



## Special Meeting Agenda

### City Council

12:00 p.m. (noon) Special Meeting  
Monday, May 16, 2016  
Large Conference Room – City Hall  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Item – Potential Municipal Liquor Store Improvements – Gregg Peters.**
3. **Educational Item – EMS Staffing – Fire Chief Shannon Draper.**
4. **Briefing on the May 16, 2016 City Council Regular Meeting** - Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

Access the City Council Agenda on the web – [www.vermillion.us](http://www.vermillion.us)

**Addressing the Council:** Persons addressing the Council shall use the microphone at the podium. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

**Meeting Assistance:** If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City Manager's Office at 677-7050 at least 3 working days prior to the meeting.

**Council Meetings:** City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

**Live Broadcasts of Council Meetings on Cable Channel:** Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Monday, May 16, 2016  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. May 2, 2016 Special Meeting, May 2, 2016 Regular Meeting, May 4, 2016 Special Meeting.

### 4. Adoption of the Agenda

### 5. Visitors To Be Heard

### 6. Public Hearings

- a. Annual malt beverage license renewals.

### 7. Old Business

- a. Second Reading of Ordinance 1339 - Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses.
- b. Second Reading of Ordinance 1340 – Amending Section 155.072 Off-Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts.
- c. Second Reading of Ordinance 1341 – Amending Section 155.008 Definitions, amending the definition of an Accessory Building or Use.
- d. Second Reading of Ordinance 1342 – Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts.

### 8. New Business

- a. Request to close Main St. from the intersection of Main and S. Norbeck St. to the intersection of Main and High St. on October 8, 2016 from 6:00 a.m. to 12:30 p.m. for the Dakota Days Parade
- b. Request to apply for COPS grant application to cover the partial cost of a Police Officer.
- c. Planning Commission member appointment.
- d. Request from Plain Talk to accept proposed settlement for legal notice overcharges.
- e. Designation of Legal Newspaper.
- f. Library Board request for a permit for consumption but not sale on June 17 and July 15, 2016 from 7:00 to 9:00 p.m. at 18 Church for “Books & Brew” event.

### 9. Bid Openings

- a. 2010 Elgin Pelican NP Street Sweeper
- b. 2016 Chip Seal Project

### 10. City Manager’s Report

### 11. Invoices Payable

## **12. Consensus Agenda**

- a. Set a public hearing date of June 6, 2016 for a special permit to exceed permissible sound levels for Vermillion Area Chamber of Commerce and Development Company for “Thursdays on the Platz” live music on or about July 21, August 4, August 18, and September 1 with rain dates of July 28, August 11, August 25 and September 8 on Ratingen Platz and half block of Market Street south of Main Street.
- b. Set a public hearing date of June 6, 2016 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company, Inc. for “Thursdays on the Platz” events on or about on or about July 21, August 4, August 18, and September 1 with rain dates of July 28, August 11, August 25 and September 8 on Ratingen Platz and half block of Market Street south of Main Street.

## **13. Adjourn**

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**Addressing the Council:** Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.

**a. Items Not on the Agenda** Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

**b. Agenda Items:** Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

**Meeting Assistance:** The City of Vermillion fully subscribes to the provisions of the Americans with Disabilities Act of 1990. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Manager's Office at 677-7050 at least 3 working days prior to the meeting so appropriate auxiliary aids and services can be made available.

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### ***Vermillion City Council's Values and Vision***

*This community values its people, its services, its vitality and growth, and its quality of life and sees itself reinforcing and promoting these ideals to a consistently increasing populace.*



Unapproved Minutes  
Council Special Session  
May 2, 2016  
Monday 11:30 a.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 2, 2016 at 11:30 a.m. at the Austin Whittemore House at 15 Austin Street.

1. Roll Call

Present: Collier-Wise, Erickson (arrived 11:58 a.m.), Holland, Price, Ward (arrived 11:45 a.m.), Willson, Mayor Powell

Absent: Clarene Meins, Holly Meins

2. Informational Item - Information on Austin Whittemore House - Dan Christopherson

Mayor Powell thanked the Clay County Historical Society for hosting the meeting and meal. Dan Christopherson thanked the Mayor and Council for holding their meeting at the Austin Whittemore House and encouraged members to tour after the meeting. Wess Pravecek, President of the Clay County Historical Society, explained the activities of the organization as well as the preservation and use of the Austin Whittemore House. Wess encouraged Council members to become members of the Historical Society and, when they have time, to take a tour of the house.

3. Informational Item - COPS Grant - Police Chief Matt Betzen

Matt Betzen, Police Chief, updated the City Council on the COPS Grant Program noting that the City Council had approved the grant application in 2013 and 2015 but they were not funded. Matt explained that this position would be divided into a School Recourse Officer and investigation position. Matt stated that the COPS Grant Program provided up to \$125,000 of funding over a 36 month period for this new position and the City will need to commit for the balance of the annual funding and to retain the position for another 12 months. Matt noted that it is a City Council decision on if we should apply for the grant. The consensus of the City Council was to include the COPS grant on a future agenda for consideration. John Prescott stated that this will be included on the May 16th meeting agenda.

4. Briefing on the May 2, 2016 City Council Regular Meeting

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

5. Adjourn

121-16

Alderman Ward moved to adjourn the Council special session at 12:35 p.m. Alderman Erickson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 2<sup>nd</sup> day of May, 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  
May 2, 2016  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 2, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell, Student Representative Ireland

2. Pledge of Allegiance

3. Minutes

A. Minutes of April 18, 2016 Special Meeting, April 18, 2016 Regular Meeting, April 19, 2016 Special Meeting.

122-16

Alderman Willson moved approval of the April 18, 2016 Special Meeting, April 18, 2016 Regular Meeting and April 19, 2016 Special Meeting minutes. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 4. Adoption of Agenda

123-16

Alderman Willson moved approval of the agenda. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 5. Visitors to be Heard

##### A. National Nurses Week Proclamation

Alderman Price read the proclamation recognizing the week of May 6 - 12 as National Nurses Week in Vermillion. Mayor Powell presented the proclamation to representatives of Sanford Vermillion Hospital who thanked the Mayor and City Council for the proclamation.

Keith Thompson, Ryan Fischbach, and John Walker, officers with the Vermillion Volunteer Fire Department, thanked the City Council for allowing them time to address the City Council. They stated that the individuals making statements at the last City Council meeting under visitors to be heard were not speaking as representatives of the Fire Department. They wanted to thank the Mayor and City Council for the support of the Fire Department. The Mayor and City Council thanked the volunteer fire fighters for all they do for the community.

#### 6. Public Hearings

A. Special permit to exceed permissible sound levels for Coyoteopoly, Inc and South Dakota Shakespeare Festival beginning Monday, June 6 through Saturday, June 11, 2016 from 6:00 p.m. to 10:00 p.m. and Sunday, June 12, 2016 from 3:00 p.m. to 7:00 p.m. for Shakespeare festival performances

Mike Carlson, Finance Officer, reported on receipt of an application to exceed permissible sound levels from Coyoteopoly, Inc and South Dakota Shakespeare Festival on Monday, June 6th through Saturday, June 11th from 6:00 p.m. to 10:00 p.m. and Sunday, June 12th from 3:00 p.m. to 7:00 p.m. for Shakespeare festival rehearsal and performances in Prentis Park band shell area. Mike stated that the application and notice of hearing are included in the packet. Mike noted that there have been no reports of problems in prior years with the event, noting the change this year is a Sunday matinee performance. Mike noted that later on the agenda is the special daily malt beverage and wine license and permit to close a portion of Main Street. Mike recommended approval of the request unless information is presented at the public hearing.

124-16

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% for Coyoteopoly, Inc in Prentis Park band shell area on June 6 - 11 from 6:00 p.m. to 10:00 p.m. and June 12th from 3:00 p.m. to 7:00 p.m. for Shakespeare festival rehearsal and performances. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company, Inc. on or about June 9-12, 2016 at the Prentis Park band shell area for the Shakespeare performances

Mike Carlson, Finance Officer, reported the Vermillion Area Chamber of Commerce and Development Company, Inc has applied for a special daily malt beverage and wine license for the Shakespeare performances on June 9-12 at the Prentis Park band shell area. Mike stated that the Police Chief's report and notice of hearing are included in the packet. Mike stated that since the event is being held on City property ordinance provides that the City Council may include such conditions and restrictions. The Police Chief is recommending the following parameters be established:

1. Wristbands will be distributed by the VCDC when IDs are checked to insure purchases and consumers are over 21 years of age.
2. VCDC will provide ushers who will monitor both the purchase area and the audience grounds within the area delineated. Ushers will insure that no one removes a beverage from the audience area or the fenced concession area.
3. The fenced concession area and the audience area will have posted signs instructing consumers not to remove alcoholic beverages from the two designated areas, and the direct path between them.
4. The hours of sales are established as a half hour prior to the performance to a half hour after the performance.

Mike recommended approval of the special permit unless information is presented at the public hearing.

125-16

Alderman Ward moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company for the Shakespeare performances on June 9-12 at the Prentis Park band shell area contingent upon complying with the conditions as indicated by the Police Chief. Alderman Collier-Wise

seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about May 20, 21 & 22, 2016 at Prentis Park baseball field for a fundraising tournament

Mike Carlson, Finance Officer, reported that the Fraternal Order of Eagles has applied for a special daily malt beverage and wine license for the baseball tournament on May 20, 21 & 22 at the Prentis Park baseball field. Mike stated that the Police Chief's report and notice of hearing are included in the packet. Mike stated that, since the event is being held on City property, ordinance provides that the City Council may include such conditions and restrictions. The Police Chief is recommending the following parameters be established:

1. Five staff members will supervise the event's distribution and consumption of alcohol.
2. Signage will be posted at the entry gate and the alcohol dispensing point stating:
  - A. Alcohol consumption is only allowed inside the fenced spectator area.
  - B. No one under 21 will be served or allowed to consume alcohol.
  - C. No intoxicated person(s) will be served.
  - D. No alcohol can leave the fenced spectator area.
  - E. No outside alcohol is allowed into the fenced spectator area.
3. Staff will check all persons wishing to purchase and provide a wrist band once their age has been verified.
4. Persons who have not been wrist banded or who appear to be under 21 will not be allowed to purchase or consume alcohol.
5. The hours of sales are established to be a half hour before the game to the end of the game.

Mike recommended approval of the special permit unless information is presented at the public hearing.

126-16

Alderman Willson moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles for the baseball tournament on May 20-22, 2016 at the Prentis Park baseball field contingent upon complying with the conditions as indicated by the

Police Chief. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company, Inc. on or about May 15, 2016 at the Prentis Park baseball field for a baseball game

Mike Carlson, Finance Officer, reported that the Vermillion Area Chamber of Commerce and Development Company, Inc has applied for a special daily malt beverage and wine license for a baseball game on May 15, 2016 at the Prentis Park baseball field. Mike stated that the Police Chief's report and notice of hearing are included in the packet. Mike stated that, since the event is being held on City property, ordinance provides that the City Council may include such conditions and restrictions. The Police Chief is recommending the following parameters be established:

1. Seven staff members will supervise the events distribution and consumption of alcohol.
2. Signage will be posted at the entry gate and the alcohol dispensing point stating:
  - A. Alcohol consumption is only allowed inside the fenced spectator area.
  - B. No one under 21 will be served or allowed to consume alcohol.
  - C. No intoxicated person(s) will be served.
  - D. No alcohol can leave the fenced spectator area.
  - E. No outside alcohol is allowed into the fenced spectator area.
3. Staff will check all persons wishing to purchase and provide a wrist band once their age has been verified.
4. Persons who have not been wrist banded or who appear to be under 21 will not be allowed to purchase or consume alcohol.
5. The hours of sales are established to be an hour before the game to a half hour after the game.

Mike recommended approval of the special permit unless information is presented at the public hearing.

127-16

Alderman Erickson moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company for baseball game on May 15, 2016 at the Prentis Park baseball field contingent upon complying with the conditions as

indicated by the Police Chief. Alderman Holly Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. First Reading of Ordinance 1338 - Amending Section 155.008, Definitions, and Section 155.071, Accessory Uses and Structures, to provide definitions and regulations for constructing and maintaining a chicken coop for the keeping or housing of chickens as permitted by ordinance

Andy Colvin, Assistant to the City Manager, stated that the public hearing for a change to the zoning ordinance to provide for chicken coops was advertized to coincide with second reading of the Ordinance No. 1337 allowing backyard chickens. Andy stated that, as backyard chicken Ordinance No. 1037 was tabled at last meeting, this public hearing will need to be cancelled and staff will schedule another public hearing when Ordinance No. 1037 is taken from the table.

128-16

Alderman Collier-Wise moved to cancel the public hearing on Ordinance No. 1038 that proposed to amend the zoning ordinance to provide for chicken coops and direct staff to schedule another public hearing at such time as Ordinance No. 1037 is taken from the table. Alderman Holland seconded the motion. Motion carried 9 to 0.

F. First Reading of Ordinance 1339 - Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses

Andy Colvin, Assistant to the City Manager, reported that City staff was contacted regarding a proposal to construct a new sorority house in place of the existing structure. Andy stated that staff has identified a number of issues related to new Greek houses and compliance with current zoning codes. Andy reported that Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district which means they can be built according to current code without a special permit from the City Planning Commission. Andy reported that the proposed ordinance would move these uses to the conditional use category. Andy stated that this will permit a more open approval process for new construction that coincides with relaxing other requirements, such as setbacks, height and parking. Andy noted that, without purchasing additional property and re-platting, it would be difficult to construct a new Greek house in the current R-2 neighborhoods and meet the off-street parking requirements. Andy stated that the proposed ordinance only addresses the R-2 District changes and

provides for lot and area regulations with the parking issue included in a separate zoning amendment.

Jim Wilson, Chairman of Clay County Historic Preservation Commission stated that the commission supports all the proposed changes to the zoning included on tonight's agenda.

129-16

Mayor Powell 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. 1339 entitled An Ordinance Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses, 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 2<sup>nd</sup> day of May, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

G. First Reading of Ordinance 1340 - Amending Section 155.072 Off Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts

Jose Dominguez, City Engineer, reported that another issue which arose in the past years was the location of off-street parking for multi-family structures. Jose stated that the City has allowed off-street parking for multi-family structures to be constructed within the required front yard setbacks. Jose noted that this has caused some of the construction within the R-2 District to not have a landscaped front yard or side yard. Jose stated that another challenge with permitting parking in front yards involves increased storm water runoff to streets that typically do not have the capacity for higher volume. Jose stated that the proposed changes to the ordinance would allow Greek houses to have a portion of the required off-street parking on a different lot. Jose stated that the location, and number of parking stalls, would be determined by the Planning Commission during the Conditional Use Permit process. Jose stated that the other proposed changes to the ordinance

will try and remedy the current issues with off-street parking being allowed in the front yard within the R-2 District, or any district, for multi-family structures. Jose stated that the amendment would not allow any parking within the required front yard for multi-family structures within the R-2 District and would limit the amount of required front yard parking for multi-family structures to 25-percent of the required parking in the R-3 District. Jose noted that the proposed amendment will apply to future construction or structures that lose their nonconforming status.

Gene Lunn, 403 N Plum, stated that he supported the proposed amendment as two 4-plex units were built across the street from him which have front yard parking and very little green space and this amendment will prevent this in the future.

130-16

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1340 entitled An Ordinance Amending Section 155.072 Off Street Parking to modify language pertaining to fraternities and sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowances in all districts, 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 2<sup>nd</sup> day of May, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

H. First Reading of Ordinance 1341 - Amending Section 155.008 Definitions, amending the definition of an Accessory Building or Use

Andy Colvin, Assistant to the City Manager, reported that in reviewing the parking and landscaping regulations in the City zoning ordinance, the definition of an accessory building or use was in need of clarification. Andy stated that currently parking facilities can be located on a lot with different zoning than the principal use served. Andy noted that this can create issues if a business, for instance, is located adjacent to a residential district. Andy stated that the lot could be zoned both commercial and residential, where the building

could be on the half zoned commercial and the parking lot located on the half zoned residential. Andy stated that the proposed amendment would require future accessory uses, including parking, to be have the same zoning as the lot of the primary use served. Andy stated that this ordinance would require the zoning to be consistent for the entire lot. Andy noted that zoning is important for the planning and development of any community and this proposed amendment will ensure uses and their accessory uses will have the same zoning designation. Discussion followed.

131-16

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1341 entitled An Ordinance Amending Section 155.008 Definitions, amending the definition of an Accessory Building or Use, 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 2<sup>nd</sup> day of May, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

I. First Reading of Ordinance 1342 - Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts

Andy Colvin, Assistant to the City Manager, reported that, based on input from the Planning Commission as well as community members, staff proposed some changes to the landscaping standards in the zoning regulations. Andy noted that strengthening the landscaping requirements in the community will help address some drainage problems, in addition to beautifying the community. Andy stated that the proposed amendment addresses the following requirements and changes:

- The parkway, or boulevard, which is the area between the curb and the sidewalk, will be included in the 90% requirement for front yards. Additionally, 50% of the rear yard will now be required to be landscaped except for portions required for driveways and parking.

- The R-1, R-2 and R-3 residential districts will be required to plant one tree per 50 feet of frontage, with a limit on the number permitted in the parkway. The typical residential lot will have at least one tree. Previously, only commercial and industrial zones were required to plant trees.

Andy stated that the City Council has already adopted a revised tree ordinance, which regulates trees planted in the right-of-way and provides a guide for residents, noting that this amendment will work with the tree ordinance in an effort to beautify the community. Andy stated that these new requirements will apply to future developments and existing developments will not be required to comply unless the use is discontinued. Discussion followed.

132-16

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1342 entitled An Ordinance Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts, 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 2<sup>nd</sup> day of May, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

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

7. Old Business - None

8. New Business

A. Request from Coyoteopoly & Shakespeare Festival to close E. Main Street from Plum Street through the Walker Street intersection during the performances on June 9-12, 2016 and limit E. Main Street parking

John Prescott, City Manager, reported that Coyoteopoly has submitted a request to close E. Main Street from Plum Street to Walker Street from 6:00 p.m. to 9:30 p.m. on June 9, 10, and 11, 2016 and 3:00 p.m. to 6:30 p.m. on Sunday June 12, 2016 for the performance. John stated that this closing is the same as last year except that the Sunday

performance is a matinee. John noted that they are also requesting to remove the on-street parking on E. Main Street along Prentis Park on June 6 - 12, 2016 to prohibit vehicles from parking next to the production area. John noted that the organization will man the street closing barricades to allow emergency vehicles access.

133-16

Alderman Collier-Wise moved approval of the request of Coyoteopoly/South Dakota Shakespeare Festival to close E. Main Street from Plum Street to Walker Street on June 9, 10, and 11, 2016 from 6:00 p.m. to 9:30 p.m., June 12, 2016 from 3:00 p.m. to 6:30 p.m. and to remove parking on E. Main Street along Prentis Park on June 6 - 12, 2016. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close High Street as it abuts the Fairgrounds immediately south of W. Cherry Street on May 7, 2016 from 5:00 p.m. to 10:00 p.m. for the Spring Demolition Derby

Mike Carlson, Finance Officer, reported that a request was received from the Clay County Fair Association to close High Street through the Fairgrounds from 5:00 p.m. to 10:30 p.m. on Saturday, May 7, 2016 for a spring demo derby. Mike stated that this is to provide a safe entrance and exit from the event

134-16

Alderman Willson moved approval of the closing of High Street through the Fairgrounds from 5:00 p.m. to 10:30 p.m. on Saturday, May 7, 2016 for a demo derby. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Request to close Prentis Avenue from E. Main Street to E. Clark Street on May 15, 2016 from 2:00 p.m. to 5:00 p.m. for an exhibition baseball game at Prentis Park

John Prescott, City Manager, reported that the Vermillion Chamber of Commerce and Development Company and the Vermillion Parks and Recreation Department have submitted a street closure request for Prentis Avenue from 2:00 p.m. to 5:00 p.m. on Sunday, May 15, 2016 from E. Clark Street to E. Main Street. John stated that the request will reduce traffic to a minimum and make it safer for children who may chase foul balls during the game and that, prior to the baseball game, a City sponsored camp for children will be held in the same area. John stated that the exhibition game is between the Sioux City Explorers and Lincoln Saltdogs. John reported that City Staff will be stationed at the barricades during the closure to allow residents access to their homes. John stated that all of the Prentis Avenue property owners were

mailed a letter on April 20, 2016 advising them of the potential closing and when the City Council would be considering the request and that no comments had been received at the time of Council packet preparation.

135-16

Alderman Collier-Wise moved approval of the street closing request for Prentis Avenue from E. Main Street to E. Clark Street on May 15, 2016 from 2:00 p.m. to 5:00 p.m. for an exhibition baseball game at Prentis Park. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Library Board request for a permit for consumption but not sale on May 20, 2016 from 6:00 p.m. to 8:00 p.m. at 18 Church for "Books & Brew" event

Mike Carlson, Finance Officer, reported that Susan Heggstad, on behalf of the Vermillion Public Library as approved by the Vermillion Public Library Board of Trustees, has requested a permit to consume alcoholic beverages on public property for a "Books & Brew" event at the Edith B. Siegrist Vermillion Public Library garden behind the library from 6:00 p.m. to 8:00 p.m. on May 20, 2016. Mike noted that, if the weather does not cooperate, the event will be held in the Kozak Room. Mike stated that a copy of the request and information on the event was included in the packet. Mike reported that State statute provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public.

136-16

Alderman Collier-Wise moved approval of the permit for consumption but not sale on public property for a "Books & Brew" event at the Edith B. Siegrist Vermillion Public Library garden behind the Library or the Kozak Room from 6:00 p.m. to 8:00 p.m. on May 20, 2016. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. 2016-2020 Capital Improvement Plan

John Prescott, City Manager, reported that at the April 4th noon meeting the 2016-2020 Capital Improvement Plan was presented to the City Council. John stated that one of the goals of the Capital Improvement Plan is to present ideas to the City Council and community about projects that may be undertaken in the next five years. John noted that funding may not be defined for each item at present but will be developed as the timeline moves closer. John stated that the Capital Improvement Plan has been developed for the last several years as a planning document to be used in developing the future budgets. John

reviewed the projects being considered for 2017 budget later this summer. Discussion followed.

Tom Sorensen, 320 N Plum, questioned if the replacement of trees was included in the capital plan. Tom noted that years ago the Dutch elm disease caused the loss of most elm trees and now the ash bore threatens the ash trees. John Prescott, City Manager, reported that the Tree Board has a pilot program to provide trees to citizens for \$25 which consisted of 10 trees of which all have not been requested. John asked interested citizens to contact City Hall about this program.

137-16

Alderman Holland moved approval of the Capital Improvement Plan for 2016-2020 as presented. Alderman Price seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### G. Library Board of Trustees appointments

Mayor Powell reported that seven citizens have completed the expression of interest forms for the two openings on the Library Board. Mayor Powell stated that he has asked Council members for their recommendations to fill the vacancies and based upon this information would recommend Gabrielle Strouse and Martha Muellenburg for three year terms on the Library Board expiring in May 2019. Mayor Powell thanked all that had expressed interest in the positions.

138-16

Alderman Price moved approval of the appointment of Gabrielle Strouse and Martha Muellenburg to three year terms on the Library Board expiring in May 2019. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### H. 2016 - 2018 AFSCME agreement for eligible employees of the Communications Center

John Prescott, City Manager, reported that AFSCME representing employees in Telecommunications considered the AFSCME (B) agreement. John noted that AFSCME (A) represents the general government and utility employees whose agreement was approved last fall. John noted that the Telecommunications employees were represented by the Teamsters union until July 2015. John stated that the Telecommunications employees became affiliated with AFSCME in late 2015. John reported that the City of Vermillion Labor and Finance Committee met in 2015 and 2016 to review progress on negotiating the union agreement with the AFSCME. John stated that a number of negotiation items with this union were largely completed in late 2015 during negotiations with AFSCME on

the agreement that covers general employees. John stated that the Labor and Finance Committee provided guidance on completing both AFSCME union negotiations. John reported that City staff met with the AFSCME union representatives on several occasions in 2016 and reached agreement on a proposal within the guidelines established by the Labor and Finance Committee. John noted that the Labor and Finance Committee reported on the progress of negotiations and recommended approval of the agreement at the March 21, 2016 meeting. John stated that nothing has changed since the March recommendation and that AFSCME has been developing and proofing the final written agreement since the March meeting. John reviewed the items included in the agreement and recommended approval of the agreement.

139-16

Alderman Collier-Wise moved approval of the AFSCME (B) agreement covering eligible employees of the Vermillion/Clay Area Emergency Services Communications Center for 2016-2018. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### I. Resolution of support for DENR tire disposal grant program

John Prescott, City Manager, reported that the South Dakota Department of Environment and Natural Resources (DENR) has contacted the Vermillion landfill about a grant to provide a free tire disposal program for Clay, Union and Yankton counties. John stated that the program will allow area residents, but not commercial businesses, to drop off tires at the Landfill at no cost. John noted that a requirement of the grant is that the City Council adopts a resolution of support for the tire disposal program. John stated that the grant, if approved, would reimburse the City for the disposal costs of the tires. John stated that Administration recommends adoption of the resolution supporting an application from a tire recycling grant with DENR.

140-16

Alderman Willson moved approval of the Resolution supporting an application from a tire recycling grant with DENR. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell 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 items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$1.8694, Brunick's Service \$1.90; Item 2 - 1,000 gal unleaded gasoline - regular: Stern Oil \$2.0597, Brunick's Service \$2.15; Item 3 - 3,000 gal Diesel fuel dyed: Stern Oil \$1.6093, Brunick's Service \$1.64; Item 4 - 1,000 gal diesel fuel-clear: Stern Oil \$1.9158, Brunick's Service \$1.95.

141-16

Alderman Price moved approval of the low quote of Stern Oil all four items. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### B. Landfill Bale Bags

Jose Dominguez, City Engineer, reported that bid documents were sent to three potential bidders for semi load (18,000 bags) for the landfill baling operation. Jose stated that bids were opened on April 21st with only one bid received from Global Packaging Solutions for \$58,500. Jose recommended awarding the bid to the only bidder.

142-16

Alderman Willson moved approval of the only bid of Global Packaging Solutions for landfill baler bags of \$58,500. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 10. City Manager's Report

A. John reported that the on-line registration program for all Summer Park and Recreation Department programs opened today. John stated that Prentis Park pool is scheduled to open May 26th, if weather permits.

B. John reported that the second load of glass was picked up from the Recycling Center last week so to date over 42 tons of glass have been recycled since the program began in May 2015.

C. John reported that the Water Department received the Secretary's Award for Drinking Water Excellence from the Department of Environment & Natural Resources for the 15<sup>th</sup> consecutive year.

D. John reported that the Wastewater Treatment Facility recently was awarded the 2015 Operation and Maintenance award from the Department of Environment & Natural Resources.

E. John reported that the Planning Commission has a vacancy due to the relocation of a current member that will expire in June 2020. John asked interested citizens to complete the Expression of Interest form and return it to City Hall by noon on Thursday, May 12, 2016 in

anticipation that the City Council will make an appointment at the May 16th meeting.

F. John reported that the groundbreaking for the Prentis Park swimming pool project is Wednesday, May 4th at 4:00 p.m. noting that the public is invited to attend.

G. John reported that the City surplus and abandoned property auction is Friday, May 13th at 5:30 p.m. at the Municipal Service Center which is located at 115 W. Duke Street.

PAYROLL ADDITIONS AND CHANGES

Street: Josh Lasley \$9.00/hr; Ambulance: Leanna Gubbels \$8.55/hr-\$8.55/hr training-\$12.83/hr holiday; Recreation: Morgan Graham \$9.00/hr, Cora Ruzicka \$8.75/hr; Pool: Cora Ruzicka \$8.75/hr; Parks: Reed Aylor \$8.75/hr, Jeremiah Johnson \$8.75/hr, Kyle Ochsner \$8.75/hr; Golf Clubhouse: Torie Buberl \$8.55/hr, Keegan Johnson \$8.55/hr, Megan Kerns \$8.55/hr, Sam McLeran \$8.55/hr; Golf Maintenance: Luke Girard \$8.55/hr, Blake Gilkyson \$8.75/hr, Mitchell Sand \$8.75/hr, Paul Schwaisinger \$8.75/hr; Recycling: James Conway \$15.17/hr

11. Invoices Payable

143-16

Alderman Collier-Wise moved approval of the following invoice:

University Cleaners	repairs	149.50
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Alderman Price seconded the motion. Alderman Clarene Meins requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

144-16

Alderman Collier-Wise moved approval of the following invoices:

Allegiant Emergency Services	med supplies	660.00
Aqua-Pure Inc	chemicals	8,800.00
Aramark Uniform Services	uniform cleaning	402.45
Argus Leader Media #1085	subscription	19.89
Arizona Manufacturing & Embroidery	merchandise	104.70
Avera Occupational Medicine	testing	488.50
Baker & Taylor Books	books	500.63
Banner Associates, Inc	professional services	11,254.89
Best Western Ramkota Inn	lodging	87.99
Bhs Marketing, LLC	soda ash	13,645.72

Bierschbach Eqpt & Supply	parts	273.55
Border States Elec Supply	supplies	1,419.19
Bound Tree Medical, LLC	supplies	800.49
Broadcaster Press	advertising	132.00
BSN Sports Inc	deluxe diamond turf	2,134.99
Burns & McDonnell	professional services	1,723.00
Bushnell Outdoor Products	merchandise	1,334.49
Butler Machinery Co.	parts	2,749.92
Callaway Golf	merchandise	390.36
Campbell Supply	supplies	1,350.91
Canfield Business Interior	workstation panels	542.58
Cask & Cork	merchandise	1,936.75
Century Business Products	copier contract/copies	186.92
Centurylink	telephone	744.19
Chesterman Co	merchandise	358.50
City Of Vermillion	copies/postage	1,421.14
City Of Vermillion	utility bills	36,407.67
Class C Solutions Group	supplies	97.02
Clay-Union Electric Corp	sponsor share-breakfast	116.17
Cobra Puma Golf, Inc	merchandise	168.24
Colonial Life Acc Ins.	insurance	3,106.27
Concrete Materials	supplies	801.31
Confluence	professional services	2,572.73
Cory Moore	safety boots reimb	100.00
Creative Product Source, Inc	supplies	432.23
Custom Conveyor Corp.	parts	891.60
D-P Tools	supplies	23.72
Dakota Beverage	merchandise	6,171.72
Dakota Pc Warehouse	monitor	199.99
Dakota Riggers & Tool Supply	supplies	34.43
Danko Emergency Equipment	supplies	3,057.76
Deadperfect	merchandise	474.66
Delta Dental Plan	insurance	6,199.94
Dennis Martens	maintenance	833.34
Dept Of Revenue	testing	515.00
DGR Engineering	professional services	6,267.00
Dorsey & Whitney	professional services	10,000.00
Dust Tex	mat service	80.00
E.A Sween Company	supplies	210.31
Earthgrains Baking Co's Inc	supplies	100.23
Echo Electric Supply	supplies	1,847.22
EDC Educational Services	books	280.53
Electronic Engineering	supplies	128.00

Embroidery & Screen Works	uniform shirts	2,847.85
Emergency Apparatus Maintenance	repairs	2,320.97
Farmer Brothers Co.	supplies	113.80
Fastenal Company	supplies	28.50
Fedex.	shipping	11.74
First National Bank	bond trustee fee	300.00
Foreman Media	council mtg	200.00
Gale	books	296.28
Graymont Capital Inc	quicklime	3,983.75
Great Northern Environment	supplies	14,656.46
Gregg Peters	advertising/freight	1,488.80
Gregg Peters	rent	937.50
Hach Co	supplies	1,048.00
Harland Technology Service	printer ribbons	123.25
Hauff Mid-America Sports	backstop padding	4,490.00
HD Supply Waterworks	supplies	3,202.92
Helget Safety Supply, Inc	gloves	155.66
Helms & Associates	professional services	3,673.08
Herren-Schempp Building	supplies	251.85
Hy Vee Food Store	supplies	221.70
Independence Waste	waste hauling/rental	1,365.09
Ingram	books	2,431.70
Jacks Uniform & Eqpt	uniforms	114.74
Jay's Plumbing	repairs	299.96
Jerry's Chevrolet Buick Gm	repairs	891.73
John A Conkling Dist.	merchandise	3,190.50
Johnson Brothers Of SD	merchandise	7,283.50
Jones Food Center	supplies	1,035.07
Karsten Mfg Corp	merchandise	2,512.42
Key Contracting, Inc	manhole lining	42,102.00
Lakeside Equipment	parts	3,166.00
Lawson Products Inc	supplies	253.67
Laynes World	plaques	134.34
Leggette, Brashears & Graham	professional services	392.70
Leos Lounge	meals	249.00
LFS	repairs	2,895.57
Locators And Supplies, Inc	wire flags	97.41
Malloy Electric	parts	5,021.85
Mark Milbrodt	safety boots reimb	100.00
Mart Auto Body	towing	150.00
Matheson Tri-Gas, Inc	supplies	489.49
Matthew Bender & Co, Inc	books	46.44
Matthew Betzen	meals reimbursement	70.00

McCulloch Law Office	professional services	1,188.00
Med-Media	maintenance/license	255.00
Medical Waste Transport, Inc	haul medical waste	240.77
Medico Life & Health Insurance	insurance	461.07
Menards	storage racks	179.97
Micro Marketing LLC	books	143.96
Mid-American Research Chemical	supplies	407.10
Midwest Alarm Co	alarm monitoring	132.00
Midwest Building Maintenance	mat svc	653.55
Midwest Turf & Irrigation	parts	4,541.64
Minitex Library	supplies	161.00
Minn Municipal Utility Association	online testing	6,115.00
Missouri River Energy Service	educational school kits	244.32
Missouri Valley Maintenance	repairs	1,051.18
Moore Welding & Mfg	supplies	146.00
McLaury Engineering	professional services	1,400.00
NCL Of Wisconsin, Inc	supplies	2,344.69
Netsys+	professional services	593.00
New York Life	insurance	84.02
Northern Safety Co. Inc	supplies	228.54
Northern Truck Eqpt Corp	parts	355.70
O'Reilly Auto Parts	supplies	19.99
Office Systems Co	copier contract/copies	457.11
Okoboji Wines-SD	merchandise	657.00
Olson Medical Clinic	pre-employment exam	202.00
Overhead Door Of Sioux City	repairs	205.00
Paul Conway Shields	supplies	128.44
PCC, Inc	commission	2,892.93
Peoplefacts, LLC	supplies	26.50
Pomps Tire Service, Inc.	repairs	1,392.10
Prairie Berry Winery	merchandise	696.50
Pressing Matters	notary stamp	31.00
Presto-X-Company	inspection/treatment	51.36
Print Source	supplies	92.00
Queen City Wholesale	merchandise	222.45
Quill	supplies	97.53
Racom Corporation	maintenance	447.85
Radiant Heat, Inc	repairs	3,965.25
Randy Isaacson	safety glasses reimb	150.00
Recorded Books, Inc	books	260.20
Recovery Systems Co, Inc	pressure gauge	114.71
Reinhart Foodservice, LLC	supplies	623.53
Republic National Dist	merchandise	4,153.33

Resco	supplies	252.00
Ri-Tech Industrial Product	supplies	220.00
Richard Draper	reimb for backpacks	119.64
Sanford Clinic Vermillion	supplies	272.69
Sanford Health Plan	participation fees	60.00
Sanitation Products	street sweeper	178,803.00
Schaeffer Mfg. Co	supplies	1,082.41
SD Electrical Commission	wiring permits	310.00
SD Federal Property Agency	forklift	3,500.00
SD Governmental Finance Officers Assoc	registration	150.00
SD Lottery	license renewal	100.00
SD One Call	one call locates	175.35
SD Retirement System	contributions	49,949.07
SDN Communications	professional services	1,376.92
Security Shredding Service	shredding containers	35.00
SEH, Inc	professional services	6,582.60
Servall Towel & Linen	shop towels	73.50
Stanger Litho Graphics	supplies	162.00
Stern Oil Co.	oil	619.44
Stewart Oil-Tire Co	repairs	494.85
Storey Kenworthy/Matt Parrot	supplies	642.52
Stryker Sales Corporation	supplies	281.64
Stuart C. Irby Co.	led lights/fixtures	125,874.85
Sturdevants Auto Parts	parts	2,458.67
Subway	meals	34.00
Sundog Eyewear	merchandise	697.48
Tapco	maintenance	142.50
Taylor Made	merchandise	137.49
The Equalizer	advertising	116.00
The Growler Station, Inc	fee/maintenance program	749.97
The Walking Billboard	uniforms	99.00
Tigert Art Gallery	framing	366.00
Titan Machine-Productivity	supplies	2,246.56
Titleist Drawer Cs	merchandise	2,167.96
Tri-B-Trim Shop	repairs	250.00
True Value	supplies	604.47
Tyler Technologies	maintenance	4,505.09
United Way	contributions	557.70
Us Golf Association	membership	110.00
USA Bluebook	parts	748.15
Van Diest Supply Co	supplies	6,146.60
Vast Broadband	911 circuit/dialup	1,415.45
Verizon Wireless	cell phones	2,438.51

Vermeer High Plains	supplies	99.16
Vermillion Ace Hardware	supplies	2,155.48
Vermillion Chamber And Development Co	bid #1 promotion	8,273.90
Vermillion Ford	parts	122.22
Vermillion Housing Authority	support	1,541.00
Vermillion Rotary Club	dues/meals	134.25
VGSA	registration	229.00
Visa/First Bank & Trust	fuel/lodging/supplies	7,714.98
Wal-Mart Community	supplies	1,090.76
Walt's Homestyle Foods, Inc	supplies	145.60
Wesco Distribution, Inc	parts	6,327.82
Wexford Fulfillment Solution	merchandise	887.08
Wigman Co	supplies	360.17
Willson Florist	blooming plant	40.00
Yankton Area Ems Association	registration	125.00
Yankton Fire & Safety	repairs	77.00
Yankton Janitorial Supply	supplies	195.50
Zee Medical Service	supplies	324.30
Zimco Supply Co	supplies	8,958.94
Zuercher Technologies LLC	support/maintenance	1,260.00
Judy Sullivan	Bright Energy Rebate	24.00
Mike Paulson	Bright Energy Rebate	9.00

Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 12. Consensus Agenda

A. Set a public hearing date of May 16, 2016 for annual malt beverage license renewals

145-16

Alderman Price moved approval of the consensus agenda. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 13. Executive Session Personnel Matters

Mayor Powell stated that the meeting would go into executive session for personnel matters at 8:10 p.m.

Mayor Powell declared the Council out of executive session at 8:31 p.m.

## 14. Adjourn

146-16

Alderman Ward moved to adjourn the Council Meeting at 8:32 p.m. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 2<sup>nd</sup> day of May, 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 \_\_\_\_\_.

Unapproved Minutes  
Council Special Session  
May 4, 2016  
Wednesday, 4:00 p.m.

The special session of the City Council, City of Vermillion, South Dakota was advertised for Wednesday, May 4, 2016 at 4:00 p.m. at the Prentis Park swimming pool area.

1. Members Attending

Present: Collier-Wise, Willson, Mayor Powell

Absent: Erickson, Holland, Clarene Meins, Holly Meins Price, Ward

2. Groundbreaking for the new Prentis Park swimming pool project

Members present participated in the groundbreaking. As a quorum of City Council members was not present, no action was taken.

3. Adjourn - None as there was no quorum

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of May, 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 \_\_\_\_\_.

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** May 16, 2016  
**Subject:** Annual Renewal of Malt Beverage Licenses  
**Presenter:** Mike Carlson

**Background:** Applications for renewal of malt beverage licenses have been received from the establishments listed on the notice of hearing. The Police Chief has prepared a report indicating the performance of each of the establishments since July 1, 2015 and when compliance checks were completed. In the letter sent to all license holders, with the renewal application, the applicants were encouraged to attend the public hearing or have someone represent the business. The City Council adopted Ordinance No. 1193 in September 2008 to require a written management plan upon reapplication by a licensee where conviction of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control has taken place. That ordinance is as follows:

112.04 Management plans are required for reapplication after conviction or upon request of the City Council

Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter, who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

Management plans were received from the following four (4) businesses that failed a compliance check(s) prior to renewal applications being mailed April 14, 2016:

- Hy-Vee, Inc. – Failed 3-21-2016
- Sunset Oil, Inc. for Sunset Casino & Lucky Seven Casino – Failed 1-30-2016
- Pump N Stuff – Failed 1-30-2016 & 3-21-2016
- Red Steakhouse, Inc – Failed 12-10-2015

It should be noted that Charcoal Lounge, Inc failed a compliance check on May 11, 2016. A management plan will be required with the renewal of the on-sale liquor license in November as the renewal application material requirements had already been sent.

For background, the previous information on compliance checks for the four (4) businesses which submitted a management plans are as follows:

**Hy-Vee, Hy-Vee Food Stores, Inc. off sale malt beverage, on-off sale wine**

- December 9, 2008 passed
- April 2, 2009 passed
- December 11, 2009 passed
- September 8, 2010 passed
- August 17, 2012 passed
- May 31, 2013 failed; management plan December 2013
- September 11, 2013 passed
- August 13, 2014 failed; management plan December 2014
- October 23, 2014 passed
- April 2, 2015 passed
- March 21, 2016 failed; management plan May 2016
- May 11, 2016 passed

**Sunset Casino & Lucky Seven Casino, Sunset Oil, Inc. (2) on-off sale malt beverage, on-off sale wine**

- December 9, 2008 failed; management plan June 2009
- March 5, 2009 failed; management plan June 2009
- April 2, 2009 passed
- December 11, 2009 passed
- September 8, 2010 failed; management plan June 2011
- September 15, 2010 passed
- March 31, 2012 failed; management plan June 2012
- August 17, 2012 failed; management plan submitted with February 2012 wine license application
- December 7, 2012 passed
- September 11, 2013 passed
- August 13, 2014 passed
- April 2, 2015 passed
- January 30, 2016 failed; management plan May 2016
- March 21, 2016 passed

**Pump N Stuff, Pump N Stuff-Vermillion, Inc. off sale malt beverage, (2) on-off sale malt beverage**

- December 9, 2008 failed management plan June 2009
- March 5, 2009 passed
- April 2, 2009 passed
- December 11, 2009 passed
- September 8, 2010 passed
- March 31, 2012 passed
- June 18, 2013 failed; management plan June 2014
- July 24, 2013 failed; management plan June 2014

- September 11, 2013 passed
- August 13, 2014 passed
- April 2, 2015 passed
- January 30, 2016 failed; management plan May 2016
- March 21, 2016 failed; management plan May 2016
- May 11, 2016 passed

**Red Steakhouse, Red Steakhouse, Inc. on sale liquor, on-off sale malt beverage, on-off sale wine**

- December 1, 2010 failed; management plan June 2011
- December 7, 2012 passed
- November 19, 2013 passed
- November 12, 2014 passed
- December 10, 2015 failed; management plan May 2016
- May 11, 2016 passed

**Discussion:** The City Council has the ability to renew a license on basically two (2) criteria: suitable person and suitable location. With respect to the location criteria, licenses have been previously approved for all of the locations. A South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not renew a license. If an application is denied, the motion must state the reasoning for denial. The applicant cannot reapply for this type of license for one (1) year.

It should be noted that the following businesses did not renew their on-off sale malt beverage licenses but will be continuing to sell malt beverage on-sale with their liquor license: Bunyan's, LLC, Main Street Pub, Inc, Maya Jane's, Inc and BeBee Street II for Carey's Bar.

**Financial Consideration:** The City receives \$112.50 for an on-off sale malt beverage with SD Farm Wine license, \$150 for each on-off sale malt beverage license, and \$100 for each off-sale malt beverage license. For those businesses with video lottery machines, the fee is \$50 per machine, unless this fee was paid with their liquor license renewal in December.

**Conclusion/Recommendations:** Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the malt beverage licenses. If a motion is made to deny any of the licenses, the reason needs to be included in the motion.

**City of Vermillion  
Malt Beverage License Renewal  
May 16, 2016  
Management Plans**

The following businesses have filed Management Plans for failed compliance checks:

Hy-Vee, Inc. – Failed 3-21-2016

Sunset Oil, Inc. for Sunset Casino & Lucky Seven Casino – Failed 1-30-2016

Pump N Stuff – Failed 1-30-2016 & 3-21-2016

Red Steakhouse, Inc – Failed 12-10-2015



**Management  
Plan Form**

25 Center Street  
Vermillion SD 57069

City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly. (Businesses are encouraged to attend the public hearing to answer questions on the violations and/or management plan.)

License Holder Name: Hy-Vee, Inc.  
 Local Business Name: Hy-Vee  
 Local Business Address: 525 W Cherry St.  
 Contact Name: Joshua Swing Phone: (605) 624-5574  
 Title: Store Director

Please describe the violation(s) since the last renewal and why management believes the compliance check was failed:

Assistant manager Nick Poppe failed to ask a minor for identification to verify her age. Nick did not follow the management plan in effect.

What changes to management plan policies have been *implemented* since the violation(s) listed above?

No major changes have been made to the management plan. We have restressed that all individuals need to be carded by both the cashier and a member of management. When these checks and balances are done correctly no violations occur.

Have any changes in management plan policies been *discontinued* from current use? (Please include a copy of changes to policies)

No changes have been discontinued from the management plan policies and procedures.

How have the changes addressed the defect(s) that resulted in the violation?

Having two individuals both cashier and management check identification to verify legal age gives two sets of eyes to avoid any violations of illegal sales.

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

Any individual that fails to card an individual resulting in an illegal sale is terminated.

How are management plan policies communicated to employees to allow them to understand the policies and procedures for selling alcohol?

Every employee is informed of the policies relating to the legal age of selling alcohol during employee orientation. They sign off on the rules and the consequences of a violation.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

Nick Poppe is no longer employed with Hy-Vee

If the employee(s) who committed the violation(s) are no longer employed with the license holder, please provide the date of termination, and if the termination was voluntary or involuntary.

Nick Poppe was terminated involuntarily on  
March 22, 2016 the next day after the  
violation.

List failed alcohol compliance checks, with dates, for license holder for the past five years.

5-31-13  
8-13-14  
3-21-16

Attach a copy of your written employee management plan regarding selling alcohol to minors and checking IDs.

Other Comments:

Attached is the information all employees cover  
regarding procedures for selling alcohol and tobacco.  
City and state laws are covered at this time as well.  
Employees are informed that any violation with failing  
to card an individual resulting in an illegal sale  
will be terminated.

Submitted by Signature: Joshua R. Swing Phone: 1-605-624-5574

Print name: Joshua R. Swing Date: 4-13-16

**When all information has been prepared, please submit the information with your license renewal to:**

Finance Office  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069



## Management

## Plan Form

25 Center Street  
Vermillion SD 57069

City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly. (Businesses are encouraged to attend the public hearing to answer questions on the violations and/or management plan.)

License Holder Name: SUNSET OIL INC

Local Business Name: Pump N Pak

Local Business Address: 629 STANFORD ST

Contact Name: KEVIN ANNIS Phone: 605 624-8050

Title: OWNER

Please describe the violation(s) since the last renewal and why management believes the compliance check was failed:

A clerk sold to an underage person during a beer sting. I had a young man working and he didn't ask for an ID from the customer

What changes to management plan policies have been **implemented** since the violation(s) listed above?

We have new point of sale equipment where we can now scan the drivers license to check age. The main thing that we are doing is reminding and reinforcing the importance of asking for ID's for all beer and wine purchases.

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

No

How have the changes addressed the defect(s) that resulted in the violation?

Now we remind more often to do the proper techniques and procedures. MOST TIMES THE EMPLOYEE KNOWS WHAT TO DO BUT EITHER IS IN A HURRY OR JUST doesn't take time to do them, so we try to instill in them the importance to them and the company to do it all the time.

WHEN FAILS

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

First offense 2 week suspension (unless blatant offense like selling to friend then termination)  
2nd offense termination

How are management plan polices communicated to employees to allow them to understand the policies and procedures for selling alcohol?

Employee policy book and training.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

STILL EMPLOYED REVISITED HANDBOOK, SHOWED PROPER TECHNIQUE AND OBSERVED AFTER TRAINING

If the employee(s) who committed the violation(s) are no longer employed with the license holder, please provide the date of termination, and if the termination was voluntary or involuntary.

N/A

List failed alcohol compliance checks, with dates, for license holder for the past five years.

1/20/16 Sale to minor  
3/31/12 Sale to minor  
8/17/12 sale to minor

Attach a copy of your written employee management plan regarding selling alcohol to minors and checking IDs.

Other Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted by Signature: Kevin Annis Phone: 605 677-8318

Print name: KEVIN ANNIS Date: 4/15/16

**When all information has been prepared, please submit the information with your license renewal to:**

Finance Office  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069

**Guidelines:**

1. All store employees must be totally knowledgeable of all pertinent laws regulating the sale of beer and wine.
2. All store employees selling alcoholic beverages must be at least 18 years of age.
3. **NO ALCOHOL SALES** (beer and wine) **WILL BE MADE TO:**
  - a. A person under the age of 21 years old.
  - b. A person who cannot produce proper verification of age.  
Only the following forms of identification will be accepted:
    - 1) Drivers license (any state or province of Canada).
    - 2) Non-drivers identification issued by the Department of Motor Vehicle.
    - 3) Active U.S. military identification.
  - c. Anyone whose identification appears to be altered or forged.
  - d. A person who appears to be intoxicated. Watch for the following signs of intoxication:
    - 1) Erratic driving into the parking lot
    - 2) Stumbling, tripping, bumping into things.
    - 3) Slurred speech, difficulty talking.
4. If a person offers or an employee suspects a person is purchasing alcoholic beverages for a minor, do not sell the product to that person.
5. If any employee is cited for selling alcoholic beverages to a minor, authorities may place the employee under arrest.
6. An employee is always authorized to check identification of age in a courteous manner.
7. Failure to follow the alcoholic beverage regulations of the company, may result in disciplinary action up to and including termination of employment
8. If an employee has questions about the Alcoholic Beverage Regulations policy or how to handle a problem relating to alcoholic beverages, contact management. Failure to follow the alcoholic beverage regulations of the company, may result in disciplinary action up to and including termination of employment.

# EMPLOYEE'S AGREEMENT OF UNDERSTANDING

*I agree to the following rules and company policy about the sale of alcoholic beverages:*

1. I will not sell alcoholic beverages to any person under the legal age. The legal ages for this store are:

Beer      21 years old

If the person appears to be close to the minimum age, I will ask for identifications. If there is any doubt about the person's age, I will not make the sale.

2. I will not sell alcoholic beverages to any individual during those hours when it is illegal to do so- The legal hours of sale for this store are:

Monday — Friday	7 AM to 2 AM
Saturday	7 AM to 2 AM
Sunday	7 AM to 2 AM

3. I will not knowingly sell alcoholic beverages to any adult for use by individuals under the legal age (21). If I think this is happening, I will not make the sale.
4. I will not sell alcoholic beverages to obviously intoxicated or otherwise disorderly individuals.

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Store Location

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Employee's Signature

Date

---

Manager's Signature

Date

*This agreement will be retained in your personnel file as part of your permanent employee record.*



**Management  
Plan Form**  
25 Center Street  
Vermillion SD 57069

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City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

- A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.
- (B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly. (Businesses are encouraged to attend the public hearing to answer questions on the violations and/or management plan.)

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License Holder Name: Pump N Stuff Vermillion Inc.  
Local Business Name: Pump N Stuff Vermillion  
Local Business Address: 203 E. Main St. Vermillion SD 57069  
Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Title: \_\_\_\_\_

Please describe the violation(s) since the last renewal and why management believes the compliance check was failed:

An Employee Sold to underage witness on January 30, 2016

An Employee Sold to underage witness on March 21, 2016

What changes to management plan policies have been **implemented** since the violation(s) listed above?

We will be going back to Tem Certification, and All sales have to have an ID which will be scanned for the sale to go through.

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

None

How have the changes addressed the defect(s) that resulted in the violation?

We have installed a scanner that you have to have ID to make the sell.

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

They will receive a warning and can be terminated.

How are management plan policies communicated to employees to allow them to understand the policies and procedures for selling alcohol?

Are Policies are communicated to the New hires, by the managers when they are training, and in the hand books.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

They will be going through TAM Certification and with the  
one we went over how to read an ID The other one  
was talked to

If the employee(s) who committed the violation(s) are no longer employed with the license holder, please provide the date of termination, and if the termination was voluntary or involuntary.

NA

List failed alcohol compliance checks, with dates, for license holder for the past five years.

June 18, 2013, July 24, 2013,  
January 30, 2016, March 21, 2016.

Attach a copy of your written employee management plan regarding selling alcohol to minors and checking IDs.

Other Comments:

As a past store manager and the new district manager  
I know the important of Carding and TAM Certification and  
enforcing it with the employees. Please consider over ~~application~~  
application

Submitted by Signature: Theresa Kramer Phone: 605 610-5897

Print name: Theresa Kramer Date: 4/25/16

**When all information has been prepared, please submit the information with your license renewal to:**

Finance Office  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069



## Management Plan Form

25 Center Street  
Vermillion SD 57069

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A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly. (Businesses are encouraged to attend the public hearing to answer questions on the violations and/or management plan.)

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License Holder Name: RED STEAKHOUSE INC

Local Business Name: RED STEAKHOUSE INC

Local Business Address: I E MAIN ST

Contact Name: JERAD HIGMAN Phone: 712.898.3740

Title: PRES.

Please describe the violation(s) since the last renewal and why management believes the compliance check was failed:

Alcohol was served to a minor without being properly ID'd by the server. Management believes the compliance check was failed due to an inconsistent work schedule. Server was on call +

What changes to management plan policies have been **implemented** since the violation(s) listed above? not regularly scheduled

The alcohol management portion of our initial training has expanded to better inform our new servers the proper way to ID + serve customers. To stay consistent + compliant with alcohol guidelines, daily reminders are given to staff both verbally + visually. Visually, we have posted "Age-of-purchase" calendars at the bar + in staff service area.

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

No

How have the changes addressed the defect(s) that resulted in the violation?

The expansion of training in alcohol management has increased the servers knowledge + comfortability at their tables serving those of age + denying service when not of age.

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

- 1) Employee is responsible for paying all fines
- 2) Written Warning
- 3) One week suspension

How are management plan polices communicated to employees to allow them to understand the policies and procedures for selling alcohol?

All policies are included in employee handbook + are introduced and explained during staff training. Any changes or additional policies are added to the handbook + verbally explained to staff to allow for questions + better understanding.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

Employee participated in mandatory meetings to discuss the situation & why the failure to comply happened. Upon discovery of the why, Employee was retrained using the TAM Server Manual & receives pre-shift reminders to remain alert throughout entire shift.

If the employee(s) who committed the violation(s) are no longer employed with the license holder, please provide the date of termination, and if the termination was voluntary or involuntary.

N/A

List failed alcohol compliance checks, with dates, for license holder for the past five years.

December 10, 2015

Attach a copy of your written employee management plan regarding selling alcohol to minors and checking IDs.

Other Comments:

Submitted by Signature:  Phone: 712.898.3740

Print name: JENNIFER HANSEN Date: 4/13/16

**When all information has been prepared, please submit the information with your license renewal to:**

Finance Office  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069



## Alcohol Management Plan

RED Steakhouse has developed an alcohol management plan to maintain the highest standards of responsible alcohol service and patron welfare.

### **Mission & Quality Statement**

We strive to meet and exceed our guest's expectations and create an "experience" every time a guest dines with us and purchases our food and beverage products. Our passion is to provide the best food and service experience possible in a non-smoking environment. We will accomplish this mission by working and conducting ourselves in a professional and sanitary manner with a positive attitude. We will provide you with the training and management support necessary to help you be successful in your scope of responsibility. Ensuring quality experiences for all guests is our top priority.

### **Responsible Service of Alcohol**

It is our legal duty to ensure that alcohol is served responsibly & we comply with all legislation affecting our service to customers. The following are in place to ensure that we, as a staff, abide by the laws put in place to keep our customers & our establishment safe.

- All staff that is hired to perform as servers, bartenders, or managers must complete a TAM (Techniques in Alcohol Management) course.
- A TAM certification register is maintained by management displaying all employees' certification date & renewal date.
- Management reinforce TAM practices in everyday service
- Management support staff who reinforce TAM practices

### **Responsible Hospitality Practice**

- Encourage patrons to monitor & control their consumption of alcohol
- Deter patrons from rapidly & excessively consuming alcohol
- Supply alcohol in standardized quantity
- Knowledge of servers/bartenders of specialty beverages that contain higher amounts of alcohol by volume

## **Minors**

- All individuals under the age of 21 will not be allowed alcohol service, regardless of parental/spouse presence.
- All individuals are required to provide acceptable evidence of age when there is any doubt the patron is under that age of 30
- All staff are trained in acceptable forms of identification (state issued driver's license, passport)
- Individuals procuring drinks for minors are reported to management & removed from the restaurant

## **Intoxicated & Disorderly Patrons**

Patrons who are behaving in a disorderly, violent, or confrontational manner, or showing signs of intoxication will be refused service & asked to leave, dependent on situation. The definition of "intoxication & signs of intoxication" are determined by the restaurant & not the guest. If a patron does not leave the restaurant upon request, the police will be contacted.

- All staff are
  - Trained in identifying signs of intoxication
  - Encouraged to monitor alcohol consumption & levels of sobriety of all patrons
  - Trained to inform management & other staff members when they make a decision to refuse service of alcohol to a patron to ensure consistency
- Management support staff who refuse service to patrons showing signs of intoxication
- A bus can be called for patrons showing signs of intoxication, to take them home safely
- All ejected patrons must speak with management before being allowed to return to the premises
- Management does not support drinking practices which foster a culture of binge drinking & encourage irresponsible consumption practices

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 16<sup>th</sup> day of May, 2016 at the hour of 7:00 P.M. located at the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period July 1, 2016 until June 30, 2017, which has been presented to the City Council and filed in the Finance Officer's Office:

Re-issuance of Retail (On-Off Sale) Malt Beverage:

Bunyan's LLC for Bunyan's Video Lottery at 1201 West Main Street Suite 106;  
Café Brule, Inc. for Café Brule at 24 West Main Street;  
Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street;  
Coyote Convenience, Inc. for Coyote Convenience at 116 East Cherry Street;  
Blue, Inc. for Little Italy's at 831 East Cherry Street;  
Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street;  
NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street;  
Sunset Oil, Inc. for Lucky 7 Casino at 629 Stanford Suite A;  
Sunset Oil, Inc. for Sunset Casino at 629 Stanford Suite B;  
Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #1 at 203 E Main St;  
Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St;  
Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street;  
Prairie River, Inc. for R Pizza at 2 West Main Street;  
Silk Road Café, Inc. for Silk Road Café at 12 West Main Street;  
OMA SHREE, LLC for Speedee Mart at 802 East Cherry Street;  
City of Vermillion for The Bluff's Golf Course at 2021 East Main Street;  
City of Vermillion for Municipal Liquor Store 820 Cottage Avenue;  
David W. Raabe for Westside Inn at 1313 West Cherry Street;  
Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main;  
Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street;  
Varsity Pub, LLC for The Varsity at 113 East Main Street;  
Guo Wei Zheng for Asian Buffet at 404 Bower Street;

Re-issuance of Package (Off Sale) Malt Beverage:

Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street;  
Jay-Ambe-7, LLC for Freedom Valu Ctr at 830 E Cherry Street;  
HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street;  
Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street;  
Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street;

Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine:

Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St;

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 29<sup>th</sup> day of April, 2016.

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Michael D. Carlson, Finance Officer

Publish: May 4, 2016

Published once at the approximate cost of \_\_\_\_\_.

City of Vermillion  
Police Department  
15 Washington Street  
Vermillion, SD 57069  
Phone: (605)677-7070  
FAX: (605)677-7166  
[www.vermillionpd.org](http://www.vermillionpd.org)



To: Vermillion City Council

Date: 05/04/2016

From: Matthew Betzen  
Chief of Police

Subject: Alcohol License Renewals - July 1, 2016 to June 30, 2017

In the last half of 2015 and first half of 2016, the Vermillion Police Department conducted 27 compliance checks. Of those 20 of the checks were successful, and in 7 of the business failed.

Below is a summary of alcohol license related contacts on each of the alcohol license holders seeking re-issuance. Of note, the only incidents reported here are the events that actually take place on the property of the license holder and are clearly associated with the business and its sale of alcohol. The downtown area (Main Street) has a large number of alcohol related investigations that are not necessary attributed to any specific license holder. Examples of this would be persons with open containers or urinating in public, who are in the downtown area but are not specifically identified as being in or from a license holder's establishment.

Re-Issuance of Retail (On-Off Sale) Malt Beverage:

Bunyan's LLC for Bunyan's, 1201 West Main Street (Video Lottery Suite 106)

- On 12/10/2015, Bunyan's passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Café Brule Inc. for Café Brule, 24 West Main Street

- On 09/02/2015, Café Brule passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Charcoal Lounge, Inc. for Charcoal Lounge, 6 & 8 East Main Street

- On 11/16/2015, Charcoal Lounge failed a compliance check.
- On 02/20/2016, Officers were called to Charcoal Lounge for individual attempting to use another person's ID.
- On 04/02/2016, Officers were called to Charcoal Lounge for individual presenting a fake ID.
- On 03/31/2016, Officers investigated an assault report at the Charcoal Lounge.
- On 3/26/2016, Officers investigated an assault report at the Charcoal Lounge.
- On 3/18/2016, Officers contacted an underage person in the Charcoal Lounge and cited her for underage consumption.



- On 3/3/2016, Officers contacted an underage person in the Charcoal Lounge who provided a fake identification when contacted by officers.
- On 2/27/2016, Charcoal Lounge Management contacted police about an underage person using someone else's driver's license.
- On 02/21/2016, Officers investigated the theft of a purse from the Charcoal Lounge.
- On 01/17/2016, Officers responded to a report of a man assaulting the door monitor for the Charcoal Lounge.
- Management cooperated with law enforce in all the above mentioned investigations.

Coyote Convenience, Inc. for Coyote Convenience, 116 East Cherry Street

- On 01/30/2016, Coyote Convenience passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Blue, Inc. for Little Italy's, 831 East Cherry Street

- On 09/2/2015, Little Italy's passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street

- On 09/02/2015, Mexico Viejo passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street

- On 09/02/2015, Pizza Hut passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Sunset Oil, Inc. (Lucky 7 Casino and Sunset Casino) for Pump N Pak at 629 Stanford

- On 01/30/2016, Pump N Pak failed a compliance check.
- On 03/21/2016, Pump N Pak passed a compliance check.
- On 3/6/2016, Officers responded to a report of drunken man lying on the floor of the Pump N Pak.
- On 2/8/2016, Officers assisted management with a trespass situations involving an alleged drug dealer.
- On 02/5/2016, Officers responded to a man who was not breathing without a pulse after overdosing on opiates.
- On 5/20/2015, Officers responded to a report of underage persons trying to get adults to purchase alcohol for them.
- Management cooperated with law enforcement in all the above mentioned investigations.

Pump N Stuff of Vermillion, Inc. (Video Lottery Rooms 1 and 2) for Pump N Stuff at 203 E Main St.

- On 01/30/2016, Pump N Stuff failed a compliance check.
- On 03/21/2016, Pump N Stuff passed a compliance check.

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- On 7/10/2016, Officers responded to investigate a report of a man who was exposing himself to patrons in the store. Management requested officers to investigate.

Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street

- On 12/10/2015, Red Steakhouse failed a compliance check.
- On 4/7/2016, management requested help removing an intoxicated, belligerent man from Red Steakhouse.

Prairie River, Inc. for R Pizza at 2 West Main Street

- On 10/26/2015, R Pizza passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Silk Road Café, Inc. for Silk Road Café at 12 West Main Street

- On 12/10/2015, Silk Road Café passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street

- On 09/02/2015, Speedee Mart passed a compliance check.
- On 11/16/2015, Speedee Mart passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

City of Vermillion for The Bluff's Golf Course at 2021 East Main Street

- During the last 12 months, no compliance checks have been conducted at The Bluff's Golf Course.
- There were no alcohol related events reported in the last 12 months.

City of Vermillion for Municipal Liquor Store at 820 Cottage Street

- On 03/21/2016, the Liquor Store passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

David W. Raabe for Westside Inn at 1313 West Cherry Street

- During the last 12 months, no compliance checks have been conducted at the Westside Inn.
- There were no alcohol related events reported in the last 12 months.

Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main

- During the last 12 months, no compliance checks have been conducted at the Valiant Vineyard.
- There were no alcohol related events reported in the last 12 months.

Dwight Iverson for Cherry Pit Stop Video Lottery at 23 East Cherry Street

- On 12/10/2015, The Cherry Pit Stop passed a compliance check.
- On 01/30/2016, the Chery Pit Stop passed a compliance check.

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- There were no alcohol related events reported in the last 12 months.

Varsity Pub, LLC. for The Varsity at 113 East Main Street

- On 3/6/2016, Officer found an underage person in the bar during a bar check.

Guo Wei Zheng for Asian Buffet, 404 Bower Street

- On 12/10/2015, Asian Buffet passed a compliance check.
- On 02/17/2015, Asian Buffet passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

#### Re-issuance of Package (Off Sale) Malt Beverage

Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street

- On 12/10/2015, The Cherry Pit Stop passed a compliance check.
- On 01/30/2016, The Cherry Pit Stop passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Jay-Ambe-7, LLC for Erickson Freedom Valu Ctr at 830 E Cherry Street

- On 01/30/2016, Freedom Valu Center passed a compliance check. This check was done prior to the new owner taking over on 4/15/2016)

HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street

- On 03/21/2016, HyVee failed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street

- On 01/30/2016, Pump N Stuff failed a compliance check.
- On 03/21/2016, Pump N Stuff passed a compliance check.
- On 7/10/2016, Officers responded to investigated a report of a man who was exposing himself to patrons in the store. Management requested officers to investigate.

Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street

- On 03/21/2016, Wal-Mart passed a compliance check.

#### Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine

Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St.

- On 11/16/2015, Casey's General Store passed a compliance check.
- On 4/21/2016, Officers responded to a report of theft of alcoholic beverages from Casey's.
- On 04/06/2016, Officers were called for a report of stolen beer.
- On 4/1/2016, Officers responded to an intoxicated man trespassing at Casey's.

City of Vermillion  
Police Department  
15 Washington Street  
Vermillion, SD 57069  
Phone: (605)677-7070  
FAX: (605)677-7166  
[www.vermillionpd.org](http://www.vermillionpd.org)



- On 5/22/2015, Officers responded to an intoxicated man lying on the ground at Casey's.
- Management cooperated with law enforcement in all the above mentioned investigations.

## *Council Agenda Memo*

**From:** Andy Colvin, Assistant City Manager

**Meeting:** May 16, 2016

**Subject:** Second Reading of Ordinance 1339 – Amending Section 155.032, R-2 Residential District to provide for Fraternities, Sororities and boarding and lodging houses as conditional uses and providing for lot and yard regulations for such uses

**Presenter:** Andy Colvin

**Background:** In 2015, City staff was contacted regarding a proposal to construct a new sorority house in place of the existing structure. In looking at the proposal, staff identified a number of issues related to construction of new Greek houses and compliance with current zoning codes. A meeting was arranged between staff, USD Greek life, an architect, and the sorority proposing the new structure.

For background, nearly all of the Greek houses are currently non-standard, meaning that they are permitted uses in their zoning district, but do not meet area, yard and parking requirements. This also means that most couldn't be rebuilt without purchasing additional land. Since there has not been a new fraternity/sorority house built for many years, the City has never had to implement a new code. Since the initial meeting last summer, staff has not had further communication from the Greek houses. In order to address the issue, staff proposed some changes to the code to balance out the needs of the Greek houses with the needs of the City and neighborhoods as a whole.

**Discussion:** Currently, Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district. This means they can be built according to current code without a special permit from the City Planning Commission. The proposed ordinance would move these uses to the conditional use category. The reason for this change is to permit a more open approval process for new construction that coincides with relaxing other requirements, such as setbacks, height and parking. Off-street parking seems to be the biggest issue with new construction. The houses tend to be very large, which would then require a very large lot to accommodate parking. Without purchasing additional property and re-platting, it would be difficult to construct a new Greek house in the current R-2 neighborhoods. It would make sense to keep these houses in residential

neighborhoods, closer to campus rather than moving them to the R-3 districts. In addition, most Greek houses are built to fit in with the character of single family construction as opposed to multi-family apartments. The proposed ordinance only addresses the R-2 District changes and provides for lot and area regulations. The parking issue will be handled in a separate zoning amendment.

The first reading of Ordinance 1339 was approved at the May 2, 2016 meeting.

**Financial Consideration:** None other than the required publication costs.

**Conclusion/Recommendations:** The Planning Commission recommended adoption of the amendment. Administration concurs with the Planning Commission recommendation. As this is the second reading, a roll-call vote is required to adopt the ordinance.

**ORDINANCE 1339**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO INCLUDE BOARDING/LODGING HOUSES AND FRATERNITIES AND SORORITIES AS A CONDITIONAL USE IN THE R-2 RESIDENTIAL ZONING DISTRICT AND MODIFYING LOT AND YARD REGULATIONS FOR SUCH USES.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

**§ 155.032 R-2 RESIDENTIAL DISTRICT.**

(A) *Permitted uses.* The purpose of this district is to provide for certain low to medium density residential areas in the city now developed primarily with single-family, 2-family, and multiple-family dwellings.

<i>Permitted Use</i>	<i>Applicable Standards</i>
Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (apartments and condominiums) dwellings (up to 4 dwellings)	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All applicable dwelling standards apply.
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) *Conditional uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077

Assisted living facility	Applicant must provide copy of South Dakota Department of Health license. All multiple dwelling standards apply. §§ 155.070, 155.072, 155.077, 155.095(A)
Nursing home	Applicant must provide copy of South Dakota Department of Health license. §§ 155.070, 155.073, 155.077, 155.095(A)
Wireless communication facility on existing support structure	§§ 155.075, 155.095(A)
Public service facility	§ 155.070
Bed and breakfast	§§ 155.070, 155.072, 155.076, 155.077, 155.080, 155.095(A)
Manufactured home parks	§§ 155.070, 155.077, 155.079, 155.095(A)
Off-premise parking lots	§ 155.095(A)

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Single-family detached dwellings (see #2)	6,500 square feet	50 feet	65 feet see #2	25 feet see #3	8 feet	25 feet	35 feet
Single-family attached (townhouse) dwellings up to 4 attached dwellings (see #5)	2,500 square feet	25 feet	25 feet	25 feet see #3	0 feet or 8 feet on nonparty wall side	25 feet	35 feet
Two-family attached (duplex) dwelling	7,500 square feet	50 feet	65 feet	25 feet see #3	8 feet	25 feet	35 feet
Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot)	7,500 square feet	50 feet	75 feet	25 feet see #3	8 feet side	25 feet	35 feet
Boarding and Lodging Houses; Fraternities and Sororities	7,500 Square feet	50 feet	65 feet	25 feet see #3	8 feet	25 feet	35 feet
All other uses	6,000 square feet	50 feet	60 feet	25 feet see #3	15 feet	25 feet	35 feet

Exceptions:

- #1 There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
- #2 A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.
- #3 One required front yard may be reduced to 20 feet on corner lots.
- #4 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
- #5 Every 2 units will be staggered.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_

John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: May 2, 2016  
Second Reading: May 16, 2016  
Publish: May 21, 2016  
Effective Date: June 10, 2016

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** May 16, 2016

**Subject:** Second Reading of Ordinance 1340 – Amending Section 155.072, to modify language pertaining to off-street parking for Fraternities and Sororities, remove the exemptions to parking in the front and side yards and modifying language pertaining to parking allowance in all districts

**Presenter:** Andy Colvin, Assistant City Manager

**Background:** In 2015, City staff was contacted regarding a proposal to construct a new sorority house on the site of the existing structure. In looking at the proposal, staff identified a number of issues related to new Greek houses and compliance with current zoning codes. A meeting was arranged between staff, USD Greek life, an architect, and the sorority proposing the new structure. Nearly all of the Greek houses are currently non-standard, meaning that they are permitted uses in their zoning district, but do not meet area, yard and parking requirements. Most couldn't be rebuilt without purchasing additional land. Since there has not been a new fraternity/sorority house built for many years, the City has not had to implement the current code. Since the initial meeting last summer, staff has not had further communication from the Greek houses. In order to address the issue, staff proposed some changes to the parking requirements to balance out the needs of the Greek houses with the needs of the City and neighborhoods as a whole.

Another issue that arose in the past years was the location of off-street parking for multi-family structures. Historically, the City has allowed off-street parking for multi-family structures to be constructed within the required front yard setbacks. This has caused some of the construction within the R-2 District to not have a landscaped front yard or side yard. Other challenges with permitting parking in front yards involve increased storm water runoff to streets that typically don't have the capacity for higher volume.

**Discussion:** Currently, Greek houses, as well as boarding/lodging houses, are permitted uses within the R-2 district. This means they can be built according to current code without a special permit from the City Planning Commission. Proposed Ordinance 1339 (considered earlier on the agenda) moves these uses to the conditional use category. The reason for this change is to permit a more open approval process for new construction

that coincides with relaxing other requirements, such as setbacks, height and parking. Off-street parking seems to be the biggest issue with new construction. The Greek houses tend to be very large, which would then require a very large lot to accommodate parking. Without purchasing additional property and re-platting, it would be difficult to construct a new Greek house in the current R-2 neighborhoods. The proposed changes to the ordinance would allow Greek houses to have a portion of the required off-street parking on a different lot. The location, and number of parking stalls, would be determined by the Planning Commission during the Conditional Use Permit process.

The other proposed changes to the ordinance will try and remedy the current issues with off-street parking being allowed in the front yard within the R-2 District, or any district, for multi-family structures. The amendment would not allow any parking within the required front yard for multi-family structures within the R-2 District. Additionally, the amendment would limit the amount of required front yard parking for multi-family structures to 25-percent of the required parking in the R-3 District.

It should be noted that the proposed amendment will apply to future construction or structures that lose their nonconforming status. For instance, a 4-plex that is lawfully existing today will not be required to comply with the new requirements unless the use ceases (taken off of the rental registry). However, a new structure built after the ordinance is effective will have to comply.

The first reading of Ordinance 1340 was approved on May 2, 2016.

**Financial Consideration:** None, other than the costs required for publication.

**Conclusion/Recommendations:** The Planning Commission forwarded a recommendation to approve the amendment. The City Council is asked to take public comment and take action on the amendment. The proposed amendment will ease the redevelopment process for Greek housing while still providing a level of oversight from the Planning Commission by requiring the parking to be approved during the Conditional Use Permit process. Administration would recommend approval of the amendment. As this is the second reading, a roll-call vote is required to adopt the ordinance.

**ORDINANCE 1340**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY LANGUAGE PERTAINING TO OFF-STREET PARKING FOR FRATERNITIES AND SORORITIES, REMOVE THE EXEMPTIONS TO PARKING IN THE FRONT AND SIDE YARDS AND MODIFYING LANGUAGE PERTAINING TO PARKING ALLOWANCES IN ALL DISTRICTS.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.072 OFF-STREET PARKING.

(A) *General conditions.*

- (1) No parking spaces are permitted in the required front yard in any district, except as follows:
  - (a) Single Family Dwellings, Townhouse dwellings and two-family (duplex) dwellings are permitted to provide off-street parking on driveways constructed according to City standards.
  - (b) Multiple Family dwellings located in the R-3 zoning district may provide no more than 25% of the required area for parking in the required front yard.
  - (c) Commercial uses located in the NRC, CB, GB, NC, GI and HI districts may provide required parking in the required front yard.
- (2) Parking spaces may be permitted in any required rear yard.
- (3) All parking spaces shall be connected to a public street or alley.
- (4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
- (5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt or concrete.
- (6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.
- (7) Off-street parking shall be located on the same zoning lot as the principal use served.

(B) *Required parking spaces.*

- (1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

**Table 1: Minimum Off-Street Parking and Loading Requirements**

Uses and Structures	Minimum Parking Requirements
Rooming and boarding houses,	1 parking space for each 200 square feet of floor area. In calculating the required

sororities and fraternities	parking spaces, these uses may be permitted to include off street parking available on a different lot, or zoning lot, than the use served, subject to approval of the use through the Conditional Use Permit process. Parking spaces may not count towards more than one use.
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area
Private club or lodge	1 parking space for each 300 square feet of floor area
High school	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary school	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

- (2) For parking requirements for residential uses (excluding manufactured homes) see Table 2 below. In order for the alternate parking requirements to be used the following criteria must be met:
- (a) Each unit must have access to their garage through a walk-thru door leading to the garage without going through the outside;
  - (b) Each garage stall shall be a minimum of 10 feet wide by 20 feet long; and
  - (c) The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

**Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses**

Uses and Structures	Minimum Parking Requirements	Alternate Parking Requirements**
Single-family detached	2 spaces for each dwelling unit	2 spaces for each dwelling unit

Single-family attached (townhouses)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Two-family attached (duplex)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Multiple-family (apartments and condominiums)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	Use either 2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product.  If garage is 1 stall then the factor will be 1.2  If garage is 2 stalls, or larger, then factor will be 1.4

\*\* The parking stall (10 feet wide by 20 feet long) within the garage and the area directly in front of the garage (9 feet wide by 18 feet long) will count towards the off-street parking requirements.

- (3) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: May 2, 2016  
Second Reading: May 16, 2016  
Publish: May 21, 2016  
Effective Date: June 10, 2016

## *Council Agenda Memo*

**From:** Andy Colvin, Assistant City Manager

**Meeting:** May 16, 2016

**Subject:** Second reading of Ordinance 1341 - Amending Section 155.008  
Definitions, amending the definition of an accessory building or use

**Presenter:** Andy Colvin

**Background:** In reviewing the parking and landscaping regulations in the City zoning ordinance, the definition of an accessory building or use was in need of clarification. Currently, parking facilities can be located on a lot with different zoning than the principal use served. This can create issues if a business, for instance, is located adjacent to a residential district. The lot could be zoned both commercial and residential, where the building could be on the half zoned commercial and the parking lot located on the half zoned residential. The first reading of Ordinance 1341 was approved at the May 2, 2016 meeting.

**Discussion:** The proposed amendment would require future accessory uses, including parking, to be have the same zoning as the lot of the primary use served. For the above mentioned situation, the zoning would need to be consistent for the entire lot. Consistent zoning is important for the planning and development of any community. The proposed amendment will ensure uses and their accessory uses will have the same zoning designation.

**Financial Consideration:** None, other than the required costs for publication.

**Conclusion/Recommendations:** The Planning Commission forwarded a recommendation to approve the amendment. The City Council is asked to take public comment and act on the amendment. Staff would recommend approval of the amendment. As this is the second reading, a roll-call vote is required to adopt the ordinance.

**ORDINANCE 1341**

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY THE DEFINITION OF AN ACCESSORY BUILDING OR USE.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

§ 155.008 DEFINITIONS.

***ACCESSORY BUILDING OR USE*** . An accessory building or use is one which:

- (1) Is customary and clearly incidental to the principal use;
- (2) Serves exclusively the principal use;
- (3) Is subordinate in area, extent or purpose to the principal use served;
- (4) Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
- (5) Is located on the same zoning lot as the principal use served.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: May 2, 2016  
Second Reading: May 16, 2016  
Publish: May 21, 2016  
Effective Date: June 10, 2016

## *Council Agenda Memo*

**From:** Andy Colvin, Assistant City Manager

**Meeting:** May 16, 2016

**Subject:** Second reading of Ordinance 1342 – Amending Section 155.077, Landscaping Standards, providing additional requirements for living ground cover in all residential, commercial and industrial districts

**Presenter:** Andy Colvin

**Background:** Based on input from the Planning Commission as well as community members, staff proposed some changes to the landscaping standards in the zoning regulations. In addition, as most already know, drainage is an issue in many areas of Vermillion. Strengthening the landscaping requirements in the community will help address some drainage problems, in addition to beautifying the community. The first reading of Ordinance 1342 was approved at the May 2, 2016 meeting.

**Discussion:** The proposed amendment addresses the following requirements and changes:

- The parkway, or boulevard, which is the area between the curb and the sidewalk, will be included in the 90% requirement for front yards. Additionally, 50% of the rear yard will now be required to be landscaped except for portions required for driveways and parking.
- The R-1, R-2 and R-3 residential districts will be required to plant one tree per 50 feet of frontage, with a limit on the number permitted in the parkway. The typical residential lot will have at least one tree. Previously, only commercial and industrial zones were required to plant trees.

The City Council has already adopted a revised tree ordinance, which regulates trees planted in the right-of-way and provides a guide for residents. This amendment will work with the tree ordinance in an effort to beautify the community.

As with other zoning amendments, the new requirements will apply to future developments. Existing developments will not be required to comply unless the use is discontinued.

**Financial Consideration:** None other than the required publication costs.

**Conclusion/Recommendations:** The Planning Commission forwarded a recommendation to approve the amendment. Administration also would recommend approval. As this is the second reading, a roll-call vote is required to adopt the ordinance.

## ORDINANCE 1342

### AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 155 ZONING REGULATIONS, TO MODIFY LANGUAGE PERTAINING TO LANDSCAPING STANDARDS.

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota and it is hereby ordained by authority of the same that Chapter 155 be amended as set forth below:

#### § 155.077 LANDSCAPING STANDARDS.

It is the desire of the city to encourage development, which is environmentally sensitive and aesthetically pleasing. To assist in these objectives, a minimum standard for landscaping is prescribed.

(A) Within any zoning district, at least 90% of the required front yard setback, including the parkway and 50% of the rear yard, shall be landscaped and maintained with living ground cover except for the portion of the front or rear yard necessary for hard surfaced driveways and parking (§ 155.072).

(B) Within the R-1, R-2, R-3, GB, CB, NC, GI, and HI districts, one (1) tree per 50 feet of frontage is required. A minimum of one (1) tree must be planted in the front yard. No more than 50% of the required trees may be planted in the parkway. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees. *Exception:* If parking facilities or buildings utilize zero setbacks as permitted by ordinance, one (1) tree per 50 feet of frontage shall be required within the parkway, subject to approval by the Zoning Administrator.

(C) Each existing tree of at least 1 3/4-inch caliper in size shall count toward the tree requirement.

(D) Only, permitted, deciduous shade trees may be planted in the street right-of-way.

(E) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within three (3) years after planting. All deciduous trees shall be 1 3/4 inch caliper and all deciduous ornamental shall be 1 1/4-inch caliper. Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable living ground cover.

(F) A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a commercial use is located adjacent to residentially used property or across the right-of-way from residentially used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable living ground cover.

(G) A setback of at least five (5) feet shall be provided between a commercial parking lot and residentially zoned property. If proper screening is provided, the setback may be two (2) feet.

(H) When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:

(1) The maximum light level shall be no greater than three (3) foot candles field measured at the property line (ground level).

(2) The maximum height of light luminaries shall be 25 feet above the ground.

(3) Canopy luminaries and other on-site lighting with luminaries greater than 2000 lumens shall include a 90-degree cut-off type, deflector, refractor, or forward throw light fixture.

(4) The maximum number of canopy luminaries shall be determined by the following industry standard:

$$\frac{\text{Canopy length (in feet)} \times \text{canopy width (in feet)} \times 3}{\text{Luminaries lamp wattage}} = \text{Maximum No. of}$$

(5) All other light luminaries shall have a maximum height of 38 feet above the ground. Submittal of photometric plans shall be required with all site plan checks for building projects on property with lighted parking lots or lighted canopies.

(6) The following structures or uses are exempt from these lighting standards: public recreation facilities, parks, pedestrian walkways, illuminated flags or statues, airport runways, telecommunication towers, broadcast towers, and historic period lighting.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: May 2, 2016  
Second Reading: May 16, 2016  
Publish: May 21, 2016  
Effective Date: June 10, 2016

## *Council Agenda Memo*

**From:** Derek Chancellor, Administrative Intern  
**Meeting:** May 16, 2016  
**Subject:** Street closure request for Dakota Days parade  
**Presenter:** Derek Chancellor, Administrative Intern

**Background:** Every year, the University of South Dakota holds a parade on the streets of Vermillion to celebrate Dakota Days, the University's homecoming. The parade requires the closing of Main Street for most of the morning on the day of the parade.

Bar owners have taken a more active role in monitoring their patrons during the last six parades, which has helped to minimize previous concerns. While it is not a charge of the Dakota Days Committee, it is hoped that bar owners will again actively participate, when possible and appropriate, in controlling their patrons during the parade.

**Discussion:** This year's parade is set to take place on Saturday, October 8, 2016. The route request submitted by the Dakota Days Committee is for Main Street from S. Norbeck Street to High Street for routing and/or staging of the Dakota Days Parade on Saturday, October 8, 2016 between 7:00 a.m. to the parade conclusion. The parade would begin at 9:00 a.m. at the intersection of Prentis Avenue and E. Main Street. As the High School provides a large amount of space to stage parade entries, no other street closures are requested.

The Sustainability Club at USD has committed to cleaning up the streets after the Dakota Days parade.

The Police, Fire, and EMS departments have been notified of the street closings.

**Financial Consideration:** In preparing the 2016 budget, Police Department overtime wages for monitoring this parade route and Street Department overtime wages for setting up and removing barricades for the street closure were included.

**Conclusion/Recommendations:** Administration recommends that the City Council approve the street closings for the aforementioned parade route and times.

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Manager's office one week prior to the Council Meeting.

### CITY OF VERMILLION REQUEST TO CLOSE CITY STREET

This application shall be completed in time to be submitted to the City Council for consideration. City Council meetings are the first and third Mondays of each month. Requests are to be submitted to the City Manager's office one week prior to the meeting to be included on the meeting agenda. The proposal shall contain all applicable information relative to the nature and purpose of the event for which the street will be closed. If additional space is needed, please attach additional sheets with the required information.

Organization Requesting Dakota Days Executive Board

Contact Person Jayme Rossow Phone (605)431-6290

E-Mail Address Jayme.Rossow@coyotes.usd.edu

Contact Person Address 707 E. Cedar St.

Event Dakota Days Parade Date(s) of Event October 8th

Street(s) requested to be closed (Include a map if needed.)

Street E Main St. from S. Norbeck St. to High St.

Street Closing Times 7:00 a.m. to parade conclusion

If the street closing requested would affect other residents or businesses have they been notified of the request? Yes  No  (I have emailed the City to see if there is a way to alert residents, rather than going door to door telling people)

If approved, the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing. Have arrangements been made for clean up after the event and other facilities? Please describe:

The Sustainability Club at USD has committed to cleaning up the streets after the

Dakota Days Parade.

Signature of Applicant Jayme Rossow Date 4/19/16

## *Council Agenda Memo*

**From:** Derek Chancellor, Administrative Intern  
**Meeting:** May 16, 2016  
**Subject:** Grant Application Request – Community Oriented Policing Services (COPS) grant for the Vermillion Police Department  
**Presenter:** Matt Betzen, Police Chief

**Background:** The Hiring and Recovery Program, or CHRP, is a federal program offered by the Community Oriented Policing Services (COPS) office which provides local police departments the opportunity to apply for a hiring grant. The application process requires approval from the City Council of the municipality for consideration. The last time the Vermillion Police Department received COPS grant funding was in 2009.

Vermillion Police Chief Matt Betzen has attempted to add the position of a School Resource Officer through COPS funding in both 2013 and 2015. During those two years, however, the grants were awarded to agencies with greater needs than the Vermillion Police Department. The School Resource Officer position has since been filled by allocating existing staff on a part-time basis as staffing allows.

If awarded a COPS grant funding this year, the Police Department would seek to increase two areas seen as deficient: School Resource Officers and Investigations with regard to illegal drug and property crimes. More specifically, the Police Department would hire one new officer and create another detective position.

**Discussion:** Police Chief Matt Betzen is requesting a motion to approve an application for a Community Oriented Policing Service (COPS) hiring grant for the Vermillion Police Department to be awarded in October 2016 (start of the Federal Fiscal Year). The grant would add a position for the 36 months that the grant is in place and 12 months following the grant. This position would meet the Entry Level Pay and Benefits limitations (not to exceed \$125,000 total). This position must be maintained for 12 months after the 36 month grant period.

**Financial Consideration:** Should the Police Department be awarded the COPS grant, the funding could be available as early as October 2016. The grant would provide a percentage of the costs for new personnel for three years. During the first year, the grant would cover 75 percent of the cost of a new position, with the city being responsible for

25 percent. During the second and third year, the grant would cover 65 percent and 60 percent of costs, respectively, with the city funding the remainder. The city would be responsible for 100 percent of the cost for the fourth year.

**Conclusion/Recommendations:** Administration recommends that the City Council adopt a motion to allow the Vermillion Police Department to apply for the COPS grant for Fiscal Year 2016.

## *Council Agenda Memo*

**From:** Derek Chancellor, Administrative Intern  
**Meeting:** May 16, 2016  
**Subject:** Appointment to fill vacant seat on Planning Commission  
**Presenter:** Mayor Jack Powell

**Background:** By State Statute the City Council is charged with appointing members of the Planning Commission.

11-4-11. Appointment of planning and zoning commission--Same as city planning and zoning commission. In order to avail itself of the powers conferred by this chapter, the governing body shall appoint a commission to be known as the planning and zoning commission to recommend the boundaries of the zoning districts and appropriate regulations to be enforced therein.

The Planning Commission is comprised of nine citizens. The board terms are for five (5) years and expire in June. Laura Jones has resigned from the Planning Commission as she will be relocating outside of Vermillion. The opening was advertised on the City's website and at a City Council meeting.

**Discussion:** The current members of the Planning Commission and term expiration year are: Don Forseth (2020), Mike Manning (2020), Ted Muenster (2020), Doug Tuve (2020), Matt Fairholm (2017), Bob Oehler (2017), Debbie Gruhn (2017), and Bob Iverson (2017).

Three Expression of Interest forms were received and are attached. The appointee will fill the balance of Laura Jones' term, which expires in 2020.

**Financial Consideration:** Each member of the Planning Commission is paid \$15 per meeting attended.

**Conclusion/Recommendations:** Administration recommends appointing an individual to fill the balance of the Planning Commission term expiring in 2020.



**CITIZEN BOARD/COMMISSION  
EXPRESSION OF INTEREST FORM**

Return completed forms to:  
City of Vermillion, John Prescott  
25 Center Street  
Vermillion, SD 57069

Board/Commission on which you are interested in serving: \_\_\_\_\_

Title: Mr. Mrs./Miss/Ms. Dr. Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Number of years you have lived in/around Vermillion: \_\_\_\_\_

Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

Business Address: \_\_\_\_\_

Prior elected or appointed offices held (if any): \_\_\_\_\_

Present and past community volunteer activities: \_\_\_\_\_

Why are you interested in serving on this Board/Commission? \_\_\_\_\_

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? \_\_\_\_\_

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? \_\_\_\_\_

  
Signature

  
Date



**CITIZEN BOARD/COMMISSION  
EXPRESSION OF INTEREST FORM**

Return completed forms to:  
City of Vermillion, John Prescott  
25 Center Street  
Vermillion, SD 57069

Board/Commission on which you are interested in serving: Planning Commission  
Title: Mr. Mrs./Miss/Ms. Dr. Name: Nicholas (Nick) Severson  
Home Address: 610 E. Lewis St., Vermillion, SD  
Email Address: nicholas.severson@coyotes.usd.edu Phone #: (605)464-7259  
Number of years you have lived in/around Vermillion: 33  
Occupation: Student and researcher Employer: Center for Brain & Behavior Research - USD Med School  
Business Address: 414 E. Clark St., Vermillion, SD  
Prior elected or appointed offices held (if any): None

Present and past community volunteer activities: Sharing the Dream in Guatemala,  
Welcome Table, Community Garden, & Vermillion Community Theatre

Why are you interested in serving on this Board/Commission? Seeking to serve the community,  
I would appreciate the opportunity to serve on the Planning Commission,  
and work with fellow members to ensure responsible planning policies.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? Resourcefulness, communication skills, attention to detail,  
understanding of city planning needs, and recognition of the need to balance  
interests (business, citizens, government, etc.) in developing Vermillion.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? Primarily, I would seek to focus on completing the  
Vermillion 2035 Comprehensive Plan, and work with fellow  
commissioners to handle current planning issues.

Nick Severson  
Signature

5/4/16  
Date



CITIZEN BOARD/COMMISSION  
EXPRESSION OF INTEREST FORM

Board/Commission on which you are interested in serving: PLANNING & ZONING

Title: \_\_\_\_\_

Name: JIM WILSON

Home Address: 1101 JAMES ST

Email Address: WHITEWILSON@MSN.COM

Phone #: 605-920-6247

Number of years you have lived in/around Vermillion: 36 YRS

Occupation: RETIRED Employer: \_\_\_\_\_

Business Address: \_\_\_\_\_

Prior elected or appointed offices held (if any): VERMILLION PLANNING + ZONING -  
EARLY 1980'S

Present and past community volunteer activities: CHAIR-CLAY COUNTY HISTORIC PRESERVATION  
COMMISSION, PRESIDENT-VERMILLION AREA ARTS COUNCIL  
BOARD MEMBER-VERMILLION DOWNTOWN CULTURAL ASSOCIATION

Why are you interested in serving on this Board/Commission: P + Z CAN HAVE A MAJOR  
IMPACT IN DETERMINING THE DIRECTION OF COMMUNITY  
DEVELOPMENT AND THE ENHANCEMENT OF QUALITY OF LIFE

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? TRAINING AS AN ARCHITECT AND PLANNER,  
PARTICIPATION IN NUMEROUS COMMUNITY DESIGN TEAMS  
EXPERIENCE IN PLANNING, DEVELOPMENT IN DEADWOOD

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? PROMOTION OF AFFORDABLE HOUSING,  
DOWNTOWN DEVELOPMENT AND PROMOTION  
INSURE CONTINUED COOPERATION WITH USD

Jim Wilson  
Signature

5-12-16  
Date

Please return this form to: John Prescott, City Manager  
25 Center Street  
Vermillion, South Dakota 57069

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** May 16, 2016  
**Subject:** Newspaper settlement for overcharge  
**Presenter:** John Prescott

**Background:** In June 2015, the City received a letter from Scott Munger, Owner and Publisher of *The Equalizer* newspaper, requesting consideration to become the official legal newspaper for the City. The City Council directed staff to develop an RFP to be sent to *The Plain Talk*, which was the current legal newspaper for the City, and *The Equalizer*. The RFP information was presented to the City Council at the August 3<sup>rd</sup> noon meeting along with presentations from both papers. The City Council asked staff to compare the pricing between the two papers and used the June 30, 2015 special election notice that was published in both papers. The comparison determined that both papers had overcharged for the publication. Upon further examination it was discovered that The Plain Talk had continued to bill for 11 pica columns after they converted to a 9.5 pica column on June 28, 2013. Gary Wood sent the City a letter following discovery of the error computing the overcharge at \$5,469.70 over this time period (copy of the August 13, 2015 letter from the Vermillion Plain Talk is attached).

The Plain Talk applied a portion of the \$5,469.70 overcharge to the City account that had a balance of \$1,902.96. The balance of \$3,566.12 was paid via check that was received on September 18, 2015.

At the August 17, 2015 meeting the City Council designated the Equalizer as the official newspaper starting September 1, 2015.

**Discussion:** In reviewing the charges for legal publications there were also questions of how the amounts were calculated that was being pursued by the City Attorney, Jim McCulloch, representing the School District and City along with the States Attorney representing the County. A letter was sent to Gary Wood of the Plain Talk asking for a detailed review of the legal notice publication for 2010-2015 by the three entities. A reply from Gary Wood was dated November 20, 2015 stating the request was to labor intensive and requested the each entity submit a fair amount by December 11, 2015. A

letter from the three entities was sent to Gary Wood of the Plain Talk offering to settle the overcharge for a total of three times the original calculation by the Plain Talk if payment was made by December 31, 2015.

A letter dated May 3, 2016 along with a check in the amount of \$10,993.40 was received from Gary Wood of the Plain Talk. He noted that acceptance and deposit of the check reflects the City's acceptance of the total refund and should be considered payment in full for any and all unintentional overcharges by the Plain Talk.

Jim McCulloch, City Attorney, has been involved with this issue and has been reviewing the options of determining the correct amount of the billing which would be to hire someone to recalculate the billing for the legal publications over this time period to compare to the account billed. After an amount is determined resolution through the court system would be the only option if the Plain Talk did not agree with the calculation of the overcharge.

Scott Munger, with the Equalizer, reviewed the affidavits of publication for 2014 and noted his review calculated an overbilling of \$8,152 if there were no charges for blank lines and \$7,188 if the billing should include blank lines. It should be noted that the Plain Talk has already refunded \$3,078.58 for 2014 and now their offer of paying two times more would be \$6,157.16 more.

The City Attorney felt that it would be in the best interest of the City to accept the check as full payment rather than incurring the additional costs of recalculating the billing and going to court. The payment also reflects the offer made by the City in December 2015. It should be noted that the School Board accepted the payment at their meeting on May 9<sup>th</sup> and Clay County Commissioners also accepted the payment at their meeting on May 10<sup>th</sup> as full payment.

**Financial Consideration:** The City could accept the refund check in the amount of \$10,993.40 as full payment or can hire someone to recalculate the billing and potentially incur attorney fees to go to court should the exact calculation of overcharges not be agreed upon by both parties.

**Conclusion/Recommendations:** Administration recommends concurring with the County and School and accepting the \$10,993.40 as full payment for overcharges.

## Vermillion Plain Talk

201 W. Cherry Street, Vermillion, SD 57069

August 13, 2015

Mr. Mike Carlson  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069

Mike,

As discussed last Friday, we have discovered a rating issue in billing for legal notice advertising. We had an 11 pica column width in the Plain Talk until June 21, 2013. On June 28, 2013 the column width changed from 11 picas to 9.5 picas and the legal notice rates in our system were not updated accordingly. Consequently, we will be placing a credit balance of \$5,469.70 on your Legal Notice advertising account 556 as shown below. The 13.76% credit is the difference between the rate for the 11 pica column and the 9.5 pica column and reflects any and ALL overcharges for both regular notices as well as minutes with a 10% discount applied to the rate.

<u>City of Vermillion</u>	<u>Jan-Jul 2015</u>	<u>2014</u>	<u>Jun 28-Dec 31, 2013</u>
Total advertising	<u>\$12,257.90</u>	<u>\$28,249.94</u>	<u>\$11,766.33</u>
<u>Acct 568/565/356</u>			
ROP ads, help wanted	\$3,701.61	\$5,906.53	\$2,700.46
Snow removal, Light & Power and Library			
<u>Acct 556</u>			
Sample Ballot	\$ 244.80		
Legal Notice advertising	\$8,311.49	\$22,373.41	\$9,065.87
13.76% credit	-\$1,143.66	-\$3,078.58	-\$1,247.46

The "display" rate of \$5.10pci calculated at the 9.5 pica column width with 9 lines per inch is calculated as follows; \$5.10pci divided by 9 lines = .566666 per line, just below the .572 per line as per the rates outlined by the State Legislature. These lines are "...tabular matter with two justifications or more at twice the rates." When we ran an 11 pica column, the rate could have been as high as .662 per line, it was still at .566666 per line, well below the rate. We have moved to a new advertising system that allows the per line charge for ALL legal notice ads, there is no longer a "display" rate in our system.

In discussing this issue with Mr. Dave Bordewyck, General Manager, of the South Dakota Newspaper Association (SDNA), he confirmed the "display" rate charged was below the rate allowed by the State of South Dakota and that "the credit back to the City of Vermillion is a fair one". Mr. Bordewyck can be reached at the SDNA office, (800) 658-3697, if you would like to speak with him about this.

I would like to say thank you to the City Council, the Mayor, the City Manager and you for the many years of dedicated service to the community and the opportunity for the Plain Talk to continue to serve the city as the Legal Newspaper of record as we've done faithfully for well over 100 years now.

Thank you and please feel free to contact me directly at 605-760-3241 (cell) with any questions.

Sincerely,

Gary L. Wood  
Publisher/Owner



201 W. Cherry Street, Vermillion, SD 57069

November 20, 2015

John Prescott, City Manager  
City of Vermillion

Travis Mockler, Chairman, County Commission  
Clay County

Mark Froke, Ed.D., Superintendent of Schools  
Vermillion School District

Re: Response to letter dated November 12, 2015 regarding Legal Publication Review

Dear Gentlemen:

I received your letter and wanted to respond in a timely manner as requested. I believe the original refunds given in the amounts of \$5,469.70 (\$3,566.74 check and \$1,902.96 credit on account) to the City of Vermillion, \$2,057.41 to Clay County and \$1,198.04 to the Vermillion School District were determined after reviewing the billing for the three entities beginning with June 28, 2013 through July 2015 and that those refunds were accurate and fair for that time period.

Your request that we conduct a detailed review of the legal notice publication fees for each party for the years 2010, 2011, 2012, 2013, 2014 and 2015 is an excessively labor intensive project that is not feasible for any of the parties involved. The Plain Talk has agreed that some unintentional billing mistakes were made with respect to some legal notice publication fees and is willing to be fair in refunding a percentage of fees billed for these time periods. With this being said I ask that each entity submit to the Plain Talk an amount deemed fair for that refund and that we determine an amount to be settled upon by December 11, 2015. I believe that all parties want this resolved before the end of the year and feel this is a reasonable timeframe.

Again, none of these rate discrepancies were intentional and I would like to be as cooperative and fair as possible to get this resolved. Please let me know if this is acceptable to you as I look forward to resolving this issue soon for all parties involved.

Sincerely,

A handwritten signature in black ink that reads "Gary Wood". The signature is written in a cursive style and is positioned above the printed name and title.

Gary Wood  
Publisher

December 9, 2015

Mr. Gary Wood, Publisher  
Vermillion Plain Talk and Yankton Press & Dakotan  
319 Walnut Street  
Yankton, SD 57078

RE: Response to November 20, 2015 letter

Dear Mr. Wood:

We are in receipt of your November 20, 2015 letter in which you decline our requests for a detailed review of 2010, 2011, 2012, 2013, 2014 and 2015 legal publications to determine the total overcharges by the PlainTalk during that time period.

You instead ask each entity to submit an amount deemed fair compensation for that time period. Your suggested approach necessarily requires each entity to estimate total overcharges in order to arrive at an amount to submit to you.

The only method that seems reasonable for estimation purposes is to extrapolate over six years an amount based on what the PlainTalk previously offered for an approximate two-year period of time. Therefore, each entity requests three times your previous offers, or \$16,409.10 for the City of Vermillion, \$6,172.23 for Clay County and \$3,594.12 for Vermillion School District.

We look forward to your response.

Sincerely,

John Prescott  
City Manager  
City of Vermillion

Travis Mockler  
Chairman, County Commission  
Clay County

Mark Froke, Ed.D.  
Supt. of Schools  
Vermillion School District

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201 West Cherry, Vermillion, SD 57069 • 605.624.4429

May 3, 2016

Mr. John Prescott  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069

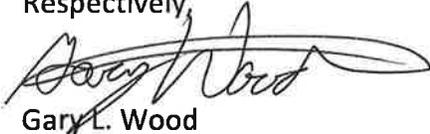
Mr. Prescott,

As requested we hereby agree to refund you the total of three times the original settlement for any and all overcharges on legal notices. We believe the amount we are refunding to be excessive but are doing so in the spirit of goodwill and putting this issue behind us.

The original refund of \$5,469.70 was received and accepted by the City in the form of a credit of \$1,902.96 to the legal notices advertising account (used by the City) and a check (#021293) for \$3,566.74 deposited in September 2015.

Enclosed you will find a check in the amount of \$10,993.40 reflecting the balance of the refund you have requested. Acceptance of and deposit of this check reflects the City's acceptance of the total refund and should be considered payment in full for any and all unintentional overcharges by the Plain Talk.

Respectively,



Gary L. Wood  
Publisher

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** May 16, 2016  
**Subject:** Designation of Legal Newspaper  
**Presenter:** Mike Carlson

**Background:** State statute requires the designation of an official newspaper as follows:

9-12-6. Designation of official newspapers. Each municipality shall designate at a meeting of its governing body an official newspaper or newspapers for a period of time, not to be less than twelve months, specified by the governing body in a resolution. The newspaper shall be published in the municipality. However, if there is no newspaper published in the municipality, then a newspaper published outside of the municipality may be used if the newspaper serves the municipality.

17-2-1. Notices to be published in legal newspaper--Affidavit of publication. All legal and other official notices shall be published in a legal newspaper as defined in this chapter, and the affidavit of publication shall state that such newspaper is a legal newspaper, which affidavit shall be prima facie evidence of that fact; and every affidavit of publication shall state in plain terms the fees charged thereon.

At the August 17, 2015 meeting, the City Council designated The Equalizer as the official newspaper effective September 1, 2015. In the form of a letter send to John Prescott on May 4, 2016 Scott Munger, Publisher and Owner of The Equalizer, notified the City that May 28, 2016 will be the last publication of The Equalizer (see attached document).

**Discussion:** The Vermillion *Plain Talk* is the only local newspaper per the state statute which meets all of the definitions of a legal newspaper per SDCL Chapters 9 and 17. The City Council must therefore designate it as the official legal newspaper.

**Financial Consideration:** It is a requirement of state law to publish public notices, minutes, etc. in the official newspaper that is an expense to the city.

**Conclusion/Recommendations:** Administration recommends adoption of a motion to designate the Vermillion Plain Talk as the official newspaper for publications after May 28, 2016.

May 4, 2016

To: **John Prescott, City Manager**  
**Mayor Jack Powell**  
**Vermillion City Council**

It is with great disappointment that I share with you our intentions to cease publishing *The Equalizer* as a subscription-based newspaper effective at the end of this month. Our last issue of the newspaper will be Saturday, May 28.

To be clear, we will **CONTINUE** to publish the *EqualizerXTRA*, our full circulation advertising shopper. We have appreciated the City of Vermillion's advertising and look forward to continuing that business relationship.

Our print shop, PrintSource, will also be unaffected and continue to operate as normal.

There are two main reasons that factored into this very, very difficult decision.

First, we just did not get a subscriber base that could support what we wanted to do with the newspaper. There are many possible explanations for this, but in the end, and after 22 months of hard work, we have to accept our product did not attract enough customers to make it a viable business operation.

The second reason is a bit more complex, but an issue you are aware of.

According to the laws of South Dakota, no newspaper is considered a "legal newspaper" until they have published for a period of one year and have met several other requirements. Until a newspaper has met these requirements it is not eligible to be considered for the publishing of public notices – and thus receive the revenue that goes along with this.

In our 22 months as a subscription-based newspaper, serving as the official newspaper for the City of Vermillion the past nine months was an honor and a privilege.

However to get to that point, we had to publish for over 12 months without the benefit of revenue from public notices, and when we did start receiving revenue from public notices, the total amount of revenue generated was **SUBSTANTIALLY** less than expected.

Those expectations were based on what the previous legal newspaper for the City of Vermillion had been charging for the publishing of public notices. It is our opinion the newspapers owned by Yankton Media, Inc. – the *Plain Talk* and the *Press & Dakotan* – had been charging a rate for publishing public notices **OVER** the legal limit (as set by state law) for an extended period of time to nearly all government entities publishing public notices in their newspapers.

Unfortunately, this revenue from the over-billing of public notices created an uneven playing field for all of Yankton Media's business competitors. In essence, they have enjoyed the benefits of a taxpayer subsidy from these over-billings.

I believe justice will prevail and correct this situation – but it will likely be a long process.

For a small, locally owned business to overcome both of these obstacles was just too much for my wife and me. I want to reiterate, being named the official newspaper for the City of Vermillion was an honor and a privilege.

Again, we will **ONLY** be closing the subscription newspaper portion of our business. As business owners and community members we will continue to be involved in this great community that we've called home for over 20 years.

Sincerely,



**Scott Munger**  
Publisher & Owner  
*The Equalizer*

THE **Equalizer**

PRINT**SOURCE**   
DEFINE YOUR IMAGE

**EqualizerXtra**

121 E. Cherry Street • Vermillion, South Dakota • 605-624-8486 • [scott@EqualizerOnline.com](mailto:scott@EqualizerOnline.com)

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** May 16, 2016

**Subject:** Permit for consumption but not sale at the Edith B. Siegrist Vermillion Public Library at 18 Church Street on June 17 and July 15, 2016 from 7:00 to 9:00 p.m. for “Books & Brew” event

**Presenter:** Mike Carlson

**Background:** Susan Heggstad, on behalf of the Vermillion Public Library, has requested a permit to consume alcoholic beverages on public property for a “Books & Brew” event at the Edith B. Siegrist Vermillion Public Library garden behind the library from 7:00 p.m. to 9:00 p.m. on June 17 and July 15, 2016. If the weather doesn’t cooperate the event will be held in the Kozak room. A copy of the requests and information on the event are attached.

State statute 35-1-5.5 provides that provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. The statute is as follows:

35-1-5.5. Permit for consumption of alcoholic beverage on property owned by public or nonprofit corporation. The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

**Discussion:** The City Council may permit the consumption, but not the sale, of alcoholic beverage on property owned by the public.

**Financial Consideration:** None

**Conclusion/Recommendations:** Administration would recommend approval of the special permit to allow the consumption but not sale of alcoholic beverages in the Edith B. Siegrist Vermillion Public Library garden behind the library or the Kozak room from 7:00 p.m. to 9:00 p.m. on June 17 and July 15, 2016.

**PERMIT FOR THE CONSUMPTION OR BLENDING BUT NOT THE SALE OF  
ALCOHOLIC BEVERAGES UPON PROPERTY WHICH IS PUBLICLY OWNED OR  
OWNED BY A NON-PROFIT CORPORATION**

Permit requested for: EBS VERMILLION PUBLIC LIBRARY

Address: 18 CHURCH STREET

Contact person: SUSAN HEGGESTAD

Daytime phone: 677.7060 Evening: \_\_\_\_\_

E-mail address: Susan.heggestad@vermillionpubliclibrary.org

Location of event: (Please include property address or legal description, if event is not for the whole premises indicate room numbers or include a floor plan indicating the location of the event.)

Cordoned area in back lot behind library,  
at 18 Church Street.

Activity or event: Books & Brews

Date and time when alcoholic beverages will be available: FRIDAY, JUNE 17TH,

2016 - 79 pm

Please attach a letter of approval from the Public Entity or non-profit corporation authorizing the event with alcoholic beverages on their property.

CERTIFICATE: The undersigned applicant certifies under penalties of perjury by law, provided that all statements herein are true and correct and understands the permit is for authorization for persons to consume or blend alcoholic beverages, but not to engage in the sale thereof, in or upon property on the dates described above. Applicant understands that the charging of a fee of any kind that allows persons to consume alcoholic beverages is engaging in the sale of alcoholic beverages and is not allowed by this permit.

Signature: \_\_\_\_\_ Date: 5/3/16

# BOOKS & BREWS

FRIDAY, JUNE 17TH

7-9 PM

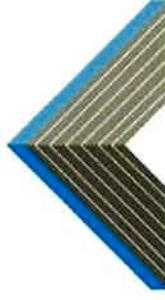
Edith B. Siegrist Vermillion Public Library Beer  
Garden' (garden behind the library)

This month's Books & Brews will feature...

Adults 21 & up only, of course.



*Expanding Minds.  
Empowering People.  
Enriching Community.*



EDITH B. SIEGRIST  
VERMILLION PUBLIC LIBRARY

18 Church Street  
Vermillion, SD 57069  
605.677.7060

[Vermillionpubliclibrary.org](http://Vermillionpubliclibrary.org)

**PERMIT FOR THE CONSUMPTION OR BLENDING BUT NOT THE SALE OF  
ALCOHOLIC BEVERAGES UPON PROPERTY WHICH IS PUBLICLY OWNED OR  
OWNED BY A NON-PROFIT CORPORATION**

Permit requested for: EBS VERMILLION PUBLIC LIBRARY

Address: 18 CHURCH ST

Contact person: SUSAN M HEGGESTAD

Daytime phone: 677. 7060 Evening: \_\_\_\_\_

E-mail address: susan.heggestad@vermillionpubliclibrary.org

Location of event: (Please include property address or legal description, if event is not for the whole premises indicate room numbers or include a floor plan indicating the location of the event.)

Cordoned area in back lot behind library,  
at 18 Church Street.

Activity or event: Books & Brews

Date and time when alcoholic beverages will be available: FRIDAY, JULY  
15<sup>TH</sup>, 2016 - 7-9 pm.

Please attach a letter of approval from the Public Entity or non-profit corporation authorizing the event with alcoholic beverages on their property.

CERTIFICATE: The undersigned applicant certifies under penalties of perjury by law, provided that all statements herein are true and correct and understands the permit is for authorization for persons to consume or blend alcoholic beverages, but not to engage in the sale thereof, in or upon property on the dates described above. Applicant understands that the charging of a fee of any kind that allows persons to consume alcoholic beverages is engaging in the sale of alcoholic beverages and is not allowed by this permit.

Signature: \_\_\_\_\_ Date: 5/3/16

# BOOKS & BREWS

FRIDAY, JULY 15TH  
7 - 9 PM

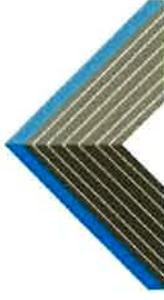
Edith B. Siegrist Vermillion Public Library Beer  
Garden' (garden behind the library)

This month's Books & Brews will feature...

Adults 21 & up only, of course.



*Expanding Minds.  
Empowering People.  
Enriching Community.*



EDITH B. SIEGRIST  
VERMILLION PUBLIC LIBRARY

18 Church Street  
Vermillion, SD 57069  
605.677.7060  
[Vermillionpubliclibrary.org](http://Vermillionpubliclibrary.org)

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** May 16, 2016

**Subject:** 2010 Elgin Pelican NP Street Sweeper

**Presenter:** Shane Griese

**Background:** The 2010 Elgin Pelican NP street sweeper has been replaced and was declared surplus by the Council at the April 4, 2016 meeting.

At that meeting the street sweeper was declared surplus and the Council allowed Staff to try and sell the equipment.

**Discussion:** The City is required to sell through a sealed bid process when the equipment is appraised in excess of \$500.00. The sweeper was appraised at \$50,000.

The City published the sale of the sweeper on the Equalizer twice prior to the opening of the bids. In addition, the City sent the bid information to one prospective bidder. The City received one bid for the piece of equipment. This bid was opened on May 5, 2016. The bid was from Sanitation Products, Inc. for the amount of \$49,900.

**Financial Consideration:** The proceeds from the sale would go to the Equipment Replacement Fund.

**Conclusion/Recommendations:** Administration recommends selling the 2010 Elgin Pelican NP street sweeper to Sanitation Products, Inc. for the amount of \$49,900.

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** May 16, 2016

**Subject:** 2016 Chip Seal Project

**Presenter:** Shane Griese

**Background:** Chip-sealing is a cost-effective way to extend the life of asphalt streets between more expensive overlays. The process consists of the application of rapid curing polymerized asphalt oil which is covered by quartzite chips. The chip seal oil protects the existing asphalt overlay surface by sealing small cracks and voids. The quartzite chip layer also reduces the sun's UV effects on the surface.

Bids were opened May 11, 2016 for the 2016 Chip Seal Project. Two bids were received. The low bid was from Topkote of Yankton in the amount of \$75,788.26 while the high bid came in at \$76,583.50. The bids came in at a much higher price than staff estimated.

**Discussion:** Bid specifications were sent to three potential bidders in the area. Bidding is required by state law when the cost of the project exceeds \$50,000. This project was estimated to cost more than the bid limit so bids were requested.

The proposed project will take place mainly on the southeast side of the City. The contract calls for the project to be completed by August 12, 2016.

**Financial Consideration:** The street department budgeted for the annual chip seal project under the second penny sales tax fund street construction and asphalt overlays line item.

**Conclusion/Recommendations:** Administration recommends tabling this bid until the June 6<sup>th</sup> meeting to provide time to determine why prices have increased more than anticipated.

CITY OF VERMILLION  
 ACCOUNTS PAYABLE-MAY 16, 2016

1 AETNA	REFUND AMBULANCE PAYMENT	672.00
2 BLICK ART MATERIALS	SUPPLIES	6.36
3 BROADCASTER PRESS	ADVERTISING	962.00
4 BUREAU OF ADMINISTRATION	TELEPHONE	213.26
5 CENTURYLINK	TELEPHONE	1,495.41
6 CITY OF VERMILLION	LANDFILL VOUCHERS	384.00
7 CLAY RURAL WATER SYSTEM	WATER USAGE	53.40
8 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,853.07
9 CREDIT COLLECTIONS BUREAU	COLLECTION FEE	206.39
10 DAKOTA BEVERAGE	MERCHANDISE	11,152.22
11 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,353.73
12 GREGG PETERS	MANAGERS FEE	6,000.00
13 HUMANA	REFUND AMBULANCE PAYMENT	76.46
14 JOHN A CONKLING DIST.	MERCHANDISE	9,939.70
15 JOHNSON BROTHERS OF SD	MERCHANDISE	22,103.99
16 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
17 MEDICA	REFUND AMBULANCE OVERPAYMENT	45.66
18 MIDAMERICAN	GAS USAGE	2,105.67
19 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	718.68
20 NETS OF AMERICA	SUPPLIES	1,489.00
21 PHYLLIS D HANSON	REFUND AMBULANCE PAYMENT	135.78
22 REPUBLIC NATIONAL DIST	MERCHANDISE	16,705.28
23 RESERVE ACCOUNT	POSTAGE FOR METER	900.00
24 STAPLES	SUPPLIES	1,532.68
25 STERN OIL CO.	FUEL	8,496.14
26 THE EQUALIZER	ADVERTISING	2,524.30
27 TRICARE WEST REGION	REFUND AMBULANCE PAYMENT	664.90
28 UNITED PARCEL SERVICE	SHIPPING	277.53
29 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
30 VISA/FIRST BANK & TRUST	SUPPLIES	49.00
31 WENDY NILSON	TRAVEL REIMBURSEMENT	206.00
32 PAUL JOHNSON	BRIGHT ENERGY REBATE	6.00
33 ERNETTA FOX	BRIGHT ENERGY REBATE	12.00
	GRAND TOTALS	\$95,600.61