



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, April 2, 2012
Public Safety Center
15 Washington Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Educational Session – Tour of the 911 Center – Ryan Anderson.**
Note: The City Council will tour the 911 Center and then move to the Training Room space in the basement of the Public Safety Center for a review of recent 911 legislation and the balance of the meeting agenda.
3. **Briefing on the April 2, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

Access the City Council Agenda on the web – 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, April 2, 2012

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. March 19, 2012 Special Session; March 19, 2012 Regular Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

- a. Citizens Academy.
- b. Citizens of Service program.

6. Public Hearings

- a. Special permit to exceed allowable sound levels by no more than 50% for Pi Kappa Alpha Fraternity on April 12 from 4:30 to 9:00 p.m. by the north picnic shelter in Prentis Park.
- b. Transfer of retail on-sale liquor license to Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court transfer from John Grunewaldt formerly The Pressbox.
- c. Retail on-off sale malt beverage license for Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court.

7. Old Business

- a. Second Reading of Ordinance No. 1274 - Amendment to the Cottage Place Planned Development District.

8. New Business

- a. Library Foundation fundraising report.
- b. Annual Library report.
- c. Resolution revising wastewater rates.
- d. Resolution establishing a Tapping Fee for Cherry Street sanitary sewer service laterals (800 – 1400 block of E. Cherry Street).
- e. Assignment of tower lease KeyOn Communications to Skybeam Acquisition Corporation

9. Bid Openings

- a. Single phase pad mount transformers.
- b. Fuel quotes.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a public hearing date of April 16, 2012 for a special permit to exceed permissible sound levels by no more than 50% for Coyoteopoly and South Dakota Shakespeare Festival on June 5-10 from 6:00 p.m. to 10:00 p.m. in Prentis Park for the Shakespeare Festival.
- b. Set a quote opening date of May 3, 2012 for the Service Center Concrete project.
- c. Set a bid opening date of May 2, 2012 for the Barstow Skate Park project.
- d. Set a quote opening date of May 1, 2012 for the 2012 Chip Seal project.
- e. Set a quote opening date of May 1, 2012 for the 2012 Miscellaneous Concrete project.

13. Adjourn

Access the City Council Agenda on the web – www.vermillion.us

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
March 19, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 19, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward, Zimmerman, Mayor Powell

Absent: French, Willson

2. Educational Session - Draft of the Five Year Capital Improvement Plan - John Prescott

John Prescott, City Manager, stated that the goal of the Capital Improvement Plan is to obtain City Council input on upcoming projects well in advance of the budget preparation. He reviewed the process used to develop the Capital Improvement Plan for 2013-2016. John noted that the plan did not include funding sources and the amounts for future years may need adjustment as the project advances and costs are refined. He stated that the department heads assisted with the preparation of their respective capital plans and were present to answer questions. John reviewed the draft Capital Improvement Plan, department by department, with the City Council and answered questions on the draft plan.

Alderman Davies was excused from the meeting at 12:39 p.m.

3. Briefing on the March 19, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

089-12

Alderman Zimmerman moved to adjourn the Council special session at 12:50 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of March, 2012.

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
March 19, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 19, 2012 at 7:00 p.m. by President Osborne.

1. Roll Call

Present: Davies, French, Meins, Osborne, Ward, Willson, Zimmerman

Absent: Grayson, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. March 5, 2012 Special Session; March 5, 2012 Regular Session

090-12

Alderman Ward moved approval of the March 5, 2012 special session minutes and the March 5, 2012 regular session minutes. Alderman French seconded the motion. Motion carried 7 to 0. President Osborne declared the motion adopted.

4. Adoption of Agenda

091-12

Alderman Davies moved approval of the agenda with the change of the bid opening date on Item 12B from April 4th to April 11th. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. President Osborne declared the motion adopted.

5. Visitors to be Heard

A. Proclamation of Appreciation for Duane Schilling

Alderman Meins read the Proclamation of Appreciation for Duane Schilling recognizing his retirement on March 23, 2012 after 40 years of employment with the City. President Osborne presented Duane with the proclamation. Duane thanked the City Council for the proclamation.

6. Public Hearings

A. First Reading of Ordinance No. 1274 - Amendment to the Cottage Place Planned Development District

Jose Dominguez, City Engineer, reported on the location of the Cottage Place Planned Development District noting that the amendment is to increase the size to include a lot adjoining Cottage Avenue and adjusting the district areas. The proposed change will increase the area for residential while diminishing the space for commercial development. Jose stated that the Planning Commission recommended approval of the amendment to the Cottage Place Planned Development District.

Jose reported that a resident, who lives north of Tract 3 along Cottage Avenue, was concerned that his residence could be surrounded by commercial and was also concerned that an access off of Cottage Avenue would increase traffic.

Discussion followed questioning the commercial uses allowed in Tract 2 & 3, noting that extended hour commercial uses would require approval as a conditional use.

Lance Wheatherly, with Banner & Associates, reported that the intended use of Tract 3 would be multi-family. Lance answered questions of the City Council on the proposed development.

092-12

President Osborne read the title to the above mentioned Ordinance and Alderman Zimmerman moved adoption of the following Resolution:

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1274 - Amendment to the Cottage Place Planned Development District 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 19th day of March, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a roll call vote of the Governing Body was as follows: Davies-N, French-Y, Meins-Y, Osborne-Y, Ward-N, Willson-Y, Zimmerman-Y. Motion carried 5 to 2. President Osborne declared the motion adopted.

7. Old Business - None

8. New Business

A. Resolution to allow for the reselling of water and sanitary sewer service at the Plum Vista Mobile Home Park and agreement

Jason Anderson, Assistant City Engineer, reported that the owner of Plum Vista Mobile Home Park, at 447 N. Plum Street, has requested to resell water/sewer services to their mobile home tenants. The City Ordinance requires City Council approval for the resale of utility service. Jason stated that, if approved, City staff would meet with Mrs. Waddell to review the rates to determine that they are not higher than the City rate. Discussion followed.

093-12

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

RESOLUTION AUTHORIZING THE RESALE OF UTILITY SERVICES

WHEREAS, City ordinance provides that utility customers shall not resell or share with others any utility services furnished by the City unless authorized by the City Council, and;

WHEREAS, Connie Waddell, owner of Plum Vista Mobile Home Park at 447 N. Plum Street, in an attempt to fairly distribute the utility costs from the City to the Mobile Village, has requested the ability to resell water and wastewater services to the individual tenants, and;

WHEREAS, Plum Vista Mobile Home Park requests the ability to bill the individual tenants for water and wastewater service, and;

WHEREAS, Plum Vista Mobile Home Park understands that, as owner, they are responsible for furnishing and maintaining meters, along with the resale utility billing.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, that Connie Waddell, owner of Plum Vista Mobile Home Park is authorized to resell water and wastewater services to individual tenants at 447 N. Plum Street at a rate that is not in excess of the City utility fees.

Dated at Vermillion, South Dakota this 19th day of March, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kent Osborne, President

ATTEST:

BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

B. Resolution to enter into a lease-purchase agreement for a plotter/scanner/copier

Jose Dominguez, City Engineer, reported that the City currently owns a plotter and a large scale copier. The existing plotter that was purchased in 2009 will accept a copier/scanner attachment. The 1991 copier is at the end of its life and the cost of the copier/scanner attachment for the current plotter is \$8,000. A new plotter/copier/scanner is \$9,001, which can be lease purchased at 0% interest for three years and, after the trade in of the 2009 plotter, will have a net cost of \$7,066. Jose recommended approval of the zero interest lease purchase resolution with Canon for the plotter/copier/scanner with the trade in of the existing plotter. Discussion followed with Jose answering questions on the equipment.

094-12

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

RESOLUTION TO ENTER INTO LEASE-PURCHASE AGREEMENT

WHEREAS, The City of Vermillion, South Dakota (the "City"), existing as a municipal corporation of the State of South Dakota (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, in order to acquire such equipment, the City proposes to enter into a lease-purchase transaction pursuant to certain

documents from Canon Financial Services, Inc., the form of which has been reviewed by the City Attorney and presented to the governing body of the Cit at this meeting;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, that the form, terms and provisions of the Agreement, and all other schedules and exhibits attached thereto, are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the City or other members of the governing body of the City executing the same, the execution of such documents being conclusive evidence of such approval; and the Mayor, or any other officer of the City, who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Agreement and all exhibits attached thereto, and the Finance Officer of the City is hereby authorized to attest to the foregoing and affix the seal of the City to such documents; and

NOW, THEREFORE, BE IT RESOLVED, that the officers and employees of the City shall take all actions necessary, or reasonably required by the parties to the Agreement, to carry out, give effect to and consummate the transactions contemplated thereby and to take all actions necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that nothing contained in this Resolution, the Agreement, or any other instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained in the Resolution, the Agreement, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, except to the extent the payments payable under the Agreement are special limited obligations of the City as provided in the Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that City Manager, John Prescott, is authorized to execute the Agreement on behalf of the City.

Dated at Vermillion, South Dakota this 19th day of March, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
Kent Osborne, President

ATTEST:

BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

C. Resolution amending water rates and authorizing the prepayment of the 1999 SRF loan for water tower construction

Mike Carlson, Finance Officer, reported that for the water tower project a State Revolving Loan was applied for and received in the amount of \$1,532,000 with 10% principal forgiveness. A condition of the loan is that the City has rates in place to meet the debt service requirements when the project is completed. At the February 6, 2012 noon session, the City Council reviewed the options with the consensus to repay the 1999 SRF loan that is at 5% interest with water fund reserves to reduce the amount that water rates would need to be adjusted to meet the debt service requirements. The resolution will increase water rates 2% in 2013, 2.25% in 2014 and 2.5% in 2015 to provide the funding to service the new loan and authorizes the prepayment of the 1999 SRF loan. Discussion followed on the proposed rate adjustments.

095-12

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

RESOLUTION ADJUSTING WATER RATES FOR
2013, 2014 AND 2015 AND AUTHORIZING THE PREPAYMENT
OF THE 1999 STATE REVOLVING FUND LOAN FOR THE
WATER TOWER REPLACEMENT PROJECT

WHEREAS, the Vermillion City Council has determined the need to replace the Market Street water tower as the cost of needed repairs is estimated at over \$300,000 and the tower is almost 100 years old; and

WHEREAS, the City of Vermillion has made application for grant and loan funding for the water tower replacement project; and

WHEREAS, the South Dakota Conservancy District (District) has approved a \$1,532,000 State Revolving Fund loan with 10% principal forgiveness for funding the new water tower; and

WHEREAS, the Community Development Block Grant funding request for the project has been denied; and

WHEREAS, to reduce the impact on future rate increases, the City Council authorizes the prepayment the 1999 State Revolving Loan with a current principal balance of \$435,033.67 from existing water reserve funds; and

WHEREAS, a requirement for the loan by the District is that the City Council have establish rates projected to meet the debt service of the new loan; and

WHEREAS, to meet the annual debt service requirements for the new loan, current water rates will need to be increased by 2% in 2013, 2.25% in 2014 and 2.5% in 2015; and

WHEREAS, Section 53.075 of Title V, Public Works, of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to adjust water rates.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 19th day of March, 2012, that water rates be established or changed as follows:

a) Meter Service Charge per billing:

(1) Residential

Meter Size (inches)	Current Service Charge	2013 Service Charge	2014 Service Charge	2015 Service Charge
$\frac{3}{4}$	\$ 13.41	\$13.68	\$13.99	\$14.34
1	24.72	25.21	25.79	26.44
1 $\frac{1}{2}$	46.06	46.98	48.05	49.27
2	70.96	72.37	74.02	75.91
3	139.23	142.00	145.24	148.93
4	216.52	220.83	225.87	231.61
6	427.30	435.81	445.75	457.08

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014
The above rates include a surcharge fee defined below.

(2) Apartment house and trailer courts per billing:

Meter size (inches)	Current Service Charge	2013 Service Charge	2014 Service Charge	2015 Service Charge
1	24.72	25.21	25.79	26.44
1 ½	46.06	46.98	48.05	49.27
2	70.96	72.37	74.02	75.91
3	139.23	142.00	145.24	148.93
4	216.52	220.83	225.87	231.61
6	427.30	435.81	445.75	457.08

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

The above rates include a surcharge fee defined below.

In addition, an apartment or trailer charge as follows shall be assessed for each apartment or trailer unit over 1 connected to a master meter. The listed rate includes a surcharge fee defined below.

	Current	2013	2014	2015
Additional units	\$3.68	\$3.75	\$3.84	\$3.94

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

The above rates include a surcharge fee defined below.

(3) Commercial and industrial per billing:

Meter Size (inches)	Current Service Charge	2013 Service Charge	2014 Service Charge	2015 Service Charge
¾	\$ 13.41	\$13.68	\$13.99	\$14.34
1	24.72	25.21	25.79	26.44
1 ½	46.06	46.98	48.05	49.27
2	70.96	72.37	74.02	75.91
3	139.23	142.00	145.24	148.93
4	216.52	220.83	225.87	231.61
6	427.30	435.81	445.75	457.08

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

The above rates include a surcharge fee defined below.

In addition, an apartment or trailer charge as follows shall be assessed for each apartment or trailer unit over 1 connected to a master meter. The listed rate includes a surcharge fee defined below.

	<u>Current</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Additional units	\$3.68	\$3.75	\$3.84	\$3.94
Effective for billing after 12-15-2012, 12-15-2013, 12-15-2014				

The above rates include a surcharge fee defined below.

b) Water Charge: In addition to the meter charges mentioned in subsection (a) above there shall be the charge as follows per 100 cubic feet of all water used:

c)

	<u>Current</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Water Charge	\$ 2.03	\$2.07	\$2.12	\$2.17

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

Outside City Limits: All customers residing outside the city limits of the City of Vermillion, South Dakota shall pay 1.5 times the aforesaid rates.

d) Bulk Water Rate: Bulk water rates shall be the per gallon charge as follows:

	<u>Current</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Bulk Water	\$0.00537	\$0.005451	\$0.005587	\$0.005741

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

e) Debt Service Surcharge Fees: There is hereby established and imposed, pursuant to the authority of SDCL Ch. 9-40, a surcharge upon the water service in the City of Vermillion. The surcharge shall apply to all classes of customers listed in a) above. The debt service surcharge is a special charge for the use of the water plant improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2005 Drinking Water State Revolving Fund Loan. The City does hereby establish the debt service surcharge fees for each customer of its System who receives or

benefits from the Project or services of the Project. Such allocation shall be set at a level which, assuming a ten percent (10%) delinquency rate, will produce income at the times and in amounts sufficient to pay when due, the principal of and interest on the borrower 2005 bonds and the administrative expense surcharges and all other payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The monthly surcharge fee included in a above is as follows:

Meter Size (inches)	Current Service Charge	2013 Service Charge	2014 Service Charge	2015 Service Charge
$\frac{3}{4}$	\$ 5.14	5.08	\$5.08	\$5.08
1	9.53	9.41	9.41	9.41
1 $\frac{1}{2}$	17.76	17.54	17.54	17.54
2	27.36	27.02	27.02	27.02
3	53.69	53.02	53.02	53.02
4	83.50	82.46	82.46	82.46
6	164.79	162.74	162.74	162.74

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

In addition, an apartment or trailer charge, as follows, shall be assessed for each apartment or trailer and/or each commercial or industrial unit over 1 connected to a master meter. The monthly surcharge fee included in (a) above is as follows:

	Current	2013	2014	2015
Additional units	\$1.42	\$1.40	\$1.40	\$1.40

Effective for billing after 12-15-2012, 12-15-2013,
12-15-2014

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

e) Effective Date of Rate.

The effective dates of the rates listed in this resolution are for bills with billing date after the dates stated above.

BE IT FURTHER RESOLVED, that any surcharge funds in excess of the debt service requirements be annually transferred to the water fund.

Dated at Vermillion, South Dakota this 19th day of March, 2012.

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

By: _____
Kent Osborne, President

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Meins. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

D. Resolution approving certain drinking water facility improvements, giving approval to the issuance and sale of a revenue bond for water tower construction

Mike Carlson, Finance Officer, reported that the previous resolution adjusted the water rates and prepaid the 1999 SRF loan so that the funding will be in place for the water tower State Revolving Fund (SRF) loan. This resolution is to approve the water tower improvement and the issuance of the SRF revenue bond in the amount of \$1,532,000 with 10% principal forgiveness to be repaid over 20 years at 2.25% interest. This resolution was prepared by bond counsel and has been reviewed by the City Attorney. Discussion followed.

096-12

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

RESOLUTION GIVING APPROVAL TO CERTAIN DRINKING WATER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING CERTAIN REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the "Act"), as found and determined by the Legislature, is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes; or any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and

WHEREAS, a municipality is authorized to issue revenue bonds to fund improvements, extensions and additions to its drinking water system by SDCL 9-40-6 and is authorized to pledge the net income or revenues from the system to secure such bonds; and

WHEREAS, the City of Vermillion, South Dakota (the "City") currently operates a water distribution system to supply municipal, industrial and domestic water to its inhabitants and has determined that improvements to the drinking water facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its drinking water system; and

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes (the "System") and has applied to the South Dakota Conservancy District (the "District") for a State Revolving Fund Loan to finance the improvements (the "Loan");

NOW, THEREFORE, BE IT RESOLVED, by the City as follows:

1. Declaration of Necessity and Determination of Facilities Financed. The City desires, and hereby determines, it is necessary to construct improvements to its drinking water facilities within its System, as described in Exhibit A hereto (the "Project"). Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-3A, and the federal Safe Drinking Water Act, and the nature of the improvements financed, the City hereby determines that the Project will substantially benefit the entire System and all of its users within the

meaning of SDCL 9-40-15 and SDCL 9-40-17. Therefore, the City hereby determines that for the purposes of the Act, including, in particular, SDCL 9-40-17, the net income or revenues of the entire System, as extended, added to, or improved by the Project shall be deemed to be the net income or revenues available to be pledged to the payment of the bonds issued hereunder.

2. Approval of Loan. The City hereby determines to finance up to \$1,532,000 of the costs of the Project through the issuance of utility revenue bonds (the "Revenue Bond"), and other funds secured by the City.
3. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which has been submitted to this Council, between the City as Borrower and the District, is hereby, in all respects, authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to, and made a part of this Resolution, is on file in the office of the Finance Officer and is available for inspection by any interested party.
4. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$1,532,000, as determined, according to the Loan Agreement in the form and content set forth in Exhibit B attached to the form of Loan Agreement (the "Revenue Bond") shall be, and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the

authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in SDCL 9-40-19.

5. Paying Agent/Registrar. The Revenue Bond shall be payable at the office of The First National Bank of Sioux Falls, Sioux Falls, South Dakota, hereby designated as paying agent and registrar.
6. Bond Counsel. Dorsey & Whitney, LLP, are hereby retained as Bond Counsel with respect to the Revenue Bond.
7. System Fund Accounts. For the purpose of application and proper allocation of the income of the System and to secure the payment of principal of and interest on the Revenue Bond, the following funds shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:
 - (a) System Revenue Account. There shall be deposited in the System Revenue Account, as received, the entire gross revenues derived from the operation of the System collected pursuant to the Ordinances of the City (the "Rate Ordinance") including future improvements, enlargements, extensions and repairs thereto (the "Gross Revenues"). Moneys from the System Revenue Account shall be transferred periodically into separate funds and accounts as provided below.
 - (b) Operation and Maintenance Account. There shall be established a General Operation and Maintenance Account. Out of the remaining revenues of the System Revenue Account, after application described in (c) and (d) below, there shall be set aside each month into the General Operation and Maintenance Account, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the remainder of the System and such current expenses for the maintenance thereof as may be necessary to preserve the remainder of such System in good repair and working order. The term "current expenses" shall be construed to include all reasonable and necessary costs of operating, repairing, maintaining and insuring the System, including, without limitation salaries, supplies and rent, but shall exclude the General Depreciation Account and 2012 System Debt Service Account.

- (c) System Debt Service Account. Out of the revenues in the System Revenue Account, there shall be set aside no later than the last day of each month into the fund designated 2012 System Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal and interest on the Revenue Bond and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third (1/3) of the total principal, interest, and other amounts payable on the following January 1, April 1, July 1, or October 1 and, if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.
- (d) Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the System Revenue Account there shall be set aside each month, into the General Depreciation Account, an amount determined by the City Commission to be a proper and adequate amount for repair and depreciation of the System.
- (e) Surplus Account. There shall be established the General Surplus Account. Revenues remaining in the System Revenue Account, at the end of any fiscal year, after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be credited to the General Surplus Account. If, at any time, there shall exist any default in making any periodic transfer to the 2012 System Debt Service Account, the City Commission shall authorize the Finance Officer to rectify such default, so far as possible, by the transfer of money from the General Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above. Monies in the General Surplus Account, from time to time, may be transferred into one or more of the foregoing funds.

No disbursements shall be made from the System Revenue Account except to the special funds and accounts as above provided.

8. Pledge of Revenues. The Revenue Bond, together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a

limited obligation of the City payable solely out of the 2012 System Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of and interest on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the System or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the System, and depreciation, and the Rate Ordinance shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine, on a periodic basis, the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 8 or any other covenant or agreement in the Loan Agreement.

9. Additional Bonds. As permitted by SDCL 9-40-9, Additional Bonds payable from revenues and income of the System may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the first lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

10. General Covenants.

(a) The City hereby covenants and agrees, with the District and other owners of the Revenue Bond, that it will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

- (b) The City agrees and covenants that it will promptly construct the improvements included in the Project.
- (c) The City covenants and agrees that pursuant to SDCL 9-40-28 and SDCL 9-40-29, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the System and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest, and Administrative Surcharge on the Revenue Bond, and the City agrees not sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.
- (d) The City covenants and agrees with the District, and other owners of the Revenue Bond, that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act shall state that it is subject to all provisions and limitations thereof pursuant to SDCL 9-40-19.
- (e) The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in

this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

(f) In the event of mismanagement of the System, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the System are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to SDCL 9-40-33, and agrees that the receiver will have the powers set forth therein, and in SDCL 9-40-34 and SDCL 9-40-35 to operate and administer the System, and charge and collect rates as described therein.

11. No Election Required. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to SDCL 9-40-15 no election is required to issue the Revenue Bond.

12. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

13. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

14. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Dated at Vermillion, South Dakota this 19th day of March, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Kent Osborne, President

ATTEST:

BY _____
Michael D Carlson, Finance Officer

EXHIBIT A

Description of the Project

The Project will consist of the construction of a water tower to replace the existing Market Street tower as outlined in the City's Facilities Plan, dated September 2010 as amended March 2012.

The motion was seconded by Alderman Ward. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. President Osborne declared that the Resolution was adopted.

E. Engineering agreement for water tower

Jason Anderson, Assistant City Engineer, reported that the City will need to enter into an engineer's agreement for the construction of the water tower including construction inspection. City staff negotiated the attached engineering services agreement with Banner and Associates for the design and construction administration of a 500,000 gallon water tower at an amount not to exceed \$73,200 for design and \$88,000 for construction administration. The agreement has been reviewed by the City Attorney. Discussion followed on the project and agreement.

096-12

Alderman Zimmerman moved approval of the engineering services agreement with Banner and Associates for the water tower in an amount not to exceed \$161,300. Alderman Meins seconded the motion. Discussion followed. Motion carried 7 to 0. President Osborne declared the motion adopted.

F. Change Order No. 5 - Wastewater Treatment Facility Phase II Improvements

Jason Anderson, Assistant City Engineer, reported that Change Order No. 5 with PKG Contracting, Inc for the Wastewater Phase II improvements is included in the packet along with the consulting engineer's explanation. This is the final change order as the project is now complete and final payment will be made. Discussion followed on the items included in the change order.

097-12

Alderman Willson moved approval of Change Order No. 5 with PKG Contracting, Inc for the Wastewater Treatment Facility Phase II Improvements in the amount of \$38,779.71. Alderman French seconded the motion. Motion carried 7 to 0. President Osborne declared the motion adopted.

G. Consolidated Board of Equalization appointments

Mike Carlson, Finance Officer, reported that, as part of the Consolidated Board of Equalization agreement with the County, City and School, the City needs to appoint three members to serve on the Consolidated Board of Equalization that will meet April 10th and, if needed, another day later in April or early May. The appointment should include that the remaining Council members will serve as alternates if one of the members is unable to serve. Discussion followed.

098-12

Alderman French moved approval of the appointment of Alderman Osborne and Zimmerman to serve as the City representatives on the Consolidated Board of Equalization and authorize the Finance Officer to contact Alderman Grayson and Mayor Powell to serve as the third City representative on the consolidated board with the remaining members to serve as alternates. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Council President Osborne declared the motion adopted.

H. Resolution Correcting the Resolution Establishing Tapping Fees in Lieu of Assessment for Construction of Sanitary Sewer Lift Station at 1314 Princeton

John Prescott, City Manager, reported that the City Council, on March 5, 2012, adopted the resolution establishing tapping fees in lieu of assessment for the sanitary sewer lift station at 1314 Princeton Street. Since adoption, it was noted that Lot 1, block 5, Partridge Subdivision was listed twice, thus the reason for the correcting resolution. The correcting resolution will removed the duplicate entry.

099-12

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

RESOLUTION CORRECTING RESOLUTION ESTABLISHING TAPPING FEE
IN LIEU OF ASSESSMENT FOR CONSTRUCTION OF SANITARY
SEWER LIFT STATION AT 1314 PRINCETON STREET

WHEREAS, the City Council, of the City of Vermillion, adopted a Resolution Establishing Tapping Fees in Lieu of Assessment for the Construction of a Sanitary Sewer Lift Station at 1314 Princeton Street on March 5, 2012; and

WHEREAS, it has been determined that one lot has been listed twice in the resolution, thus, including the tapping fee in lieu of assessment for construction of sanitary sewer lift station twice for this lot; and

WHEREAS, Lot 1, Block 5, Partridge Subdivision was listed as a lot that has benefited by the construction of the sanitary sewer lift station in the amount of \$1,750.08; and the owner of such lot has been allowed to connect and use the sanitary sewer lift station prior to the calculation of the tapping fee in lieu of assessment that is due by December 31, 2012 or a date mutually agreed upon by the City and property owner via a written agreement dated prior to April 30, 2012; and

WHEREAS, Lot 1, Block 5, Partridge Subdivision was again listed in the resolution, in error, as a lot benefited by the construction of the sanitary sewer lift station in the amount of \$1,750.08 and the owner of such lot shall pay said amount to the City before the property is served by the sanitary sewer facility; and

WHEREAS, the business located on this lot has been allowed to connect and use the sanitary sewer lift station prior to the calculation of the tapping fee in lieu of assessment, thus, said fee is due by December 31, 2012 or a date mutually agreed upon by the City and property owner via a written agreement dated prior to

April 30, 2012 as outlined in a developers agreement between the owner and the City.

NOW, THEREFORE, BE IT RESOLVED, that the Resolution Establishing Tapping Fees in Lieu of Assessment for Construction of Sanitary Sewer Lift Station at 1314 Princeton Street, adopted March 5, 2012, be corrected to remove the second listing of the tapping fee in lieu of assessment that is to be paid before said property is served for Lot 1, Block 5, Partridge Subdivision, as this lot is currently served by the sanitary sewer and is being assessed a tapping fee for the sanitary sewer lift station.

Dated at Vermillion, South Dakota, this 19th day of March, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By:

Kent Osborne, Council President

ATTEST:

By: _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

I. Tapping fee agreement with Blue Square Partners for Lot 1, Block 6, Partridge Subdivision (11 Shriner Street)

John Prescott, City Manager, reported that the lift station and sewer main tapping fee resolutions adopted March 5th provided payment due dates for the three properties already being served and provide the option to extend the date upon written agreement by April 30, 2012. Blue Square Partners for their property at 11 Shriner have requested the lift station fee to be extended from December 31, 2012 to June 30, 2013 and the sanitary sewer fee to be extended from March 31, 2013 to December 15, 2013. This information has been included in an agreement that, after adoption, can be filed at the Resister of Deeds. John recommended adoption of the agreement. Discussion followed.

100-12

Alderman Davies moved approval of the agreement as presented with Blue Square Partners for Lot 1, Block 6, Partridge Subdivision to extend the due dates for the lift station and sewer main tapping fees. Alderman Willson seconded the motion. Motion carried 7 to 0. President Osborne declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that information is available at City Hall for the Paint South Dakota Program. Applications are due by April 9, 2012 for a volunteer group to paint a single-family, owner occupied residence where the owner is physically or financially unable to paint the residence.

B. John reported the receipt of a raffle notification for the Special Olympics Polar Plunge with the drawing on Sunday, March 25, 2012 at the high school.

C. John reported that the Vermillion Police Department has mailed a community survey to a random sample of residents. He encouraged recipients to complete and return the survey.

D. John reported that the Arbor Day Foundation sent a notice that, for the 27th year, the City of Vermillion was named a Tree City USA for our commitment to urban forestry and meeting the standards set by the Foundation.

PAYROLL ADDITIONS AND CHANGES

Recreation: Claire Jones \$7.75/hr; Pool: Dawn Bergeson \$11.25/hr, Josh Callahan \$8.25/hr, Kevin Callahan \$8.25/hr, Alexa Mockler \$8.25/hr, Josephine Nordberg \$8.50/hr; Parks: Tyler Klatt \$7.50/hr

11. Invoices Payable

101-12

Alderman Davies moved approval of the following bills:

BROADCASTER PRESS	ADVERTISING	793.80
BRUNICKS SERVICE INC	FUEL	6,271.20
BUREAU OF ADMINISTRATION	TELEPHONE	326.02
CENTURYLINK	TELEPHONE	1,460.99
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,495.37
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,311.00

DIVISION OF MOTOR VEHICLE	DECALS	4.00
GREGG PETERS	MANAGERS FEE	5,375.00
INSITE INSTRUMENT GROUP	PARTS	3,170.18
JIM ZIMMERMAN	SAFETY BOOT REIMBURSE	49.79
KNOLOGY	DIALUP/911 CIRCUIT	1,415.45
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	70.00
MATHESON TRI-GAS, INC	MEDICAL OXYG/CYL RENTAL	176.06
MIDAMERICAN	GAS USAGE	7,094.79
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
NORIDIAN ADMIN SERVICES	REFUND AMBULANCE PYMT	667.05
PKG CONTRACTING, INC	WWTF PHASE II IMPROVE	45,029.71
RESERVE ACCOUNT	POSTAGE FOR METER	858.00
ROTONICS MANUFACTURING INC	RECYCLING CONTAINERS	3,615.00
SD ASPHALT CONFERENCE	REGISTRATION	200.00
SD MUNICIPAL LEAGUE	REGISTRATION	60.00
SDN TECHNOLOGIES	MAINTENANCE/SUPPORT	6,462.00
SPRINT	CELL PHONES	1,124.21
STERN OIL CO.	FUEL	6,076.37
THE EQUALIZER	ADVERTISING	721.00
TITAN ACCESS ACCOUNT	PARTS	2,567.00
UNITED PARCEL SERVICE	SHIPPING	15.29
US POSTMASTER	POSTAGE FOR UTIL BILLS	975.00
VISA/FIRST BANK & TRUST	FUEL/MOTEL/SUPPLIES	553.73
JASON HUSKA	BRIGHT ENERGY REBATE	175.00
MAURICES INC STORE #1659	BRIGHT ENERGY REBATE	675.00
RICK ERICKSON	BRIGHT ENERGY REBATE	25.00

Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

A. Set a public hearing date of April 2, 2012 for a special permit to exceed allowable sound levels by no more than 50% for Pi Kappa Alpha Fraternity on April 12th from 4:30 to 9:00 p.m. by the north picnic shelter in Prentis Park

B. Set a bid opening date of Wednesday, April 11, 2012 for the purchase of a new close door baler and conveyor for the City of Vermillion Recycling Center

C. Set a public hearing date of April 2, 2012 for transfer of retail on-sale liquor license to Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street transfer from John Grundewaldt formerly The Pressbox

D. Set a public hearing date of April 2, 2012 for a retail on-off sale malt beverage license for Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street.

102-12

Alderman French moved approval of the consensus agenda. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

103-12

Alderman Ward moved to adjourn the Council Meeting at 8:04 p.m. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19th day of March, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Kent Osborne, President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 2, 2012

Subject: Special Permit to exceed permissible sound levels by no more than 50% for Pi Kappa Alpha in the northwest portion of Prentis Park on April 12, 2012 from 4:30 p.m. to 9:00 p.m. for a fundraising concert

Presenter: Mike Carlson

Background: Sean McCann, on behalf of Pi Kappa Alpha, has applied for a special permit to exceed allowable noise levels for a concert on April 12, 2012 from 4:30 p.m. until 9:00 p.m. in the northwest portion of Prentis Park for a fundraising concert. Included is a copy of the application and published notice of the hearing.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

- (a) General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.
- (b) The following acts are declared to be in violation of this chapter.
 - 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
 - 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly

6. Public Hearings; item a

audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6:00 a.m.	6:00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (c) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (d) Special Permit The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (e) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: As the diagram indicates, the stage will be located south of the north picnic shelter and face west toward Plum Street. Staff is not aware of any problems related to the issuance of the noise permit.

The City Council will need to determine, at the public hearing, if the event is in a suitable location with appropriate facilities during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering when a noise permit is sought are the availability of restroom facilities, clean-up of the area, and disposal of waste.

Financial Consideration: The \$25 fee for the special permit has been paid.

Conclusion/Recommendations: Administration recommends issuance of the special permit unless information is presented at the public hearing that indicates that there were problems related to the noise.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting: **Pi Kappa Alpha Fraternity**

Contact Person: **Sean McCann** Phone: **(605) 391-0826**

Contact Person Address: **309 N Pine St, Vermillion, SD 57069**

Location of Event: **North Picnic Shelter of Prentis Park** Date of Event: **April 12, 2012**

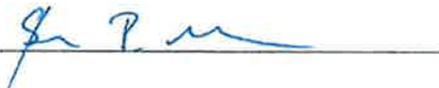
Duration of event from time **4:30** to time **9:00**

The ordinance asks if this is a suitable location with appropriate facilities: **Prentis Park is a common location amongst the Greek houses at USD as well as the general public of the Vermillion community making it a great spot to attract many people to the event. There is also the availability of electricity at the park in order to make the concert we have in the park a feasible option for entertainment.**

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit: **The event will be the 6th Annual PIKES in the Park philanthropy event. We plan to have a concert, food, and yard games all for people to come enjoy for the price of admission. Not only does this give the students at USD a safe environment to go to a concert and have some fun in the park, but the entire community of Vermillion is encouraged to come enjoy the festivities as well. All of the proceeds from this event will be donated in its entirety to lymphoma research.**

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  Date 3-9-12

Prentiss Park

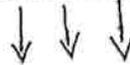
40 dB @ 200 ft

50 dB @ 50 ft

Picnic Shelter

75 dB @ 50 ft

Band Stage



75 dB @ soft

160 dB @ 200 ft

Soft @ 90 dB

Walkway Path Through Park

Trinity
Lutheran Church
60 dB @ 200 ft

East Clark St.

150 Feet

North Plum Street
Kappa Alpha Theta House

Alpha Xi Delta House
75 dB @ 200 ft

Tau Kappa Epsilon House

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT
TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 2nd day of April, 2012 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permit to exceed allowable sound levels on Thursday, April 12, 2012 between the hours of 4:30 p.m. and 9:00 p.m. which has been filed in the Finance Officer's Office:

Pi Kappa Alpha request for a special permit to exceed allowable sound levels in the northwest portion of Prentis Park on Thursday, April 12, 2012, from 4:30 p.m. to 9:00 p.m. for fundraising concert.

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 for special permit.

Dated at Vermillion, South Dakota this 16th day of March, 2012.

Michael D. Carlson, Finance Officer

Publish: March 23, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 2, 2012

Subject: Transfer of retail on-sale liquor license to Old Lumber Company, Inc. for the Old Lumber Company Bar and Grill at 15 Court Street transfer from John Grunewaldt, formerly The Pressbox

Presenter: Mike Carlson

Background: An application for the transfer of the retail on-sale liquor license from John Grunewaldt to the Old Lumber Company, Inc., for the Old Lumber Company Bar and Grill, at 15 Court Street was received. A copy of the notice that was published for the license transfer is included in the packet.

This liquor license was transferred to John Grunewaldt from CLG, LLC., (Pressbox) on October 3, 2011 and, when it was renewed in December, it included a site transfer from 9 West National Street to 15 Court Street. When the license was transferred in October 2011, as well as the renewal, with site transfer in December 2011, it was with the restriction that it was for the interior of the building at said location, as inactive pending final inspection of the building as being suitable to be occupied for this type of business.

The application lists John Grunewaldt as owning 100% of the corporate stock.

A building permit has been issued for renovations to the interior of the building located at 15 Court Street.

Discussion: The City Council has the ability to transfer a license on basically two criteria: suitable person and suitable location. As to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. John Grunewaldt is the sole owner of the stock in the corporation and provided the South Dakota Division of Criminal Information background check to the Chief of Police when the license was transferred in October 2011. As the license has been inactive, another background check was not requested.

With respect to the location criteria, this license has been previously approved for the location. A recent western 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.

When the license was renewed in December of 2009, 2010, and 2011, as well as the transfer in October 2011, the motion to approve noted that the license was for “the interior of the building at said location, as inactive pending final inspection of the building as being suitable to be occupied for this type of business”.

112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.
- (B) A DISQUALIFYING CRIMINAL RECORD for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.
- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any

application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

§ 112.21 SUITABLE LOCATION.

- (A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:
- (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
 - (2) Zoning restrictions, and
 - (3) Neighborhood characteristics.
- (B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.
- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

Financial Consideration: The transfer fee is \$150 for the license that is retained by the City. The liquor license period is January 1 to December 31.

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 transfer of the retail on sale liquor licenses. If the motion is to approve the transfer, it can include the contingency that the license is restricted to the interior of the building at said location, as inactive pending final inspection of the building and as being suitable to be occupied for this type of business. If a motion is made to deny, the reason needs to be included in the motion.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 2nd day of April, 2012 at the hour of 7:00 P.M. at City Hall Council Chambers will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Transfer of Retail On Sale Liquor License until December 31, 2012:
Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street transfer from John Grunewaldt formerly the Pressbox.

Retail On-off Sale Malt Beverage until June 30, 2012:
Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street.

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 16th day of March, 2012

Michael D. Carlson, Finance Officer

Publish: March 23, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 2, 2012

Subject: Retail On-Off Sale Malt Beverage License for Old Lumber Company, Inc. for the Old Lumber Company Bar and Grill at 15 Court Street

Presenter: Mike Carlson

Background: An application for a retail on-off sale malt beverage license from Old Lumber Company, Inc., for the Old Lumber Company Bar and Grill at 15 Court Street was received. A copy of the notice that was published for the license is included in the packet.

A liquor license for this location, when issued in December 2011, was with the restriction that it was for the interior of the building at said location, as inactive pending final inspection of the building and, pending final inspection of the building, as being suitable to be occupied for this type of business. The application lists John Grunewaldt as owning 100% of the corporate stock. A building permit has been issued for renovations to the interior of the building located at 15 Court Street.

The malt beverage license, issued to CLG, LLC for the Pressbox, expired June 30, 2011.

Discussion: The City Council has the ability to issue an alcoholic beverage license on basically two criteria: suitable person and suitable location. As to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. John Grunewaldt is the owner of the stock in the corporation and provided the South Dakota Division of Criminal Information background check to the Chief of Police when the liquor license was transferred in October 2011. As the liquor license has been inactive another background check was not requested for the malt beverage license. With respect to the location criteria, an on-sale liquor license has been previously approved for the location. A recent western 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.

When the liquor license was renewed in December of 2011, the motion to approve noted that the license was for “the interior of the building at said location, as inactive pending final inspection of the building as being suitable to be occupied for this type of business”.

112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.
- (B) A DISQUALIFYING CRIMINAL RECORD for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.
- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

§ 112.21 SUITABLE LOCATION.

- (A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:
- (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
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 - (3) Neighborhood characteristics.
- (B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.
- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

Financial Consideration: The on-off sale malt beverage license fee is \$300 and 50%, or \$150, is retained by the City. The malt beverage license period is July 1 to June 30.

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 on-off sale malt beverage license. If the motion is to issue the license, it can include the contingency that the license is restricted to the interior of the building at said location, as inactive, pending final inspection of the building, and as being suitable to be occupied for this type of business. If a motion is made to deny, the reason needs to be included in the motion.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

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Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street.

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 16th day of March, 2012

Michael D. Carlson, Finance Officer

Publish: March 23, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: April 2, 2012

Subject: Second Reading of Ordinance No. 1274 – Amendment to the Cottage Place Planned Development (Old Wheeler Inn Property, located approximately at 14 West Cherry Street)

Presenter: José Domínguez

Background: Banner Associates has submitted the above amendment request on behalf of the owners, Mr. Troy Gregoire, Mr. Mike Manning and Mr. Larry Anthofer. The district in question includes the location of the old Wheeler Inn property and the properties fronting Cottage Place. Over the last month or so, City staff has offered input to the consulting engineer. City Code section 155.057, or the Cottage Place Planned Development District (PDD), allows for commercial, high-density residential and storage facilities to be constructed within the district.

The item was presented to the Planning Commission on the March 12, 2012. The Planning Commission recommended approval of the amendment to the ordinance. The City Council approved first reading of Ordinance 1274 with a 5-2 vote at the March 19th meeting.

Discussion: The current district is divided into four distinct areas. Each area is allowed certain uses as described in the ordinance. Area A was designated for commercial use. Mixed commercial/residential is allowed within area A. Area B currently allows for any use approved for area A, with the addition of apartment units. The uses within area C were limited to storage facilities and contractor's shops. Lastly, residential development was approved in Area D, which fronts Cottage Avenue. The applicant is not proposing to make any changes to the proposed uses. The amendments will be to the size of the four Areas. The following table shows the changes to the areas;

DISTRICT AREA	EXISTING SIZE	PROPOSED SIZE	NOTES
Area A	48,385-SF	29,905-SF	
Area B	38,638-SF	79,660-SF	Now has access to Cottage Ave.
Area C	70,020-SF	58,371-SF	
Area D	45,128-SF	55,195-SF	

The proposed changes to the areas will increase the applicants' space to develop residential units. This is accomplished with the increase in size for Areas B and D. Space is decreased for commercial development. This is done through the decrease in size of Areas A and C.

A citizen concern was raised at first reading of the ordinance about the possibility of commercial establishments surrounding a residential lot on Cottage Avenue. The allowable commercial uses are listed in the ordinance along with the allowable conditional uses that could be approved after a public hearing. The conditional uses also require screening of outside storage and additional parking for certain businesses. The landscaping standards apply where a commercial use adjoins residential that would require fence, wall or plant screening.

One of the questions raised at the March 19th meeting had to do with the approval of Conditional Use permits. The Planning Commission approves all Conditional Use Permits whether the request is inside of a PDD or not.

Financial Consideration: The only City funds used at this time will be for publication of the ordinance.

Conclusion/Recommendations: Administration recommends approval of Ordinance 1274 which amends the initial development plan. Due to this being the second reading of the ordinance a roll call vote is required.

ORDINANCE NO. 1274

AN ORDINANCE AMENDING ORDINANCE NO. 1274 – ZONING ORDINANCE FOR THE CITY OF VERMILLION, SOUTH DAKOTA, REZONING CERTAIN PROPERTY (OLD WHEELER INN PROPERTY, LOCATED, APPROXIMATELY, AT 14 WEST CHERRY STREET) FROM THE R-2 RESIDENTIAL DISTRICT AND GB GENERAL BUSINESS DISTRICT TO THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT AND PROVIDING REGULATIONS THEREFORE.

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:
SECTION 1. That Ordinance No. 1274, Zoning Ordinance for the City of Vermillion, is hereby amended as follows:

THAT THE WEST 225 FEET OF LOT 4 AND THE WEST 225 FEET OF THE NORTH 5 FEET OF LOT 5, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 293 FEET OF LOT 1 AND 2, EXCEPT H-1, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 293 FEET OF LOT 3, BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 150 FEET OF THE SOUTH 94 FEET OF THE EAST 293 FEET OF LOT 5 AND THE WEST 150 FEET OF THE NORTHEAST 49 FEET OF THE EAST 293 FEET OF LOT 6, SUBJECT TO AN EASEMENT IN BLOCK 85, ADDITION TO SNYDERS; AND THE WEST 50 FEET OF THE SOUTH 94 FEET OF LOT 5, AND THE WEST 50 FEET OF THE NORTH 49 FEET OF LOT 6, SUBJECT TO A 20 FOOT ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, BLOCK 85, ADDITION TO SNYDERS; AND THE EAST 50 FEET OF THE WEST 100 FEET OF THE SOUTH 94 FEET OF LOT 5 AND THE EAST 50 FEET OF THE WEST 100 FEET OF THE NORTH 49 FEET OF LOT 6, SUBJECT TO A 20 FOOT ROAD EASEMENT ALONG THE SOUTH SIDE THEREOF, ALL IN BLOCK 85, ADDITION TO SNYDERS; AND THE SOUTH 50 FEET OF LOT 6, THE NORTH 58 FEET OF LOT 7, AND THE SOUTH 74 FEET, EXCEPT THE SOUTH 10 FEET OF THE EAST 165 FEET OF LOT 7, BLOCK 85, ADDITION TO SNYDERS; AND THE EAST 50 FEET OF THE WEST 150 FEET OF THE SOUTH 94 FEET OF LOT 5 AND THE EAST 50 FEET OF THE WEST 150 FEET OF THE NORTH 49 FEET OF LOT 6, BLOCK 85, ADDITION TO SNYDERS ADDITION, EXCEPT THE SOUTH 20 FEET; DESIGNATED AS A ROADWAY AND THE EAST 218 FEET OF THE SOUTH 40 FEET OF LOT 4 AND EAST 218 FEET OF THE NORTH 5 FEET OF LOT 5, BLOCK 85, ADDITION TO SNYDER’S ADDITION; AND EAST 218 FEET OF THE NORTH 59 FEET OF LOT 4, BLOCK 85, ADDITION TO SNYDER’S ADDITION THEREOF, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA, IS HEREBY INCLUDED IN THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT AND THE OFFICIAL ZONING MAP IS AMENDED TO INCLUDE SUCH LAND IN THE COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

SECTION 2. That the Cottage Place Planned Development District include the following regulations:

Section 155.057 Cottage Place Planned Development District. The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District.

155.057 COTTAGE PLACE PLANNED DEVELOPMENT DISTRICT.

(A) *Purpose.* The regulations set forth in this section or set forth elsewhere in the Vermillion Zoning Ordinance when referred to in this section are the district regulations in the Cottage Place Planned Development District. The purpose of this district is to provide for mixed use commercial and residential areas within the Planned Development District. All city ordinances apply to the Planned Development District.

(B) *Area A.* (mixed use commercial and residential areas) All city ordinances apply to the planned development district identified as Area A except for those modified below.

(1) *Permitted uses (Area A).*

Permitted Uses	Applicable Standards
Retail trade or service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Office	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Personal service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Mixed commercial/residential	Residential being above the ground floor
Accessory structures	§§ <u>155.070</u> , <u>155.095(A)</u>
Churches	All parking lots being 8 feet from all residential properties. §§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Drug store	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Medical and dental clinics	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Fences	§ <u>155.074</u>
Neighborhood utilities	§ <u>155.070</u>
Small animal veterinarian	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u> , <u>155.095(A)</u>
On/Off premise parking	§ <u>155.095(A)</u>

(2) *Conditional uses (Area A).*

Conditional Use	Applicable Standards
Convenience store	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Hotel/motel	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Hospital/clinic	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Public utility facility	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Funeral home/mortuary	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Private club	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Restaurants	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Arcade	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
On/Off-sale alcoholic beverage establishment	Located at least 500 feet from a school.* §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle repair shop	Subject to an adequate number of parking spots to allow temporary storage of the cars only while being repaired. §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Greenhouse/nursery	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Car wash	Five storage spaces for each bay beyond off-street parking requirements and the water from the car wash contained on the site. §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Motor vehicle sales, display, and service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u> Subject to screening of all outdoor storage of parts from view.
Lumberyard	Subject to screening of all outdoor storage from view when abutting a residential district. §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u> §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Public service facility	§ <u>155.070</u>

Theatre	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u>
Wholesale trade	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
* Measured from the closest point of the outside walls of both structures	

(C) **Area B** (commercial, multi dwelling, mixed use) Area B is identified to allow multi-dwelling equivalent to R-3 off of Cherry Street frontage. Area B will utilize the same permitted uses as Area A with the addition of the following. Area B will utilize the same conditional uses as Area A without any additions.

(1) *Permitted uses (Area B).*

Permitted Uses	Applicable Standards
Area A permitted uses	See Area A permitted uses
Multiple- dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Accessory use (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(2) *Conditional uses (Area B).*

Conditional Use	Applicable Standards
Area A conditional uses	See Area A conditional uses

(D) **Area C.** (storage). All city ordinances apply to the planned development district identified as Area C except for those modified below.

(1) *Permitted uses (Area C).*

Permitted Uses	Applicable Standards
Storage facility	§§ <u>155.070</u> , <u>155.072</u> , <u>155.077</u> , <u>155.095(A)</u>
Accessory structures	§§ <u>155.070</u> , <u>155.095(A)</u> (see definition)
Accessory use (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)
Fences	§ <u>155.074</u>
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view. No repairs or sales §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>

Warehouse, mini-warehouse	The materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u>
Neighborhood utilities	§ <u>155.070</u>
Motor vehicle storage	
On/Off premise parking for adjacent tracts only and parking shall abut the adjacent tract	§ <u>155.095(A)</u>

(2) *Conditional uses (Area C).*

Conditional Use	Applicable Standards
Motor vehicle sales, display and service	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.077</u> Subject to screening of all outdoor storage of parts from view.
* Measured from the closest point of the outside walls of both structures	

(E) **Area D.** (high density residential) This area shall provide for certain high density residential areas now developed primarily with single-family. All city ordinances apply to the planned development district identified as Area D except for those modified below.

(1) *Permitted uses (Area D).*

Permitted Use	Applicable Standards
Single-family detached dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Single-family attached dwellings (up to 2)	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Multiple dwellings	§§ <u>155.070</u> , <u>155.072</u> , <u>155.076</u> , <u>155.077</u>
Neighborhood utilities	§ <u>155.070</u>
Fences	§ <u>155.074</u>
Accessory structure (such as, garage, shed)	§§ <u>155.071</u> , <u>155.082(A)</u> (see definition)

(2) *Conditional uses (Area D).*

Conditional Use	Applicable Standards
Public service facility	§ <u>155.070</u>

(F) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions).

	Tract Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
Business and all other uses	7,000 square feet	50 feet	15 feet	5 feet	10 feet	45 feet
Single-family detached	7,000 square feet	60 feet	30 feet	8 feet	25 feet	45 feet
Single-family attached dwellings (2 units-1 lot)	5,000 square feet	20 feet	30 feet	0 or 10 feet on nonparty wall side	25 feet	45 feet
3 to 8 multiple dwelling units (1 lot)	7,500 square feet	60 feet	30 feet	10 feet	10 feet	45 feet
9 to 12 multiple dwelling units (1 lot)	20,000 square feet	70 feet	30 feet	10 feet	10 feet	45 feet
Over 12 multiple dwelling units (1 lot)	30,000 square feet	85 feet	30 feet	10 feet	10 feet	45 feet
Accessory building	NA	NA	Not permitted	5 feet	5 feet	12 feet
Parking Lots	§ <u>155.072</u>	NA	10 feet	10 feet	10 feet	NA

Exceptions:

#1	Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.
#2	There shall be a required front yard on each thru street side of lots.
#3	See adjustments to yard regulations (§ <u>155.082</u>) for other specific exceptions.
#4	A conditional use permit will be required for any structure exceeding heights identified above (§ <u>155.095(A)</u>)
#5	The side yard will be required to be increased by 10 feet when the building is 3 stories in height or more.
#6	There shall not be a required front yard on Cottage Place for a double frontage lot. There shall be a required front yard on Cottage Street of a corner lot.
#7	A side or rear yard of 15 feet shall be required when a use other than residential is adjacent to or abuts a residential district.

(G) *Property re-division* All future property re-division shall require a re-platting of the affected parcels. Planned Development District may be required to be amended depending on property re-division.

(1) *Ingress/Egress Easements* – Future transfer of ownership which creates a landlocked parcel shall require a dedicated ingress/egress easement for the issuance of a building permit.

(H) *Parking regulations.* Parking shall comply with § 155.072. Required parking shall be dedicated to the occupants and located as close to the building served as possible.

(I) *Visibility at Intersections and Driveways.* Safety zones shall comply with § 155.070.

(J) *Accessory Use and Structures* shall conform to the following standards:

(1) Roofing and siding materials shall be of a type customarily used on site-constructed residence.

(2) Any accessory building that covers more than 120 square feet shall be secured to the ground to prevent the structure from being moved or damaged by high winds.

(3) Accessory buildings may not be used for dwelling purposes.

(4) Accessory buildings in excess of 750 square feet in area should be approved only if there is a legitimate purpose for accessory buildings.

(K) *Off Street Loading Requirements* shall comply with § 155.073.

(L) *Site-built dwelling standards* shall comply with § 155.076.

(M) *Landscaping standards*

(1) Within any zoning district, at least 75% of the required front yard setback shall be landscaped and maintained with living ground cover except for the portion of the front yard necessary for hard surfaced driveways and parking (§ 155.072).

(2) 1 tree per 50 feet of tract width is required. No more than 25% of the required trees may be deciduous ornamental, evergreen, or coniferous trees.

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

(4) Where feasible, landscape areas must be capable of providing a substantially full expanse of foliage within 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 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.

- (5) A fence, wall, or shrubbery 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 6-foot screening if they have a maximum grade of 3 feet horizontal to 1-foot vertical and sodded or planted with other acceptable living ground cover.
- (6) If proper screening is provided, parking lot setbacks may be reduced at City Engineer's discretion.

(N) *Adjustments to Yard Regulations* shall comply with § 155.082.

(O) *Non-conforming Uses and Structures* shall comply with § 155.083.

(P) *Lighting*

- (1) When property is adjacent to or within 150 feet of residentially used or zoned property, the following lighting standards apply:
 - (a) The maximum light level shall be no greater than 3 foot candles field measured at the property line (ground level).
 - (b) The maximum height of light luminaries shall be 25 feet above the ground.
 - (c) 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.
 - (d) The maximum number of canopy luminaries shall be determined by the following industry standard: Canopy length (in feet) x canopy width (in feet) x 3 = Maximum No. of Luminaries lamp wattage
- (2) 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.
- (3) The following structures or uses are exempt from these lighting standards: parks, pedestrian walkways, and illuminated flags or statues.
- (4) Lighting for parking lots shall be constructed so as to prevent light pollution to surrounding properties.

(Q) *Sign regulations.* Signs shall be regulated by Chapter 152. Regulations shall be those used in the R-3 District.

(R) *Fence regulations.* Fences shall comply with § 155.074(A), (B) and (C), except for fences used to enclose recreational areas that may comply with § 155.074(G).

Dated at Vermillion, South Dakota this 2nd day of April, 2012.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: March 19, 2012
Second Reading: April 2, 2012
Publication: April 13, 2012
Effective Date: May 3, 2012



Council Agenda Memo

From: Jane Larson, Vermillion Public Library Director

Meeting: April 2, 2012

Subject Vermillion Public Library Foundation report

Presenter: Jerry Johnson and Roger Kozak

Background: The Library addition and renovation project is underway. The completion date for the construction contract is April 1, 2013. The construction project is being funded by a City Council allocation of second penny funds, a CDBG award, Library Board funds and the generosity of Edith Seigrist. The Library Foundation is a partner in the construction phase as they are passing through a gift from Edith's estate to the construction.

Prior to the Edith's gifts becoming available, the Library Foundation had agreed to raise funds for furnishings if the construction project was funded. When these funds were secured to go out for bid on the construction project, the Library Foundation began a fundraising campaign.

Discussion: Since last fall, the Library Foundation has been raising funds to furnish the Library. From previous conversations, it appears the fundraising campaign has been a success. Roger and Jerry are going to present a report on the fundraising efforts of the Foundation.

Financial Consideration: None with respect to receiving the report.

Conclusion/Recommendations: Administration recommends that the City Council receive the report of the Vermillion Public Library Foundation.



Council Agenda Memo

From: Jane Larson, Vermillion Public Library Director
Meeting: April 2, 2012
Subject 2011 Annual Report for the Vermillion Public Library
Presenter: Jane Larson

Background: State law requires the Library Board to prepare and submit an annual report (using a federally dictated template) to the governmental bodies that provide funding to the library.

SDCL 14-2-40. Duties of trustees. Each board of public library trustees shall:

- (1) Appoint a librarian to serve at the pleasure of the board. Any paid librarian shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule, if such schedule exists. If no such schedule exists, the salary shall be set by the local governing body;
- (2) Adopt bylaws for the conduct of their business and adopt policies for the selection of public library materials, the governance of the library, and the use of public library services and materials;
- (3) Prepare and submit an annual budget request to its governing body;
- (4) Adopt a final annual budget within those funds certified to it as being appropriated in the annual budget of its governing body;
- (5) Meet at least once during each quarter of the year;
- (6) Prepare and submit an annual report to its governing body and to the South Dakota State Library on such forms as may be provided by the State Library.

Discussion: The report was presented and accepted by the Library Board of Trustees at their March meeting. The report is compiled electronically, thus, the format in the print version. The report is typically presented in the spring.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends that the City Council acknowledge receipt of the 2011 Annual Report for the Vermillion Public Library.

VERMILLION PUBLIC LIBRARY
South Dakota Public Library Survey - Fiscal Year 2011

SECTION A. GENERAL INFORMATION #A01-A26

To begin survey,

- 1) PRINT "SDSL Certificate" before you begin!
- 2) Go to the top Gold bar. PRINT off INSTRUCTIONS
- 3) NOW Begin Survey

A01 Library	VERMILLION PUBLIC LIBRARY
A02 County	CLAY
MAILING ADDRESS	
A03 Mailing Address	18 CHURCH STREET
A04 Street Address	18 CHURCH STREET
A05 City	VERMILLION
A06 Zip Code	57069
A07 Zip Extension	3093
A08 Librarian	Jane A. Larson
A09 Phone (Library)	(605) 677-7060
A10 Fax	(605) 677-7160
A11 Email address of director	jlarson@sdln.net
A12 Fiscal year being reported	Jan - Dec
A13 Was there a change in the boundaries of the legal service area during reporting period?	No
A14 Governmental unit under which library is legally established	CITY
A15 Year legally established	1903
A16 Total Population Chartered or Contracted to serve most recent	10,571
A17 ESTIMATED population of total service area	13,864
A18 What do you charge for a nonresident library card?	\$15.00
A19 Are you the central library?	Yes
A20 Number of branch libraries	0
A21 Number of bookmobiles	0
A22 Was your library involved in a building or remodeling program during the year?	No
A23 If yes, please explain. If no, please enter N/A	N/A
A24 Total square footage	11,000
A25 Legal basis code	CI - Municipal Government(city, town or village)
A26 Geographic code	CI2 - City(most nearly)

SECTION B. LIBRARY HOURS #B01-B53

MAIN LIBRARY HOURS (Place an N/A on each line or date not used.)

B01 Sunday, open AM	N/A
	N/A

B02	Sunday, close AM	
B03	Sunday, open PM	1300
B04	Sunday, close PM	1700
B05	SUNDAY, TOTAL hours	4
B06	Monday, open AM	1000
B07	Monday, close AM	N/A
B08	Monday, open PM	N/A
B09	Monday, close PM	2100
B10	MONDAY, TOTAL hours	11
B11	Tuesday, open AM	1000
B12	Tuesday, close AM	N/A
B13	Tuesday, open PM	N/A
B14	Tuesday, close PM	2100
B15	TUESDAY, TOTAL hours	11
B16	Wednesday, open AM	1000
B17	Wednesday, close AM	N/A
B18	Wednesday, open PM	N/A
B19	Wednesday, close PM	2100
B20	WEDNESDAY, TOTAL hours	11
B21	Thursday, open AM	1000
B22	Thursday, close AM	N/A
B23	Thursday, open PM	N/A
B24	Thursday, close PM	2100
B25	THURSDAY, TOTAL hours	11
B26	Friday, open AM	1000
B27	Friday, close AM	N/A
B28	Friday, open PM	N/A
B29	Friday, close PM	1800
B30	FRIDAY, TOTAL hours	8
B31	Saturday, open AM	1000
B32	Saturday, close AM	N/A
B33	Saturday, open PM	N/A
B34	Saturday, close PM	1700
B35	SATURDAY, TOTAL hours	7
B36	GRAND TOTAL Main Library hours (B5 + B10 + B15 + B20 + B25 + B30 + B35)	63.00

Outlet Information

B37	Branch Library's name	VERMILLION PUBLIC LIBRARY
B38	Address	18 CHURCH STREET
B39	City	VERMILLION
B40	Zip Code	57069
B41	Zip Extension	3093
B42	County	CLAY
B43	Phone Number	(605) 677-7060
B44	Outlet Type Code	CE
B45	Metropolitan Status Code	NO
B46	Square footage of branch (or if B44 is CE outlet)	11,000

B47	Number of Bookmobiles in Outlet Record	0
B48	Total Public Service Hours OPEN Per Year (actual hours; collected & reported out at the outlet level)	3,276
B49	Total Number of Weeks Per Year this branch (or CE outlet) library is Open (actual weeks; collected & reported out at the outlet level)	52
B50	Branch (or CE outlet) librarian	Jane A. Larson
B51	Total hours open during a typical week	63
B52	Total days open during a typical week	7
B53	Total Branch (or CE outlet) Staff paid	8

SECTION C. PERSONNEL # C01-C20

Head Librarian

C01	Head Librarian	1
C02	Current Annual Salary (excluding benefits)	\$57,220
C03	Total Hours Worked Per Week	40

Other Librarians

C04	Total number of OTHER Paid Librarians	2
C05	Total number of OTHER Paid Librarian hours worked per week	70
C06	Total number of hours worked by the Head Librarian AND all other Paid Librarians (C03 + C05)	110.00
C07	Total Paid Librarians FTE	2.75

All Other Paid Staff

C08	Total Number of All Other Paid Staff	5.2
C09	Total Number of All Other Paid Staff hours worked per week	169
C10	All Other Paid Staff FTE	4.23
C11	Total Paid Employees FTE (C07 + C10)	6.98
C12	How many of the Librarians from LINES C01 and C04 have an ALA Accredited Masters of Library Science Degree?	2
C13	Total number of hours worked per week by Librarians from LINE C12 with an ALA Accredited Masters of Library Science Degree	70
C14	Total FTE Librarians with ALA Accredited Masters of Library Science Degree	1.75
C15	Educational Level Achieved by Head Librarian	Masters
C16	Total Number of Volunteers	32
C17	Avg. Hours/Week provided by Volunteers	6
C18	Number of Staff Paid from Other Sources	1
C19	List Sources	Experience Works
C20	Average Hours/Week Provided by Staff Paid by Non-Library Source	18

SECTION D. INCOME (OPERATING) # D01 - D22

Total Income Received During Fiscal Year

D01	City/Town	\$508,601
D02	County	\$3,000
D03	School District	\$0
D04	Tribal Appropriation	\$0
D05	College Appropriation	\$0
D06	Contracts With Other Libraries	\$0
D07	LOCAL GOVERNMENT INCOME (D01 + D02 + D03 + D04 + D05 + D06)	\$511,601
D08	State Appropriations	\$0
D09	Federal income (Excluding LSTA grants)	\$0
D10	LSTA Grants	\$0
Miscellaneous Funds for Operating Expenses		
D11	Fines (If Kept as Income)	\$3,252
D12	Gifts and Endowments	\$3,841
D13	Income ONLY from Trust Funds/Savings	\$6,960
D14	Income from Sale of Library Cards	\$373
D15	Other	\$2,315
D16	SUBTOTAL MISCELLANEOUS FUNDS (D11 + D12 + D13 + D14 + D15)	\$16,741
D17	TOTAL OPERATING INCOME FISCAL YEAR (D07 + D08 + D09 + D10 + D16)	\$528,342
Capital Income		
D18	Local Government Capital Income	\$0
D19	State Government Capital Income	\$0
D20	Federal Government Capital Income	\$0
D21	Other Capital Income	\$806,512
D22	TOTAL CAPITAL INCOME (D18 + D19 + D20 + D21)	\$806,512

SECTION E. EXPENDITURES # E01-E20

Total Expenditures During Fiscal Year For: (Round to nearest dollar)

E01	Salaries and Wages for Library Staff (includes Maintenance, Custodial, and Security staff)	\$267,937
E02	Total Employee Benefits (Including Group Insurance)	\$77,398
E03	TOTAL ALL SALARIES AND BENEFITS (E01 + E02)	\$345,335
Library Materials:		
E04	Print Materials	\$69,840
E05	Electronic Materials	\$4,192
E06	Other Materials Expenditures	\$12,273
E07	TOTAL EXPENDITURES FOR LIBRARY MATERIALS (E04 + E05 + E06)	\$86,305
E08	Other Operating Expenditures	\$94,323

E09	TOTAL OPERATING EXPENDITURES (E03 + E07 + E08)	\$525,963
Capital Expenditures:		
E10	Land	\$0
E11	Buildings	\$0
E12	Remodeling	\$0
E13	Computer Hardware	\$2,545
E14	Audio-Visual Equipment	\$0
E15	Other Library Equipment includes shelving, desks, etc.	\$0
E16	Automotive Vehicles including bookmobiles	\$0
E17	Debt Payment	\$0
E18	Other Capital Expenditures (Specify)	\$140,076
E19	TOTAL CAPITAL EXPENDITURES (E10 + E11 + E12 + E13 + E14 + E15 + E16 + E17 + E18)	\$142,621
E20	TOTAL EXPENDITURES DURING FISCAL YEAR (E09 + E19)	\$668,584

SECTION F. LIBRARY HOLDINGS # F01-F12

PRINTED MATERIALS

Books

F01	Total Owned at End of Year	78,150
Current Print Serial Subscriptions		
F02	Total Owned at End of Year	119
DATABASES OWNED END OF YEAR		

Number of Licensed Databases acquired through payment or formal agreement:

F03	Local	0
F04	State (state government or State library)	38
F05	OTHER cooperative agreements (or consortia) within state or region (ex: SDLN's databases, SD Titles to Go/Overdrive)	18
F06	Total (F03 + F04 + F05)	56

OTHER ELECTRONIC MATERIALS

Video - Physical Units

F07	Total <u>Owned</u> at End of Year	3,004
Video - Downloadable titles		
F08	Total <u>Owned</u> at End of Year	0
Electronic Books (E-Books)		
F09	Total <u>Owned</u> at End of Year	3,363
Audio - Physical Units		
F10	Total <u>Owned</u> at End of Year	3,478
Audio - Downloadable titles		
F11	Total <u>Owned</u> at End of Year	3,362
Other (films, multimedia kits, maps, etc.)		
F12	Total <u>Owned</u> at End of Year	208

SECTION G. SERVICES ACTIVITIES # G01-G46

LIBRARY SERVICE INDICATORS

G01	Annual Public Service Hours/Year (Average weekly hours x 52 wks)	3,276
G02	Annual Total Attendance in Library (Typical week x 52)	38,207
G03	Annual Total Reference Transactions Completed (average reference transactions per week x 52)	7,693

CIRCULATION AND OTHER LIBRARY USAGE

Total Circulation (Books Loaned for Year):

From Main Library

G04	Adult (over 18)	33,570
G05	Juvenile	30,594
G06	SUB-TOTAL (G04 + G05)	64,164

From Branches and Deposit Stations

G07	Adult (over 18)	0
G08	Juvenile	0
G09	SUB-TOTAL (G07 + G08)	0

From Bookmobile Stops

G10	Adult (over 18)	0
G11	Juvenile	0
G12	SUB-TOTAL (G10 + G11)	0

TOTAL CIRCULATION FOR YEAR

G13	ADULT (G04 + G07 + G10)	33,570
G14	JUVENILE (G05 + G08 + G11)	30,594
G15	SUB-TOTAL (G13 + G14)	64,164

G16	Total magazines and other items not included above	556
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G17	Total Nonprint Materials Circulated	13,624
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G18	TOTAL CIRCULATION LOANS FOR ALL TYPES OF MATERIALS (G15 + G16 + G17)	78,344
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G19	Total Number of Registered Borrowers (<i>If you do not have a registry, record A16 population here.</i>)	4,763
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RESOURCE SHARING / InterLibrary Loan

*Note: The statistics reported here (should be) included in the circulation count reported in the last section.
Circuit Large Print IS NOT "Inter-Library loan".*

Provided to Other Libraries (includes State Library)

G20	In-State	2,131
G21	Out-of-State	98
G22	TOTAL PROVIDED TO (G20 + G21)	2,229

Received from Other Libraries (includes State Library)

G23	In-State	2,472
G24	Out-of-State	541

H04	Business Telephone	N/A
H05	Office Held	Trustee
H06	Term Expires	2012
H07	E-Mail address	fjeanette13@hotmail.com
H08	Number of trustees' meetings held during the calendar year	11xYR
H09	What governing body appoints the Library trustees?	City Council
H10	Indicate the usual scheduled date and hour of meetings (for example, Second Tuesday of the month at 8 p.m., or give specific dates)	Third Thursday at 6pm
H11	Date of last public library board meeting	December 15, 2011
H12	Does your library have a formally organized Friends of the Library (FOL) group?	Yes
H13	Friends of the Library President's name and address	Mary Waller, 417 E. Lewis, Vermillion SD 57069
H14	Does your library have a Library Foundation?	Yes
H15	Foundation President's name and address	Shirley Huber, 941 Crestview Dr. Vermillion SD 57069

SECTION I CERTIFICATION/ACCREDITATION # I01-I06

I01	Is your library accredited according to South Dakota Accreditation Standards?	Yes
I02	Renewal Year	2013
I03	Is the library director certified according to South Dakota Certification Standards?	Yes
I04	Renewal Year	2013
I05	Do you have on file with the SDSL a copy of the local governmental ordinance or minutes authorizing your public library's existence?	Yes
I06	We have reviewed/updated our Library board by-laws in the past five years?	Yes

SECTION J. SPECIAL SERVICES

J01	Narrative Listing of Any Special Events	Awarded \$1.4m from City of Vermillion, awarded \$200,000 CDBG grant and donation of \$805,212 to finalize plans for expansion and renovation of facility that have been evolving over the last 15 years.
J02	Librarian or staff member completing the survey (Print or type name)	Jane Larson
J03	Chairman of Board of Trustees/or Director of Institution (Print or type name)	Jon T. Flanagin

If you have not printed off and signed the certificate form, click [HERE](#).

To Complete Your Survey within Collect:



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: April 2, 2012
Subject: Resolution Revising Wastewater Rates
Presenter: Mike Carlson

Background: The annual wastewater rate for customers is computed as a percentage of the average monthly consumption based on the January, February and March water usage billing for each account. The new wastewater fee is computed in April of each year and remains the same for the next twelve months. Since the water usage of the entire system varies from year to year, wastewater fees are determined on an annual basis.

The wastewater rates were last adjusted in April 2011 to 126% of the water billing. In April 2011, the wastewater rates were increased \$2.78 per month, or just under a 9% increase from 2010. Wastewater rates also include a surcharge to repay the 2008 State Revolving Fund loan for the Phase II improvements.

Discussion: Based upon the 2012 water consumption levels, if the wastewater rate is adjusted to 128%, it is projected to generate the revenues needed to meet the budgeted for the wastewater fund and debt service surcharge fund of \$1,691,000. This would be a 3.21% increase in total wastewater/surcharge revenues but as the larger increase last year started in April 2011 the increase in monthly wastewater revenue is 1.71%. The customer using an average of 670 cubic feet of water during January, February and March will see a \$.54 monthly increase or 1.59% in their monthly sewer charge starting in April, 2012.

The 2008 State Revolving Fund Loan requires a surcharge fee for the repayment of this loan that began in July 2010 and for 2012 the debt service will be \$291,224. The surcharge portion of the wastewater charge will need to generate \$320,346 which is 110 % of the principal and interest payments for the year. The surcharge percentage will need to be adjusted to 23.7% of the total wastewater billing.

Financial Consideration: The resolution proposes to increase the wastewater rate from 126% to 128% of the average water billing for January, February and March.

The wastewater customer using an average of 670 cubic feet of water will see a monthly increase of \$.54 per month or 1.71% increase.

Conclusion/Recommendations: Administration recommends the adoption of the rate resolution to meet the 2012 budget and provide the rates needed for the SRF Loan requirements for the Phase II improvements to the treatment plant and lift station.

RESOLUTION AMENDING SEWER RATES

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

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

WHEREAS, the State Revolving Loan for the Phase II improvements required the creation of a surcharge fee sufficient to produce net revenues for each fiscal year at least equal to one hundred ten (110) percent of the principal and interest on the bonds coming due in such fiscal year be established; and

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

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 2nd day of April, 2012, that the percentage for calculating the sewer charge be established or charged as follows:

- (a) Total charge: ~~One hundred twenty six percent (126%)~~ One hundred twenty eight percent (128%).

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

- (b) Debt Service Surcharge Fees effective for billing after April 20, 2012: There is hereby established and imposed, pursuant to the authority of SDCL ch. 9-40, a surcharge upon the sewer service in the City of Vermillion. The surcharge shall apply to all classes of customers. The debt service surcharges is a special charge for the use of the wastewater plant and lift station improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2008 Clean Water State Revolving Fund Loan. The City does hereby establish the debt service surcharge fees for each customer of its System who received or benefits from the Project or services of the Project. Such allocation shall be set at a level which, assuming a ten percent (10%) delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the borrower 2008 bonds and the administrative

expense surcharges and all other payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The debt service surcharge percentage included in (a) above, per monthly billing shall be ~~twenty five and three tenths percent (25.3%)~~ twenty three and seven tenths percent (23.7%).

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

Effective Date of Rate:

The effective date of the rates listed in Vermillion City Ordinance 53.018 is for bills with a billing date after April 20, 2012.

Dated at Vermillion, South Dakota this 2nd day of April, 2012.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: April 2, 2012

Subject: Resolution Establishing Tapping Fees in Lieu of Assessment for Sanitary Sewer Service Laterals for Cherry Street

Presenter: Jason Anderson

Background: Beginning in 2008 Cherry Street, including all utilities, were completely reconstructed. The project was completed in the fall of 2009 and all payments have been made to the contractor. The fees established in this resolution cover the cost of installing sanitary sewer service laterals to the outer extent of the City's Rights-of-Way. In one instance, the tapping fee also covers a sanitary sewer main extension requested by a property owner. With the exception of the sanitary sewer main extension, the sanitary sewer service laterals are not currently in use, but are available if a property owner needs a new service in the future. The purpose of stubbing these service lines out to the properties is to prevent future street cuts on the newly constructed, five-lane Cherry Street. It is cheaper, and less of a burden to install extra sewer service laterals as a part of a larger project.

Discussion: SDCL 9-48-15 and 9-47-16 govern water supply and sanitary sewer improvements to properties that do not meet special assessment requirements. The water and sewer costs are apportioned against the benefited properties in the same method as special assessment improvements are apportioned, but the cost is collected as a connection fee without interest before the property may be served by the facility.

Financial Consideration: The amount apportioned to the individual properties is the bid amount for the materials and labor, plus an 8% fiscal fee to recover some of the costs for surveying, design, bidding, staking, testing, project management, inspection, publication, and postage, etc. The property owner will only incur the fee upon connection to the sanitary sewer lateral.

Conclusion/Recommendations: Administration recommends approving the resolution establishing tapping fees in lieu of assessment for sanitary sewer service laterals for Cherry Street.

**RESOLUTION ESTABLISHING TAPPING FEES IN LIEU OF ASSESSMENT FOR
SANITARY SEWER SERVICE LATERAL FOR CHERRY STREET**

WHEREAS, the City of Vermillion has constructed sanitary sewer service laterals to serve future properties on:

East Cherry Street

at a cost of \$10,182.74, which the City has paid, and which has not been apportioned against the property which may be benefited thereby as provided by SDCL 9-47-6 and SDCL 9-48-15, as amended, and will require such property owner to pay its proportionate share of the cost of such construction, without interest, according to the benefits which the Governing Body has determined to accrue to such property before such property may be served by the facility; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that each of the lots hereinafter described in Column 2 has been benefited by the construction of the facility in the amount set forth in Column 3, opposite such description; and the owner of such lot shall pay said amount to the City before said property may be served by the sanitary sewer facility of the City of Vermillion, viz:

<u>NAME</u>	<u>LEGAL DESCRIPTION</u>	<u>AMOUNT</u>
Oma Shree, LLC	The S. 150' of the E. 234 ' of the W. 246' of Lot 1 in the NW 1/4, , Section 18, Township 92, Range 51, .	\$ 940.31
Hennessey Enterprises	Lot 1, Block 2, except the E. 2', Arnold Addition	\$ 1,000.58
East River Properties	The East 100' of Lot B-1 in the NE 1/4 of the SW 1/4, Section 18, , Township 92, Range 51	\$ 900.14
Siouxland Concrete Co. c/o Lyman-Richey Corp.	The W. 121' of Lot 6 in Lot 1 of the NW 1/4, Section 18, Township 92, Range 51	\$ 920.23
Judith A. Gregoire, A Revocable Trust	The N. 152' of Lot 1-S of the NE 1/4 of the SW 1/4, except the N. 33', Section 18, Township 92, Range 51	\$ 1,060.85
Jere L. Chapman	The W. 150' of Lot 1 in the W 1/2 of the SW 1/4 of the NE 1/4, Section 18, Township 92, Range 51	\$ 940.31
SESDAC, Inc.	Lot E-3, E-4, & E-5 in the SE 1/4 of SW 1/4 of the NE 1/4, Section 18, Township 92, Range 51, and the W 9' of the S. 396.7' of Lot E-6 (West Service)	\$ 839.87
SESDAC, Inc.	Lot E-3, E-4, & E-5 in the SE 1/4 of SW 1/4 of the NE 1/4, Section 18, Township 92, Range 51, and the W 9' of the S. 396.7' of Lot E-6 (East Service)	\$ 859.96

Miguel Lopez	Lot B, Lot E-1 & Lot E-7, except the W. 47.09' of the N. 211.3' of Lot E-1, Section 18, Township 92, Range 51	\$ 920.23
Camille Clyde	The N. 281' of Lot 1, Block 1, Ouellettes Addition	\$ 940.31
Commerce Properties, LLC	The E. ½ of Lots 1, 2, 3, 4, 5, & 6 & the S. ½ Vac Spruce, Less Lot H-2 & W. ½ Vac Unnamed Street, BTW, Blk. 2 & 3, Parks Addition	\$ 3,367.51
Miguel Lopez	Lot B, Lot E-1 & Lot E-7, Exc. W. 47.09' of N. 211.3' of Lot E-1.	\$ 859.96

BE IT FURTHER RESOLVED, that each of the lots described in the above shall pay the amount of benefit which includes an eight percent (8%) fiscal fee.

Dated at Vermillion, South Dakota, this 2nd day of April, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: _____
John E. (Jack) Powell, Mayor

ATTEST:

By: _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: April 2, 2012

Subject: Assignment of Tower Lease KeyOn Communications to Skybeam Acquisition Corporation

Presenter: Mike Carlson

Background: In July, 2002, the City entered into a lease with Prairie Fire Internet Technologies, LLC, for antenna facilities to be located on the Prentis Park and Market Street water towers. In April 2004, this lease was assigned to SpeedNet Services, Inc. who, in turn, assigned the lease to KeyOn Communications in December 2006. The lease amount is \$175 per month, per tower, (\$350 per month total) and the City receives up to four free internet connections with two currently in use at the landfill and wastewater. The lease also provides that the City provide notice if it decides to dismantle a water tower.

Section 14 of the lease provides that the “tenant may not assign this Lease or sublet the premises without the prior written consent of the landlord, which shall not be unreasonable withheld”.

The initial term of the lease was for five years with five one year renewals, thus, this lease will be up for reconsideration before July of this year.

Discussion: A letter requesting the tower lease assignment was received from KeyOn Communications on Monday, March 26, 2012. The request was that the assignment be signed and sent back by the end of the week. Contact was made with KeyOn Communications explaining that the City Council would next meet on April 2, 2012. KeyOn Communications requested consideration by the City Council of the assignment on the April 2, 2012 agenda. The attached assignment was approved by Jim McCulloch and sent to KeyOn Communications who signed and e-mailed the attached copy. The original document was put in the mail for a signature if approved by the City Council.

The assignment provides that the rent payments must be current before the current tenant will be released from the lease.

Financial Consideration: KeyOn Communications lease payments are current with the City for March but they have not always been on time. The lease assignment states the assignment will not release the current tenant until that payment is made.

Conclusion/Recommendations: Administration recommends approval of the consent to assignment of the tower lease from KeyOn Communications to Skybeam Acquisitions Corporation.

CONSENT TO ASSIGNMENT

Landlord:

City of Vermillion
25 Center Street
Vermillion, SD 57069

Tenant:

KeyOn Communications, Inc
7548 W. Sahara Ave., Suite 102
Las Vegas, NV 89117

Buyer:

Skybeam Acquisitions Corporation
Attn: Scott Perich
400 Inverness Parkway
Englewood, CO 80112

Tower Site Locations:

Downtown tower at 122 Market Street
Prentis Park tower at 36 Prentis Street
Vermillion, SD 57069

The Landlord as identified above ("Landlord") is the landlord under that certain lease dated July 1, 2002, and Tenant as identified above ("Tenant") is the most recent Tenant in the Amendment of Lease, and Consent to Assignment of that Lease dated December 4, 2006 from the prior Tenant in the Consent to Assignment of the Lease dated April 5, 2004, such lease being hereinafter referred to as the "Lease." Tenant has entered into an agreement to sell and transfer certain of its assets to Buyer as identified above ("Buyer"), the consummation of which requires, among other things, the assignment to Buyer of Tenant's interest in the Lease and the execution and delivery of this document by Landlord. Landlord hereby agrees with and certifies to Buyer as follows:

1. Landlord hereby consents to the assignment of the Lease by Tenant to Buyer on the following terms and conditions:
 - a. Rent payments made current according to terms of Lease paragraph 4 as amended.
 - b. Tenant will not be released from the Lease until satisfactory compliance with condition 1a. has been completed.
 - c. Landlord will continue to receive four (4) free monthly internet services (currently provided to wastewater treatment plant and landfill) and two other locations to be named by the Landlord.
 - d. All provisions of the Lease and any amendments thereto shall remain in full force and effect.
2. Attached hereto is a full and complete copy of the Lease, together with all amendments thereto and previous Consent to Assignments dated April 5, 2004 and December 4, 2006. Landlord is the owner of all right, title and interest of the Landlord under the Lease and has the right to execute and deliver this document.
3. The Lease is in full force and effect. To Landlord's knowledge, neither Tenant nor Landlord is or, with the giving of notice or the passage of time or both, would be in default under the Lease.
4. Except for the future obligations of Tenant and its Buyer under the Lease, all commitments made to induce Landlord to enter into the Lease have been satisfied.

Landlord agrees that this document constitutes written notice to Landlord of the pending assignment of the Lease by Tenant to Buyer and Landlord waives any advance notice of such assignment required under the Lease, if any. Landlord further agrees that for a period of thirty (30) days from and after the date hereof, Landlord will not consent to the modification of any of the terms of the Lease except for those outlined in 1 above nor to the termination thereof by Tenant without the prior written consent of Buyer. The statements contained herein may be relied upon by Buyer and its successors and assigns.

Dated at Vermillion, South Dakota this 2nd day of April, 2012.

Landlord: City of Vermillion

John E. (Jack) Powell, Mayor

Attest:

Michael D. Carlson, Finance Officer

Tenant: KeyOn Communications, Inc.

Thomas M. Wittenschlaeger

By: Thomas M. Wittenschlaeger
Chief Executive Officer

STATE OF Nevada :
COUNTY OF Clark :

On this 28th day of March, 2012, before me personally appeared Thomas Wittenschlaeger of KeyOn communications, Inc., the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said corporation for the uses and purposes therein mentioned, and on oath, stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written

Heather L. Prime
Name: Heather L. Prime

NOTARY PUBLIC in and for the State of Nevada
My commission expires: 8-26-14





Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: April 2, 2012

Subject: Purchase of Single Phase Transformers

Presenter: Jason Anderson

Background: The 2012 Electric Distribution budget includes funding for the annual supply of padmount transformers for 2012 electric projects. The City opened bids on March 28, 2012 for fifteen single phase padmount transformers. Copies of the bid tabulation sheets are attached.

Discussion: Four bids, with appropriate bid security, were received for transformers. Transformer bids are evaluated for operating losses over the transformer life cycle in determining the low bidder. The total base price is the initial cost to acquire the transformers while the total evaluation price represents the total life cost of the transformers including operating losses over the transformer life. The low bidder on transformers was Stuart Irby with an initial purchase price of \$24,300 and a total evaluated bid of \$36,423.

Financial Consideration: The 2012 Electric Distribution fund includes funding for transformer purchases.

Conclusion/Recommendations: Administration recommends awarding the padmount transformer bid to the low total evaluated price bidder, Stuart Irby, with an initial purchase price of \$24,300 and a total evaluated bid of \$36,423.

BID TABULATION

PROJECT: New Transformers for Electric Dept.

Date: March 28, 2012

BIDDER	Border States Electric Supply Co.	Wesco	RESCO	Stuart Irby
ADDRESS	1401 N. Minnesota Ave Sioux Falls, SD 57104	2501 E. Third St. Sioux City, IA 51101	P.O. Box 160 Moorhead, MN 56560	1234 1st Ave South Fort Dodge, IA 50501
BID SECURITY	10 % Bid Bond	10 % Bid Bond	10 % Bid Bond	10 % Bid Bond
Single Phase Pad Mounted Transformers				
Total Base Price	\$ 24,969.75	\$ 27,060.00	\$ 22,425.00	\$ 24,300.00
Total Evaluation Price	\$ 44,037.75	\$ 45,420.00	\$ 36,942.00	\$ 36,423.00
Manufacturer	Cooper Power	ABB	ERMCO	Howard
Delivery Date	16-18 weeks	8-10 weeks	8-10 weeks	8-10 weeks

CITY OF VERMILLION
 INVOICES PAYABLE-APRIL 2, 2012

1	3D SPECIALTIES INC	SAFETY T-SHIRTS	69.33
2	A-OX WELDING SUPPLY CO	SUPPLIES	11.68
3	ACCENT WIRE PRODUCTS	SUPPLIES	668.07
4	AHEAD, INC	MERCHANDISE	1,854.66
5	ANTIGUA GROUP, INC	MERCHANDISE	2,628.45
6	APPEARA	SUPPLIES	63.14
7	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	238.03
8	ARAMARK-WEARGUARD	UNIFORMS	214.16
9	ARGUS LEADER	ADVERTISING	7.50
10	ARGUS LEADER MEDIA #1085	SUBSCRIPTION	294.75
11	ASSURED LOCK TOOL & SUPPLY	PARTS	382.16
12	ATCO INTERNATIONAL	SUPPLIES	153.00
13	AUDIO GO	BOOKS	195.94
14	AUTOMATIC BUILDING CONTROL	ANNUAL MAINTENANCE	1,658.00
15	AWWA	MEMBERSHIP DUES	340.00
16	BAKER & TAYLOR BOOKS	BOOKS	355.49
17	BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	784.64
18	BARNES DISTRIBUTION	SUPPLIES	110.52
19	BIERSCHBACH EQPT & SUPPLY	SUPPLIES	867.43
20	BOOK WHOLESALERS, INC	BOOKS	449.91
21	BORDER STATES ELEC SUPPLY	SUPPLIES	1,219.34
22	BOUND TREE MEDICAL, LLC	SUPPLIES	626.77
23	BROADCASTER PRESS	ADVERTISING	281.82
24	BROWN TRAFFIC PRODUCTS	SUPPLIES	285.00
25	BUTCH'S PROPANE INC	PROPANE	3,423.97
26	BUTLER MACHINERY CO.	PARTS/WHEEL LOADER	118,831.18
27	CAMPBELL SUPPLY	SUPPLIES	985.67
28	CANNON TECHNOLOGIES, INC	SUPPLIES	11,829.96
29	CANON FINANCIAL SERVICES	COPIER LEASE	56.16
30	CASK & CORK	MERCHANDISE	1,281.77
31	CENTER POINT LARGE PRINT	BOOKS	309.89
32	CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
33	CENTURYLINK	TELEPHONE	734.89
34	CHESTERMAN CO	MERCHANDISE	730.28
35	CITY OF VERMILLION	COPIES/POSTAGE	3,786.87
36	CITY OF VERMILLION	UTILITY BILLS	32,465.42
37	CLAY RURAL WATER SYSTEM	WATER USAGE	42.20
38	CLAY-UNION ELECTRIC CORP	ON CALL BREAKFAST	86.94
39	COFFEE KING, INC	SUPPLIES	115.50
40	COLONIAL LIFE ACC INS.	INSURANCE	3,216.26
41	CONCRETE MATERIALS	SUPPLIES	866.45
42	CONTINENTAL RESEARCH CORP	SUPPLIES	1,371.44
43	COYOTE CHEMICAL COMPANY	PARTS	118.85
44	D-P TOOLS	SUPPLIES	104.87

45 DAKOTA BEVERAGE	MERCHANDISE	10,185.30
46 DAKOTA PC WAREHOUSE	COMPUTER/MONITOR/REPAIRS	959.93
47 DAKOTA SECURITY SYSTEMS, INC	REPAIRS	223.01
48 DALE HUSBY	SAFETY BOOTS REIMBURSEMENT	84.79
49 DANKO MES, INC.	SERVICE AGREEMENT/SUPPLIES	3,403.69
50 DAVIS PHARMACY	SUPPLIES	177.00
51 DEER CREEK CONSTRUCTION	REPAIRS	1,831.64
52 DELTA DENTAL PLAN	INSURANCE	5,643.30
53 DENNIS MARTENS	MAINTENANCE	833.34
54 DEPT OF REVENUE	TESTING	195.00
55 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	4,601.40
56 DUST TEX	SUPPLIES	58.25
57 EARTHGRAINS BAKING	MERCHANDISE	41.48
58 ECHO ELECTRIC SUPPLY	PARTS	3,091.04
59 ELECTRIC PUMP, INC	PARTS	2,610.00
60 ENGINEERING AMERICA, INC	PARTS	4,254.74
61 ENVIRONMENTAL RESOURCE ASSOC	SUPPLIES	1,083.58
62 ERIN J. SEEP	MAINTENANCE	58.00
63 ERNST FLOW INDUSTRIES	SUPPLIES	328.15
64 FAR FROM NORMAL	SUPPLIES	264.60
65 FARMER BROTHERS CO.	COFFEE PACKETS	78.76
66 FASC	EVIDENCE LOCKERS	5,191.00
67 FEDEX.	SHIPPING	22.35
68 FEIMER CONSTRUCTION CO	REFUND HYDRANT DEPOSIT	209.47
69 FLAGS UNLIMITED	FLAGS	229.44
70 FRED SAVOIE	SAFETY GLASSES REIMBURSEMENT	150.00
71 GALE	BOOKS	163.93
72 GE CAPITAL	COPIER LEASE	114.48
73 GIS WORKSHOP	WARRANTY	325.00
74 GOLFBALLSONLY.COM	GOLF BALLS	1,512.00
75 GRAHAM TIRE CO.	TIRES	275.83
76 GRAINGER	PARTS	201.90
77 GRAYBAR ELECTRIC	SUPPLIES	1,214.30
78 GREGG PETERS	FREIGHT	2,492.75
79 GREGG PETERS	RENT	937.50
80 GUARANTEE OIL CO INC	SUPPLIES	89.89
81 H.K SCHOLZ CO.	TESTING	300.00
82 HACH CO	SUPPLIES	1,265.65
83 HANSEN LOCKSMITHING	REPAIRS	1,605.00
84 HARLAND TECHNOLOGY SERVICE	MAINTENANCE AGREEMENT	1,544.00
85 HAWKINS WATER TREATMENT	CHEMICALS	780.42
86 HEIMAN, INC.	ANNUAL INSPECTION	207.88
87 HERREN-SCHEMPP BUILDING	SUPPLIES	240.98
88 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	244.53
89 HOLIDAY INN EXPRESS	LODGING	77.00
90 HOUSE OF WHITE BIRCHES	BOOKS	25.91
91 HY VEE FOOD STORE	SUPPLIES	159.22

92 ID CARDS UNLIMITED	PATRON CARDS	463.35
93 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL	988.89
94 INGRAM	BOOKS	4,509.61
95 INTERNATIONAL CODE COUNCIL	MEMBERSHIP	125.00
96 INTERSTATE BATTERIES	BATTERIES	90.00
97 INTL. ASSOC FOR PROPERTY & EVIDENCE	MEMBERSHIP	50.00
98 JACKS UNIFORM & EQPT	UNIFORMS	1,131.80
99 JAY'S PLUMBING	REPAIRS	1,142.45
100 JOHN A CONKLING DIST.	MERCHANDISE	9,164.95
101 JOHN C. PRESCOTT	TRAVEL REIMBURSEMENT	47.00
102 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	26,677.25
103 JOHNSON CONTROLS	REPAIRS/AGREEMENT	3,242.11
104 JONES ACE HARDWARE	SUPPLIES	1,152.95
105 JONES FOOD CENTER	SUPPLIES	687.25
106 KALINS INDOOR COMFORT	REPAIRS	202.50
107 KARSTEN MFG CORP	MERCHANDISE	1,671.76
108 LAWSON PRODUCTS INC	DUST MASKS	59.49
109 LAYNES WORLD	MAYOR AWARD PLAQUE/LETTERING	68.84
110 LEARNING OPPORTUNITIES, INC	BOOKS	625.30
111 LEISURE LAWN CARE	LAWN CARE SERVICE	167.20
112 LESSMAN ELEC. SUPPLY CO	SUPPLIES	2,032.24
113 LINCOLN MUTUAL LIFE	LIFE INSURANCE	494.21
114 LOCATORS AND SUPPLIES, INC	SUPPLIES	231.96
115 LOUIES CARPET CLEAN, INC	CARPET CLEANING	956.77
116 MALLOY ELECTRIC	SUPPLIES	260.78
117 MARK CLARK	MEALS REIMBURSEMENT	191.00
118 MARKS MACHINERY	PARTS	219.42
119 MART AUTO BODY	TOWING FEES	1,440.00
120 MATHESON TRI-GAS, INC	CARBON DIOXIDE	517.61
121 MATTHEW BENDER & CO, INC	BOOKS	34.69
122 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,536.45
123 MDS MANUFACTURING CO., INC	OIL STORAGE TANK	1,456.00
124 MEAD LUMBER	SUPPLIES	35.00
125 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	166.21
126 MEMPHIS NET & TWINE	PARKS EQUIPMENT	1,200.33
127 MERRICK INDUSTRIES	POWER SUPPLY UPGRADE	3,771.85
128 MICHAEL TODD	PARTS	234.93
129 MICRO MARKETING ASSOC	BOOKS	54.08
130 MIDWEST ALARM CO	ALARM MONITORING	135.00
131 MIDWEST BUILDING MAINTENANCE	MAT SVC	360.30
132 MIDWEST RADIATOR & EXHAUST	REPAIRS	357.40
133 MIDWEST TURF & IRRIGATION	PARTS	796.63
134 MINITEX LIBRARY	SUPPLIES	162.00
135 MINN MUNICIPAL UTILITY ASSOC	TESTING MATERIALS	506.00
136 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,100.25
137 MURPHS APPLIANCE & TV	REPAIRS	150.77
138 NATL GOLF FOUNDATION	MEMBERSHIP DUES	199.00

139 NCL OF WISCONSIN, INC	SUPPLIES	547.24
140 NEBR WATER ENVIR. ASSOC	REGISTRATION	405.00
141 NEBRASKA JOURNAL-LEADER	ADVERTISING	34.92
142 NETSYS+	MONITORS/PROFESSIONAL SERVICES	1,592.53
143 NEW YORK LIFE	INSURANCE	95.00
144 OFFICE SYSTEMS CO	COPIER CONTRACTS	1,278.37
145 OKOBOJI WINES-WEST	MERCHANDISE	632.00
146 OVERDRIVE INC	MAINTENANCE/PARTICIPATION FEE	2,500.00
147 OVERHEAD DOOR OF SIOUX CITY	ROLLING DOORS	33,974.00
148 PAUL'S PLUMBING	PARTS	6.65
149 PETE JAHN	SAFETY BOOTS REIMBURSEMENT	100.00
150 PETE LIEN & SONS, INC	CHEMICALS	4,662.40
151 PITNEY BOWES	POSTAGE METER RENTAL	242.49
152 PITNEY BOWES, INC	SUPPLIES	103.47
153 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
154 POMPS TIRE SERVICE, INC.	TIRES	16,000.00
155 PRAIRIE BERRY WINERY	MERCHANDISE	1,077.00
156 PRESSING MATTERS	ENVELOPES	53.00
157 PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
158 PRINT SOURCE	SUPPLIES	149.03
159 PROSOURCE SPECIALTIES	SUPPLIES	228.00
160 PUMP N PAK	FUEL	2,289.04
161 QUALITY BOOKS INC.	BOOKS	20.67
162 QUALITY EQUIPMENT AND SVC	BLADE SHARPENING	37.50
163 QUEEN CITY WHOLESALE	MERCHANDISE	133.57
164 QUILL	SUPPLIES	1,098.43
165 RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
166 RANDOM HOUSE, INC	BOOKS	235.00
167 RECORDED BOOKS, INC	BOOKS	592.55
168 REINHART FOODSERVICE, LLC	SUPPLIES	682.67
169 REPUBLIC NATIONAL DIST.	MERCHANDISE	35,378.45
170 RESCO	SUPPLIES	36,214.80
171 ROBIN HOWER	MEALS REIMBURSEMENT	33.00
172 ROY JOHNSON ROOFING, INC	REPAIRS	185.03
173 SANFORD CLINIC VERMILLION	REGISTRATION	300.00
174 SCHADE'S VINEYARD	MERCHANDISE	63.00
175 SD FEDERAL PROPERTY AGENCY	RADIO CHARGERS	71.74
176 SD MUNICIPAL STREET MAINTENANCE	REGISTRATION	40.00
177 SD PARK & RECREATION ASSOC	MEMBERSHIP	20.00
178 SD POLICE CHIEFS ASSOCIATION	REGISTRATION	65.00
179 SD RETIREMENT SYSTEM	CONTRIBUTIONS	68,741.94
180 SD SOLID WASTE MANAGEMENT	REGISTRATION	300.00
181 SEBCO BOOKS	BOOKS	402.63
182 SERVALL TOWEL & LINEN	SHOP TOWELS	37.80
183 SIOUX CITY WINTRONIC	SUPPLIES	13.53
184 SIOUXLAND HUMANE SOCIETY	FEES	37.00
185 SIOUXLAND SCALE SERVICE	INSPECTION/REPAIRS	2,401.10

186 SPECIAL T'S AND MORE	UNIFORMS	285.05
187 SPORTS MANAGEMENT ALLIANCE	SPONSORSHIP	100.00
188 STANLEY SECURITY SOLUTIONS	KEYS/CORES	586.16
189 STERN OIL CO.	SUPPLIES	3,256.96
190 STRACHAN SALES, INC	REPAIRS	285.85
191 STUART C. IRBY CO.	SUPPLIES	14,756.29
192 STURDEVANTS AUTO PARTS	PARTS	2,272.80
193 T&R SERVICE	TRANSFORMER DISPOSAL	459.50
194 TAYLOR MADE	MERCHANDISE	3,937.47
195 THATCHER COMPANY	SODA ASH	7,123.60
196 THE EQUALIZER	ADVERTISING	355.20
197 TITLEIST DRAWER CS	MERCHANDISE	5,757.68
198 TOTAL TOOL SUPPLY, INC	PARTS	310.81
199 TRI TECH SALES	PARTS	452.36
200 TRUE VALUE	SUPPLIES	169.41
201 TUMBLEWEED PRESS INC	SUBSCRIPTION	399.00
202 UNITED WAY	CONTRIBUTIONS	499.20
203 US GOLF ASSOCIATION	MEMBERSHIP	110.00
204 VALIANT VINEYARDS	MERCHANDISE	132.00
205 VERIZON WIRELESS	POLICE COMMUNICATIONS	227.95
206 VERMILLION CHAMBER OF COMMERCE	ANNUAL BANQUET TICKETS	90.00
207 VERMILLION COMMUNITY CPR	CPR CARDS	40.00
208 VERMILLION FORD	PARTS	53.30
209 VERMILLION HOUSING AUTHORITY	SUPPORT	1,423.00
210 VGSA	SPONSOR	200.00
211 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	5,552.45
212 WAHLTEK	CONTRACT	2,148.00
213 WAL-MART COMMUNITY	SUPPLIES	656.85
214 WALKER CONSTRUCTION	ABATEMENT EXPENSES	180.00
215 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	168.20
216 WEAVER ELECTRIC COMPANY	PARTS	201.00
217 WELFL CONSTRUCTION CO	LIBRARY EXPANSION	70,573.00
218 WESCO DISTRIBUTION, INC	PARTS	7,139.00
219 WEST GROUP PAYMENT CENTER	SUBSCRIPTION	221.04
220 WESTERN IOWA TECH	REGISTRATION	225.00
221 WINTER EQUIPMENT COMPANY	SUPPLIES	338.92
222 YANKTON JANITORIAL SUPPLY	SUPPLIES	728.86
223 ZIMCO SUPPLY CO	SUPPLIES	1,375.90
224 JASON HUSKA	BRIGHT ENERGY REBATE	175.00
225 MAURICES INC STORE #1659	BRIGHT ENERGY REBATE	675.00
226 RICK ERICKSON	BRIGHT ENERGY REBATE	25.00
	GRAND TOTALS	\$672,513.50

City of Vermillion (See reverse side of form for state laws regarding raffles and lotteries)
RAFFLE AND LOTTERY NOTIFICATION FORM

Date: 3/19/12

1. Name of organization/group St. Agnes School
Contact person: Name: Darla Hamm

2. Date(s) that tickets/chances will be sold: from Now to 4/14/12
Cost of tickets/chances: \$50

3. Date(s) of drawing(s): April 14, 2012

4. Can anyone purchase tickets? Yes

5. Will the prize winner(s) be selected at random? Yes X No _____

6. Description and approximate value of top prize: \$1,500 AAA Travel Vouchers

In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

We will be having our St. Agnes School Classic Dinner & Dance on Sat., April 14, 2012. It is our largest fundraiser of the year. A part of the evening will include a trip drawing. We are going to try to sell 150 tickets @ \$50. The winner will receive \$1,500 in AAA Travel Vouchers. The event will take place in the school gym.

Darla J. Hamm
Applicant's Signature

Approval:	
City Manager <u>John Prescott</u>	<u>3-20-12</u> Date

City of Vermillion (See reverse side of form for state laws regarding raffles and lotteries)
RAFFLE AND LOTTERY NOTIFICATION FORM

Date: 22 March 2012

1. Name of organization/group Clay County Historical Soc., Inc.
Contact person: Name: Cleo Erickson

2. Date(s) that tickets/chances will be sold: from May 1 2012 to Dec. 1, 2012
Cost of tickets/chances: \$ 5.00 each or 3/\$12.00

3. Date(s) of drawing(s): Dec. 1, 2012

4. Can anyone purchase tickets? yes

5. Will the prize winner(s) be selected at random? Yes No

6. Description and approximate value of top prize: Full size vintage quilt (1930) Value \$350.00

In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

The tickets sold on the quilt is a fund raiser for the Clay County Historical Soc., Inc. Tickets will be available at the Austin-Whittemore House beginning May 1, 2012 and winners name will be drawn on Dec. 1, 2012. The Austin-Whittemore House is located at 15 Austin Street, Vermillion SD and is the home of the Clay County Historical Soc., Inc.

Cleo J. Erickson, Board Member
Applicant's Signature

Approval: John Prescott Date: 3-23-12
City Manager