVICE - Prentis Park Bond</u>	
Expenditures	201,455
Transfer from Second Penny Sales Tax Fund	48,455
Transfer from General Fund Malt Beverage	115,000
Appropriation from Reserve	38,000
DEBT SERVICE - PRENTIS PARK BOND FUND BALANCE	0
<u>CAPITAL PROJECTS FUNDS</u>	
<u>CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT</u>	
Expenditures	85,000
Transfer from Debt Service	91,800
Appropriation to Reserve	(6,800)
CP SPECIAL ASSESSMENT FUND BALANCE	0
<u>CAPITAL PROJECTS FUND - BIKE PATH</u>	
Revenues	43,680
Expenditures	53,300
Transfer from Second Cent Sales Tax	9,620
CP BIKE PATH FUND BALANCE	0
<u>CAPITAL PROJECTS FUND - AIRPORT</u>	
Revenues	161,500
Expenditures	170,000
Transfer from Second Cent Sales Tax	8,500
CP AIRPORT FUND BALANCE	0
<u>CAPITAL PROJECTS FUND - PRENTIS PARK</u>	
Revenues	56,100
Expenditures	4,126,729
Bond Proceeds	3,095,132
Transfer from General Fund	319,455
Transfer from Second Cent Sales Tax	656,042
CP PRENTIS PARK FUND BALANCE	0
<u>CAPITAL PROJECTS FUND - MAIN SIGNALS</u>	
Expenditures	54,000
Transfer from General Fund STIP	54,000
CP WEST MAIN MILL/OVERLAY & SIGNAL FUND BALANCE	0
<u>INTERNAL SERVICE FUNDS (Information Only)</u>	

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges	-	18,150	92,000	482,524
Interest on Investments	130	-	-	4,400
Other Revenues	-	-	-	66,900
Total Revenues	130	18,150	92,000	553,824
<u>Expenditures</u>				
Personnel	-	-	94,879	-
Operating Expenses	130	16,350	3,519	-
Capital	-	-	500	678,300
Total Expenditures	130	16,350	98,898	678,300
Transfer (Out) In				49,718
(To) From Reserve	-	(1,800)	6,898	74,758
Fund Balance	0	0	0	0

UTILITY AND ENTERPRISE FUNDS (Information Only)							Curbside Recycling Fund
	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Golf Course Fund	
<u>Revenues</u>							
Sales	5,600,000	1,480,000	1,590,000	1,444,850	1,586,000	729,400	116,000
Surcharge	720,000	270,000	332,000	-	-	-	-
Other Revenue	100,000	49,675	8,800	114,120	-	67,995	200
Interest	172,145	6,445	8,106	1,700	550	4,525	325
Grants	-	-	-	116,000.00	-	-	-
Total Revenues	6,592,145	1,806,120	1,938,906	1,676,670	1,586,550	801,920	116,525
<u>Expenditures</u>							
Personnel	1,021,704	624,835	504,531	535,299	-	377,567	98,333
Operating Expenses	3,683,280	560,430	674,406	684,090	1,354,859	419,846	12,900
Capital	618,224	154,696	172,140	318,500	14,000	13,000	250
Debt Service	-	187,105	258,109	196,813	-	-	8,408
Surcharge Debt Serv	654,238	235,669	291,013	-	-	-	-
Total Expenditures	5,977,446	1,762,735	1,900,199	1,734,702	1,368,859	810,413	119,891
Transfers Out	(884,950)	(38,583)	(28,679)	-	(194,200)	-	(27,918)
Transfers In	9,000	-	-	-	-	-	-
Bond Proceeds	4,385,000	-	134,500	-	-	-	-
(To) From Reserve	(4,123,749)	(4,802)	(144,528)	58,032	(23,491)	8,493	31,284
Fund Balance	0	0	0	0	0	0	0

Dated at Vermillion, South Dakota this 19th day of September, 2016

THE GOVERNING BODY OF THE
VERMILLION, SOUTH DAKOTA

By _____

John E. (Jack) Powell, Mayor

ATTEST:

BY _____

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Humphrey. 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 follows:

Erickson-Y, Holland-Y, Humphrey-Y, Meins-Y, Price-Y, Sorensen-Y, Ward-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.

8. New Business

A. Request to close W. Main Street from Prospect Street to High Street and Market Street from W. Main Street to Kidder Street on Wednesday, October 5, 2016 from 5:00 p.m. to 11:00 p.m. for the Vermtown Bash

Derek Chancellor, Administrative Intern, reported on the receipt of a street closing request from USD Dakota Days Executive Board to close Main Street from Prospect Street to High Street and Market Street from Main Street to Kidder Street on Wednesday, October 5, 2016 from 5:00 p.m. to 11:00 p.m. for the Vermtown Bash. Derek reported that the street closing request along with the map are included in the packet. Derek stated that the special permit to exceed allowable sound levels was approved earlier on the agenda.

312-16

Alderman Erickson moved approval of the street closing request from USD Dakota Days Executive Board to close Main Street from Prospect Street to High Street and Market Street from Main Street to Kidder Street on Wednesday, October 5, 2016 from 5:00 p.m. to 11:00 p.m. for the Vermtown Bash. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Request to close Cedar Street from Pine Street to N. Plum Street on Friday, September 23, 2016 from 5:00 p.m. to 8:00 p.m. for the Greek Week Block Party

Derek Chancellor, Administrative Intern, reported on the receipt of a street closing request from USD Sorority & Fraternity Life to close Cedar Street from Pine Street to Plum Street on Friday, September 23, 2016 from 5:00 p.m. to 8:00 p.m. for the Greek Week Block Party. Derek reported that the street closing request along with the map are included in the packet. Derek stated that the special permit to exceed allowable sound levels was approved earlier on the agenda.

313-16

Alderman Erickson moved approval of the street closing request from USD Sorority & Fraternity Life to close Cedar Street from Pine Street to Plum Street on Friday, September 23, 2016 from 5:00 p.m. to 8:00 p.m. for the Greek Week Block Party. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Transfer of Fire Department equipment to Volin, Gayville and Centerville Fire Departments

John Prescott, City Manager, reported that the new self-contained breathing apparatus (SCBA) equipment and helmets have been received by the Fire Department that were partially funded by a grant. John stated that contact has been made to area Fire Departments who would be able to utilize the old equipment. John requested approval to transfer the old surplus equipment to area Fire Departments. John stated that the Fire Department has included a memo in the packet requesting to transfer 13 SCBA and 35 Helmets to the Volin Fire Department, 5 SCBA to the Gayville Fire Department and 4 SCBA to the Centerville Fire Department. John noted that all of the equipment is being transferred as is without any warranty.

314-16

Alderman Sorensen moved approval of transferring the surplus fire equipment as follows: 13 SCBA and 35 Helmets to the Volin Fire Department, 5 SCBA to the Gayville Fire Department and 4 SCBA to the Centerville Fire Department. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Library Board member appointment

Mayor Powell recommended the appointment of Greg Redlin for the remainder of Dan Burniston's term that expires May 2017. Mayor Powell thanked all that had expressed interest in the position.

315-16

Alderman Sorensen moved approval of the appointment of Greg Redlin to the Library Board for the remainder of the term expiring May 2017. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Tree Board member appointment

Mayor Powell reported that there is an opening on the Tree Board due to a two year term expiring. Mayor Powell stated that an expression of interest form was received from Clarence Pederson and he recommended his reappointment to the Tree Board.

316-16

Alderman Price moved approval of the reappointment of Clarence Pederson to the Tree Board for a two year term. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Airport hangar lease assignment - Fluent to Howard

Mike Carlson, Finance Officer, reported that Grant Fluent assumed a lease on April 20, 2002 that had been entered into with the City on April 15, 1991 for an initial term of twenty (20) years that ends April 15, 2011. Mike noted that the lease includes an option to renew for an additional ten (10) years until April 15, 2021. Mike stated that an "Assignment of Owner's Interest in Lease" was received that provides for the assignment of the hangar lease from Grant Fluent to David Howard. Mike stated that a photo of the assignment is included in the packet. Mike noted that the lease requires written permission of the City in order to transfer ownership. Mike stated that the new owner is bound by the original terms of the lease including lease rates. Mike recommended approval of the assignment of the airport hanger lease.

317-16

Alderman Holland moved approval of the assignment of the airport hanger lease from Grant Fluent to David Howard as presented. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fire Department Turnout Gear

John Prescott, City Manager, reported that the National Fire Protection Agency recommends replacement of personal protective gear (turnout gear) every 10 years. John stated that the Fire Department currently has 20 sets of turnout gear that are past 10 years in age. John stated that bids were opened on September 7th with only one bid received from Allegiant Emergency Services for \$40,740. John stated that this was budgeted for in the Second Penny Sales Tax Fund and recommended acceptance of the only bid.

318-16

Alderman Erickson moved approval of the only bid from Allegiant Emergency Services for 20 sets of turn out gear for \$40,740. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reminded citizens that political signs are not to be placed in the public right-of-way which is generally defined as the space between the sidewalk and the curb, but on private property which is usually behind the sidewalk.

B. John reminded residents that a portion of Main Street and Market Street by Ratingen Platz will be closed on September 30th and October 1st from 4:00 pm to 11:00 pm for the Oktoberfest event.

C. John reported that the annual household hazardous waste drop-off collection will be at the Missouri Valley Recycling Center on Friday, October 7th from 4:00 p.m. to 7:00 p.m. John noted a \$10 donation per vehicle is requested to offset the expenses of having the collection and disposing of the materials.

D. John reported that the public is invited to the Light & Power Open House on Tuesday, October 4th at the Service Center on W. Duke Street from 11:00 a.m. to 1:00 p.m.

E. John reported that the public is invited to the Fire/EMS Open House on Wednesday, October 12th from 5:00 p.m. to 7:00 p.m. at the Fire/EMS Station at 820 N. Dakota Street.

F. John reported on the following raffle notifications:

The Vermillion After Prom Party Committee is selling tickets at \$5 each or 5 for \$20 until October 21, 2016. The prize is four USD/NDSU football tickets for the game on November 19th valued at \$160. Funds from the raffle are used to support the entertainment and prizes for students participating in the After Prom Party.

St. Agnes is selling \$1 raffle tickets as part of their Fall Festival until October 16, 2016. Prizes are donated and range in value from \$50 to \$500. Proceeds from the raffle are used to benefit St. Agnes School and Parish.

USD Student Athlete Advisory Committee is selling raffle tickets at \$5 each or 5 for \$20. The tickets will be sold January 11 - 29, 2017. The prize is two all-session passes to the 2017 Summit League Tournament in Sioux Falls and is valued at \$350. All proceeds go to the Vermillion Food Pantry as part of the Summit League Food Fight by USD's SAAC.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Riley Ackerman \$10.00/hr-\$15.00/hr holiday-\$2.00/on call-\$3.00/holiday on call, Leanna Gubbels \$12.00/hr-\$18.00/holiday-\$2.00/on call-\$3.00/holiday on call; Recreation: Ryan Baedke \$22.59/hr, Riley Schneekloth \$8.75/hr; Golf Clubhouse: Adam Gannon \$8.55/hr; Golf Maintenance: Mason Schultz \$9.00/hr, Matt Koch \$9.00/hr, Taylor Sperlich \$8.55/hr; Recycling: Callie Anglin \$10.00/hr

11. Invoices Payable

319-16

Alderman Price moved approval of the following invoices:

Avenet, LLC	software support	1,100.00
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Border States Elec Supply	supplies	117.31
Broadcaster Press	advertising	1,451.02
Bruce Or Tila Anderson	refund ambulance overpayment	71.59
Bureau Of Administration	telephone	203.57
Campbell Supply	supplies	1,085.78
Cask & Cork	merchandise	851.10
Centurylink	telephone	1,500.77
Christine Casillas	refund ambulance overpayment	20.00
City Of Vermillion	landfill vouchers	478.00
Clay Rural Water System	water usage	120.00
Clay-Union Electric Corp	electricity	1,645.92
Dakota Beverage	merchandise	13,522.86
Denis Kronaizl	refund ambulance overpayment	21.40
Dept Of Social Services	refund ambulance overpayment	30.00
Dept. Environment Natl Res.	landfill operations fee	3,661.99
Division Of Motor Vehicle	title/plates	21.20
Dust Tex	entry mats	80.00
Feld Fire	fire equipment	155,074.10
Global Dist.	merchandise	90.00
Global Packaging Solutions	landfill baler bags	59,556.25
Gregg Peters	managers fee	6,000.00
Ingram	books	1,626.91
Jimmy Johns	lunches	61.75
John A Conkling Dist.	merchandise	8,189.10
Johnson Brothers Of SD	merchandise	27,869.33
Kalins Indoor Comfort	repairs	353.63
Loren Fischer Disposal	haul cardboard	210.00
Matheson Tri-Gas, Inc	supplies	360.91
MidAmerican	gas usage	879.67
Midcontinent Communication	cable/internet service	718.68
Okoboji Wines-SD	merchandise	540.00
Pitney Bowes	postage meter lease	289.71
Prairie Berry Winery	merchandise	771.00
Republic National Dist.	merchandise	21,637.65
Reserve Account	postage for meter	950.00
Southern Glazer's Of SD	merchandise	5,355.11
Stanger Litho Graphics	supplies	164.00
Staples Advantage	supplies	1,141.08
Stern Oil Co.	fuel	12,399.94
Sturdevants Auto Parts	parts	510.05
Subway	lunches	42.00
Taste Of Home Books	books	32.98
The Equalizer	advertising	719.00
Titan Machine-Productivity	repairs	8,593.85

Torrie Rasmussen Summers	refund ambulance overpayment	466.98
Us Postmaster	postage for utility bills	1,050.00
Vermillion Youth Football	online registration	2,743.22
Yankton Janitorial Supply	supplies	90.00
Harold Holoch	Bright Energy Rebate	10.00
Mariah Niemeyer	Bright Energy Rebate	72.00
Mick Leotta	Bright Energy Rebate	3.00
Bob Dehner	Bright Energy Rebate	20.00
Troy Gregoire	Bright Energy Rebate	700.00

Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a Public Hearing date of October 3, 2016 for a special permit to exceed permissible sound levels by no more than 50% for Vermillion Area Farmers Market for a band on the fairgrounds east of High Street south of Cherry Street on or about Thursday, October 27, 2016 from 3:00 p.m. to 7:00 p.m.

320-16

Alderman Price moved approval of the consensus agenda. Alderman Sorensen seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

321-16

Alderman Ward moved to adjourn the Council Meeting at 7:40 p.m. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of September, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____

John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.