



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, August 15, 2011
Municipal Service Center
115 W. Duke Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Information Session – Vermillion Housing Authority update – Dave Thiesse.**
3. **Education Session – Light & Power system tour – Mark Koller.**
4. **Briefing on the August 15, 2011 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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, August 15, 2011

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. August 1, 2011 Special Session; August 1, 2011 Regular Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

6. Public Hearings

- a. Special permit to exceed allowable sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on W. Main Street between High and Prospect Streets on Friday, September 9, 2011 between 8:00 p.m. and 1:00 a.m. and on Saturday, September 10, 2011 between 5:00 p.m. and 1:00 a.m.
- b. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 9 & 10, 2011 on W. Main Street between High and Prospect and Market Street between W. Main and Kidder Street.
- c. Special permit to exceed allowable sound levels by no more than 50% for Lambda Chi Alpha Fraternity for a live band at 327 N. Pine on Friday, September 2, 2011 between 8:00 pm and 11:00 pm.

7. Old Business

- a. Resolution setting fees related to Ordinance 1255.

8. New Business

- a. Request to close portions of Main Street, Center Street, Prospect Street, Market Street, Austin Street, and city parking lot at corner of Market Street and Kidder Street for Ribs, Rods, Rock-n-Roll on September 9 -11, 2011.
- b. Request to close a portion of Rose Street for USD Tailgate Nation on September 10, September 17, October 1, October 8, October 22, and November 12, 2011.
- c. First Reading of Ordinance 1257 - Amending Title I Section 11.02 Wards and Boundaries, of the 2008 Revised Ordinances for the City of Vermillion, amending the ward boundaries.
- d. Airport Fuel Tax Account Reimbursement.
- e. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs (Southeast Quadrant – East of Dakota Street and South of E. Main Street).

9. Bid Openings

- a. 2011 Sidewalk Repair Assessment (Northeast Quadrant – East of Dakota Street and North of E. Main Street).

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

13. Adjourn

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

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

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

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
Monday, August 1, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 1, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Ward

2. Educational Session - Light & Power future infrastructure projects - Mark Koller

Mark Koller, Electric Superintendent, introduced Paul Davis with DGR, the consulting engineering firm, who prepared an electric system study report for the City. Mark noted that the last report was done in 1999 with most of the items completed.

Paul Davis, Engineer with DGR, reviewed the executive summary of the electric system study issued in July 2011 projecting system needs for the next ten (10) years. Paul reviewed the existing system configuration along with the planning criteria and goals used in developing the report. He explained the system improvements outlined in the report based upon projected system load growth over the next ten (10) years along with the estimated costs of the improvements. Paul and Mark answered questions of the City Council on the report and electric system.

3. Briefing on the August 1, 2011 City Council Regular Meeting Agenda

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

Alderman French requested to leave at 12:55 p.m.

4. Adjourn

221-11

Alderman Meins moved to adjourn the Council special session at 1:06 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of August, 2011.

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
August 1, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 1, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. July 18, 2011 Special Session; July 18, 2011 Regular Session

222-11

Alderman Zimmerman moved approval of the July 18, 2011 special session minutes and the July 18, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

223-11

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

5. Visitors to be Heard - None

6. Public Hearings

A. A Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about August 12th & 13th, 2011 at the Clay County Fair Grounds

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about August 12th & 13th, 2011 at the Clay County Fairgrounds. The Police Chief's report is included in the packet.

224-11

Alderman Willson moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles on or about August 12th & 13th, 2011 at the Clay County Fairgrounds. Alderman Zimmerman seconded the motion. Alderman Osborne requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1255 - Adopting Rental Housing Regulations and Establishing the International Property Maintenance Code

Farrel Christensen, Building Official, reported that, since first reading, the City Attorney has made some changes to the ordinance. The biggest change comes as part of the health, safety and welfare intent of the ordinance. Farrel stated that, while inspecting units, the most common violation is batteries missing from battery powered alarms and, in this condition, provide no protection for the occupants. On the other hand, units with hard wired alarms are almost always working, providing the occupants with the designed safety level. This change, in Subsection G, requires all rental units to have hard wired smoke detectors and carbon monoxide alarms installed no later than January 1, 2014. This gives the rental property owner just over two years to comply.

Farrel noted that it was reported at first reading that a change from the existing rental housing code is the requirement for property managers to reside within 100 miles of the city.

A representative of a fraternity asked if they would need to be in compliance with the requirement of one shower for each six persons residing in the facility. Farrel stated that this would not be a health and safety issue and would be grandfathered in until such time as the property is renovated or the use changes.

Mayor Powell asked the City Attorney if the changes included would be considered significant enough for the ordinance to continue on second reading. Jim McCulloch, City Attorney, stated the changes would not require the ordinance to go back to first reading.

Discussion followed.

225-11

Second reading of title to Ordinance No. 1255, entitled AN ORDINANCE REPEALING CHAPTER 94 RENTAL HOUSING CODE SECTIONS 94.01 THROUGH 94.17 AND ADOPTING RENTAL HOUSING REGULATIONS 94.01 THROUGH 94.15, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, ESTABLISHING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT AND FACILITIES FOR LIGHT, VENTILATION, SPACE, SEATING, SANITATION, PROTECTION FROM THE ELEMENTS, LIFE, SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS AND REPEALING ANY OTHER ORDINANCE OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE FOR THE CITY OF VERMILLION.

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1255 entitled an Ordinance Repealing Chapter 94 Rental Housing Code Sections 94.01 through 94.17 and Adopting Rental Housing Regulations 94.01 through 94.15, of the 2008 Revised Ordinances Of The City Of Vermillion, South Dakota, Establishing The International Property Maintenance Code as the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, seating, sanitation, protection from the elements, life, safety, safety from fire and other hazards and repealing any other ordinance or parts thereof in conflict with this ordinance for the City Of Vermillion was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 18th day of July, 2011 and that the title was

again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of August, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED, and ordained, that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1255

AN ORDINANCE REPEALING CHAPTER 94 RENTAL HOUSING CODE SECTIONS 94.01 THROUGH 94.15 AND ADOPTING RENTAL HOUSING REGULATIONS 94.01 THROUGH 94.12, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, ESTABLISHING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM THE ELEMENTS, LIFE, SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS AND REPEALING ANY OTHER ORDINANCE OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE FOR THE CITY OF VERMILLION.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Chapter 94 is repealed and amended to read as follows:

CHAPTER 94: RENTAL HOUSING CODE

Scope

The provisions of this code along with the International Property Maintenance Code as modified by the City of Vermillion shall apply to all residential structures let for occupancy including fraternities and sororities, and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, managers and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Intent

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and welfare to the occupants.

General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and International Property Maintenance Code, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Application of other codes

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code as modified by the City of Vermillion, the zoning, subdivision and building ordinances of the City of Vermillion and the laws of the state of South Dakota. Approval of rental registration shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code, Fair Housing Act, Americans with Disabilities Act, or of any other applicable federal, state or local provision.

Sections

- 94.01 Definitions
- 94.02 Responsibilities of owners and occupants of rental units
- 94.03 Rooming houses
- 94.04 Fraternities and Sororities
- 94.05 Registration required
- 94.06 Inspection of rental dwellings, dwelling units, rooming units, and premises
- 94.07 Enforcement; notice and hearing
- 94.08 Declaration of dwelling units unfit for rental occupancy
- 94.09 Board of Housing Appeals
- 94.10 Tenants' rights
- 94.11 Inspection authorized; notice required
- 94.12 Temporary permit
- 94.13 Applicable laws
- 94.14 Violations
- 94.15 Exceptions

§ 94.01 DEFINITIONS

CITY. The City of Vermillion, South Dakota.

DORMITORY. Any dwelling where group sleeping accommodations are provided for persons not members of the same family groups

in which several occupy large rooms or a series of closely associated rooms under joint occupancy and single management. The term DORMITORY shall not include fraternity or sorority houses.

ELECTRICAL CODE. The electrical code of the City of Vermillion and The State of South Dakota.

FAMILY. One or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A FAMILY may include no more than 4 persons not related by blood, marriage, or adoption. No more than 2 persons per bedroom, not related by blood, marriage, or adoption may occupy any dwelling unit.

HOUSING INSPECTOR. The Housing Inspector of the City of Vermillion or his or her authorized agent.

PARKING SPACE. An area, unenclosed, and off the street right-of-way, with a minimum dimension of 9 feet wide and 18 feet long, together with a driveway connecting the parking space with a street, road or alley and permitted ingress or egress of an automobile. A required parking space and driveway shall be paved or surfaced with portland cement concrete or asphaltic concrete of a thickness of at least 5 inches. The access driveway between curb and sidewalk line shall be paved with portland cement concrete. Equivalent materials and methods other than those listed may be used if approved by the City Engineer.

PERMIT. A certificate verifying that the unit for which it is issued is in compliance with the applicable provisions of this chapter.

PLUMBING CODE. The plumbing code of the City of Vermillion and the State of South Dakota.

SHALL. Always mandatory and not merely discretionary.

TEMPORARY PERMIT. A certificate certifying that the unit for which it is issued is not in compliance with the applicable provisions of this chapter or that application for registration has been made but the unit has not been inspected and which also authorizes the unit to be occupied for a time specified in the certificate pending completion of alterations necessary to bring it into compliance or pending inspection.

§ 94.02 RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF RENTAL UNITS

A. Every owner or manager of a dwelling unit shall provide garbage collection in which the occupants shall deposit all garbage and refuse accumulating upon the premises. In multiple family dwellings, the owner shall supply containers. The vicinity of the containers shall be kept free of garbage and refuse by the owner or person in charge.

B. Every owner or manager of a dwelling unit shall provide to the Code Enforcement office contact information for those persons responsible for the removal of snow.

C. The occupant of a dwelling unit shall not disable any required smoke alarms.

D. The occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.

E. Each owner of a registered dwelling unit who does not reside within 100 miles of the City of Vermillion shall appoint a manager residing within 100 miles of the City of Vermillion. The City may serve notices pertaining to the administration of this code or of any provisions of the City's laws, rules, regulations, resolutions, ordinances and codes pertaining to such dwelling unit upon the manager and service upon the manager shall constitute service upon the owner.

F. The owner or manager of a dwelling unit, shall provide, upon request, a copy of the lease showing the occupants of each dwelling unit(s). This document shall be sufficient in detail to allow the inspector to determine the occupants of each dwelling unit and prevent overcrowding.

G. In order to comply with the intent of this ordinance and protect the health, safety and welfare of occupants in rental units, effective January 1, 2014 all registered rental units shall be provided with smoke alarms that receive their primary power from the building wiring and when primary power is interrupted shall receive power from a battery.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated when installed in buildings without commercial power.

2. Interconnection of hard-wired smoke alarms in existing areas shall not be required where the alterations or repairs result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection of hard-wired smoke alarms without the removal of interior finishes.

H. In order to comply with the intent of this ordinance and protect the health, safety and welfare of occupants in rental units, effective January 1, 2014 all registered rental units shall be provided with carbon monoxide alarms and shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units with fuel-fired appliances and/or attached garages.

I. The type and installation of these required smoke alarms and carbon monoxide alarms shall be regulated by the 2009 International Residential Code as adopted by the City of Vermillion.

§ 94.03 ROOMING HOUSE

In addition to the provisions of this section, the International Property Maintenance Code, as modified by the City of Vermillion, the zoning, subdivision and building ordinances of the City of Vermillion and the laws of the state of South Dakota shall apply. Approval of rental registration shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code, Fair Housing Act, Americans with Disabilities Act, or of any other applicable federal, state or local provision.

A. No person shall operate a rooming house or shall let to another for occupancy any sleeping room or rooming unit of any rooming house which does not comply with the preceding sections of this chapter. In dwellings in which rooming units or sleeping rooms are let at least 1 flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Housing Inspector and in good working condition shall be supplied for each 4 persons or multiple thereof. All the facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing facilities.

B. The owner or manager of each rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house and he or she shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner or manager.

C. A fire extinguisher approved by the Housing Inspector shall be provided on each floor of every rooming house and be spaced so that no person must travel more than 75 feet from any point to reach the nearest extinguisher.

D. Any rooming unit failing to comply with the standards of this section shall be declared substandard and the rental registration canceled upon reasonable notice.

E. For the purpose of calculating occupancy every four rooming units shall equal one dwelling unit.

§ 94.04 FRATERNITIES AND SORORITIES

In addition to the provisions of this section, the International Property Maintenance Code, as modified by the City of Vermillion, the zoning, subdivision and building ordinances of the City of Vermillion, the laws of the State of South Dakota shall apply. Approval of rental registration shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code, Fair Housing Act, Americans with Disabilities Act, or of any other applicable federal, state or local provision.

A. No person or corporation shall operate a fraternity or sorority house which does not comply with the preceding sections of this chapter.

B. In fraternities and sororities, at least 1 flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Housing Inspector and in good working condition shall be supplied for each 6 persons or fraction thereof. All the facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing facilities.

C. The owner or manager of each fraternity or sorority shall be responsible for the sanitary maintenance of all walls, floors,

and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house and he or she shall further be responsible for the sanitary maintenance of the entire premises.

D. Automatic fire sprinkler systems shall be required in all fraternities and sororities with more than 16 occupants. No existing automatic fire sprinkler system shall be discontinued regardless of the number of occupants.

E. Any fraternity or sorority failing to comply with the standards of this section shall be declared substandard and the rental registration canceled upon reasonable notice.

F. Occupancy is limited and shall be determined by the Fire Chief. The Fire Chief shall determine occupancy using the International Building Code as a guide. Two occupancies shall be listed, the total occupant load for each structure and maximum occupancies for each sleeping room.

§ 94.05 REGISTRATION REQUIRED

A. Requirement. No person shall occupy, allow to be occupied, or let to another for occupancy any property regulated under this code in the city for which a registration statement has not been properly made and approved by the Housing Inspector.

B. Property manager or agent proximity. No person or persons residing more than 100 miles from the City of Vermillion shall register or manage any rental unit.

C. Prior to registration, the Housing Inspector shall conduct an inspection to insure compliance with the provisions of this code, the International Property Maintenance Code, the zoning, subdivision and building ordinances of the City of Vermillion, and laws of the State of South Dakota. The issuance or granting of a rental registration shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code, Fair Housing Act, Americans with Disabilities Act, or of any other applicable federal, state or local provision.

D. Fees. The payment of fees set forth by resolution of the City Council shall be a prerequisite to this required registration.

E. Registration Statement Content. The registration statement shall be made and filed on a form furnished by the Housing

Inspector for the purpose and shall set forth the following information:

1. Name, residence address, and phone number of the owner of the dwelling or an agent authorized by the owner to accept service of process and to receive and give receipt for notices; and in cases where the owner of the dwelling lives more than 100 mile from the City of Vermillion, the registration shall be made by a manager or agent who shall be legally responsible for compliance with this chapter and other city ordinances.
2. Name, address, and phone number of a manager or agent actively managing the rental property;
3. Street address of the rental property;
4. Number and kind of units within the rental property (dwelling unit or rooming unit);
5. Name, phone number, and address of the person authorized to make or order repairs and/or service to the building, to provide required services necessary to protect the health, safety, and welfare of the occupants or is able to contact the person so authorized; and
6. Maximum number of people permitted per dwelling unit or sleeping room.

F. Manner of registering. The registration shall be made by the owner, if the owner is a natural person; if the owner is a corporation, by an officer thereof, if a partnership, by one of the partners; and if an unincorporated association, by the manager, or managing officer thereof, in the office of the Housing Inspector. Notwithstanding, renewal of registrations as required annually by this code may be made by filling out the required renewal form furnished by the Housing Inspector. The renewal of registration may be made only where there has not been a change in ownership, agent, or type of occupancy as originally registered.

G. Annual registration. All rental property required to be registered pursuant to the provisions of this chapter shall be registered prior to occupancy or the letting to another for occupancy of any unit therein, and thereafter all registrations

of the rental property shall be renewed not later than the fifteenth day of January of each year.

H. Transfers. Every new person in possession of a rental property (whether as fee owner, contract purchaser, lessee subletting a dwelling unit, or otherwise entitled to possession) shall register before taking possession. No registration fee shall be required of the new person in possession in the year of purchase provided the previous person in possession had paid the registration fee, and further provided the new person in possession does not change the type of occupancy as originally registered.

I. Registration fee. A registration fee for each dwelling unit or sleeping room shall be paid by the fifteenth day of January of each year. The aforesaid fee shall be set by resolution of the City Council. The registration fee shall also apply whenever any rental owner or person in charge fails to comply with rental housing codes within 30 days of being ordered to do so, and/or fails to respond within 30 days to rental inspection requests by the Rental Housing Inspector.

(1) A penalty of an amount set by resolution per unit per month shall be added to the registration fee if not paid by January 15 of each year.

(2) Rental property which is licensed as a nursing home or as a boarding care home shall be exempt from the registration fee required under this division (E).

J. Substandard. Any dwelling or dwelling unit or rooming unit not registered as required shall be declared substandard and the registration canceled.

§ 94.06 INSPECTION OF RENTAL DWELLINGS, DWELLING UNITS, ROOMING UNITS, AND PREMISES

A. The Housing Inspector, or his or her duly authorized agent, is hereby authorized and directed to make inspections to determine the condition of rental dwellings, dwelling units, rooming units, and premises located within the city in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of rental dwellings and of the general public. For the purpose of making the inspections, the Housing Inspector, or his or her duly authorized agent, is hereby authorized to enter, examine, and survey at all reasonable times, all dwellings, dwelling units, rooming units, and premises, with the consent of the owner or his or her duly

authorized agent. The inspections shall be at reasonable times on the weekdays between the hours of 8:00 a.m. and 5:00 p.m. or at any other time when the owner, or a responsible occupant or authorized agent, is by arrangement present. In the event that the owner, occupant, or authorized agent of the owner of any dwelling, dwelling units, rooming units, or premises, shall refuse to allow the Housing Inspector or his or her duly authorized agent free access to the dwelling, dwelling units, rooming units, or premises, at reasonable times, then and in that event, the Housing Inspector or his or her duly authorized agent shall secure an inspection warrant to inspect the dwelling, dwelling units, rooming units, or premises, on the basis of the refusal of the owner, occupant, or authorized agent to allow the inspection.

B. In the event the owner, occupant, or authorized agent of the owner refuses to allow the Housing Inspector access to any dwelling, dwelling units, rooming units, or premises, then and in that event, the Housing Inspector is hereby authorized and directed to cancel the registration for that rental property.

C. In order to compel the compliance with the registration requirements, the Housing Inspector or his or her assistants shall have the authority to enter any building, at reasonable times and upon 5 days written notice to the tenant or owner in possession, to determine if the building is operated as a rental property or to enforce the rental housing code, or both.

§ 94.07 ENFORCEMENT; NOTICE AND HEARING

A. When the Housing Inspector has inspected or caused to be inspected a building and has found and determined that the dwelling, dwelling unit, rooming unit, or premises is a substandard dwelling, dwelling unit, rooming unit, or premises, the Housing Inspector shall commence proceedings as set forth in this chapter to cause the repair, rehabilitation, or vacation of the building.

B. The Housing Inspector shall issue a notice and order directed to the record owner or manager of the dwelling, dwelling unit, rooming unit, or premises. The notice and order shall contain:

- (1) The street address and a legal description sufficient for identification of the premises upon which the dwelling, dwelling unit, rooming unit, or premises is located;

- (2) A statement that the Housing Inspector has found the building to be substandard with a brief and concise description of the conditions found to render the building substandard under the provisions of §§ 94.02 through 94.05 and 94.07;
- (3) A statement of the action required to be taken as determined by the Housing Inspector, as follows:
- (a) If the Housing Inspector has determined that the dwelling, dwelling unit, rooming unit, or premises must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within the time (not to exceed 60 days from the date of the order) and completed within the time as the Housing Inspector shall determine is reasonable under all of the circumstances.
 - (b) If the Housing Inspector has determined that the dwelling, dwelling unit, rooming unit, or premises must be vacated, the order shall require that the dwelling, dwelling unit, rooming unit, or premises shall be vacated within a certain time from the date of the order as determined by the Housing Inspector to be reasonable.
 - (c) If any required repair (without vacation also being required) is not commenced within the time specified, the Housing Inspector will order the dwelling, dwelling unit, rooming unit, or premises vacated and posted to prevent further occupancy until the work is completed.
 - (d) Any person having any record title or legal interest in the dwelling, dwelling unit, rooming unit, or premises may appeal from the notice and order or any action of the Housing Inspector to the Board of Housing Appeals, provided the appeal is made in writing as provided in this code, and filed with the Housing Inspector within 10 days from the date of service of the notice and order.
 - (e) Failure to appeal will constitute a waiver of all right to an administrative hearing

and determination of the matter by the Board of Housing Appeals.

- (4) Pending inspection, any applicant for registration may be issued a temporary permit to let the dwelling unit for which registration is requested. Temporary permits will not be issued for units that pose a health or safety risk, as determined by the Housing Inspector. Registrants shall have up to 60 days to complete any repairs, alteration or additions ordered as a result of the rental inspection. Extensions may be issued if the work required to unable to be completed due to weather.
- (5) The Board of Housing Appeals may authorize, upon appeal in specific cases, variance from the terms of the housing code or the rules and regulations pursuant thereto, subject to terms and conditions fixed by the Board, as will not adversely affect the public health where, owing to exceptional and extraordinary circumstances, literal enforcement of applicable provisions will result in unnecessary hardship to the owner or occupant. The burden of proof is upon the applicant to show:
 - (a) The variance will not allow the existence of a condition significantly different from that permitted by this chapter for other property, and
 - (b) The variance shall be in harmony with the spirit and purposes of the housing code.
- (6) Upon receipt of any appeal filed pursuant to this section, the Housing Inspector shall notify each member of the Board of Housing Appeals of the appeal, and the Board shall set a time and place for the hearing and shall give the petitioner written notice thereof at least 7 days prior to the hearing. The hearing shall be commenced not later than 30 days after the date on which the petition was filed. After filing a notice of appeal, enforcement of any notice of order appealed from shall be held in abeyance until the decision of the Board shall become final as hereafter provided. The decision of the Board shall be written, and shall state the findings, conclusions, and decisions of the Board.
- (7) If no appeal is taken in accordance with the provisions of this chapter, the notice shall become a final order when the time for appeal to the Board has elapsed.

§ 94.08 DECLARATION OF DWELLING UNITS UNFIT FOR RENTAL OCCUPANCY

A. Any dwelling, dwelling unit, rooming unit, or premises found in noncompliance after the required notices and hearings are conducted as provided shall be declared substandard and unfit for rental occupancy and shall be so designated by the Housing Inspector, and the registration of the units shall thereby be deemed canceled.

B. No dwelling or dwelling unit or portion thereof which has been declared unfit for rental occupancy shall again be used for rental occupancy until registration thereof shall have been reviewed.

C. Any dwelling, dwelling unit, rooming unit or premises found in noncompliance of the provisions established through a nuisance abatement written agreement shall be declared unfit for rental occupancy, and the registration of such units shall thereby be deemed canceled.

§ 94.09 BOARD OF HOUSING APPEALS

A. The Planning Commission of the City of Vermillion shall act as the Board of Housing Appeals and shall hear any appeals at regularly scheduled or special meetings of the governing body.

B. Upon receipt of a petition for hearings on the form furnished by the Housing Inspector, the Planning Commission acting as the Board of Appeals shall set a time and place for the hearings and shall give a petitioner written notice thereof at least 7 days prior to the hearing. The hearing shall be commenced not later than 30 days after the date on which the petition was filed.

§ 94.10 TENANTS' RIGHTS

It shall be a public offense for any owner to evict, harass, or raise the rent of a lessee because he or she has exercised any rights granted by this chapter by filing a complaint against an owner, managers or agent of a dwelling unit or rooming house.

§ 94.11 VIOLATIONS

A. General. Any person who shall violate any of the provisions of this chapter shall be subject to the penalties established in section § 10.99. Each violation of this chapter shall constitute a separate offense and each day in violation a separate offense.

B. Failure to Register. Any person who lets for occupancy any structure that is not currently registered with the City shall be assessed a fee set by resolution of the City Council.

C. Failure to make required repairs within the time allotted. Any person who fails to make required repairs within the time specified in the rental inspection and report shall be assessed a fee set by resolution of the City Council

D. Failure to meet the inspector for scheduled inspections. Any person who fails to meet an inspector at a scheduled inspection time and place or fails to reschedule an inspection at least one working day prior to the scheduled time shall be assessed a fee set by resolution of the City Council.

§ 94.15 EXCEPTIONS

Egress Windows. Dwelling units located in the B-2 zone, when technically infeasible, may have bedrooms without egress, provided an occupant shall not have to exit through more than 1 adjoining room to reach an approved egress.

Dated at Vermillion, South Dakota this 1st day of August, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Osborne. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Davies - Yes, Grayson - Yes, French - Yes, Meins - Yes, Osborne - Yes, Willson - Yes, Zimmerman - Yes, Mayor Powell - Yes.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second Reading of Ordinance No. 1256 - Amending the International Property Maintenance Code as adopted by the City of Vermillion to include residential structures registered as rental dwelling units

Farrel Christensen, Building Official, reported that this ordinance remained unchanged since first reading and is to remove the exception for rental dwelling units from the adoption of the International Property Maintenance Code.

226-11

Second reading of title to Ordinance No. 1256, entitled An Ordinance Amending Section § 150.50 International Property Maintenance Code, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota Section 101.2 scope including residential structures registered with the city as rental dwelling units.

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1256 entitled An Ordinance Amending Section § 150.50 International Property Maintenance Code, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota Section 101.2 scope including residential structures registered with the city as rental dwelling units was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 18th day of July, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 1st day of August, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED, and ordained, that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1256

AN ORDINANCE, AMENDING SUBSECTION § 150.50(B)(1) INTERNATIONAL PROPERTY MAINTENANCE CODE, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO INCLUDE RESIDENTIAL STRUCTURES REGISTERED WITH THE CITY AS RENTAL DWELLING UNITS.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Section 150.50 of Chapter 90 be amended as follows:

§ 150.50 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

A. A certain document, one copy of which is on file in the office of the Building Official and one copy of which is on file in the

Vermillion Public Library, designated as the International Property Maintenance Code, 2009 Edition, be and is hereby adopted as the property maintenance code of the City of Vermillion in the State of South Dakota. The minimum property maintenance standards in the International Property Maintenance Code, 2009 Edition, shall become effective after January 1, 2011.

B. The following additions, deletions, modifications, or amendments to the International Property Maintenance Code, 2009 Edition, are hereby incorporated into and made a part of the code.

(1) "Section 101.2 Scope." The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Dated at Vermillion, South Dakota this 1st day of August, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Grayson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Davies - Yes, Grayson - Yes, French - Yes, Meins - Yes, Osborne - Yes, Willson - Yes, Zimmerman - Yes, Mayor Powell - Yes.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Resolution setting fees related to Ordinance 1255

Farrel Christensen, Building Official, reported that with the adoption of Ordinance No. 1255, it provides for fees to be set by resolution. As the section numbers have changed, the fees currently in place for rental registration, failure to pay the annual registration fee when due, and the fee for failure to meet the inspector are included. The new fee for failure to register a rental unit is proposed at not less than \$100 or more than \$500 and the fee for failure to make the required repairs is proposed at \$100. Discussion followed on the proposed fees. John Prescott, City Manager, asked the Council if they would like City staff to develop a policy for assessing the penalty that ranges from \$100 to \$500. If so, they could table action on the resolution until the next meeting.

227-11

Alderman Grayson moved to table action on the resolution setting fees related to rental housing Ordinance No. 1255 until the August 15, 2011 meeting. Alderman Davies seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Final Plat of Lots 1 through 5 and R1, Block 1 of Bliss Second Addition

José Dominguez, City Engineer, reported on the location of the property being platted. José noted that the plat includes utility easements for the lots. The City Planning Commission has recommended approval of the plat. José noted that the property owners will be requesting annexation of this property, upon approval of the plat by the County Commission.

228-11

After reading the same once, Alderman French moved approval of the following plat:

WHEREAS, IT APPEARS, that the owners thereof have caused a plat to be made of the following described real property: Lots 1 through 5 and R1, Block 1 of Bliss Second Addition, City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED, that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Vermillion Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED, that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which

has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

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

C. Public Fireworks Display Permit - USD August 27, 2011

Mike Carlson, Finance Officer, reported that a Fireworks Public Display Permit was received from Tom Taylor for the University of South Dakota as part of the Welcome Week activities on August 27, 2011 at 10:00 p.m. in the field north of the Dakota Dome parking lot. Lindsay Spark, Assistant Director of Student Life, made the request for the event as part of the USD Welcome Week.

229-11

Alderman Zimmerman moved approval of the Public Fireworks Display Permit for the University of South Dakota on August 27, 2011 at 10:00 p.m. in the field north of the Dakota Dome parking lot. Alderman Meins seconded the motion. Discussion followed with John Prescott, City Manager, stated that he would notify Veteran's groups of the permit. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Presentation of the proposed 2012 budget

John Prescott, City Manager, presented the City Council with the 2012 proposed budget noting that this would serve as the starting point for Council deliberation. Budget hearings have been set for August 16th at 5:15 p.m., August 17th at 5:15 p.m. and August 18th if needed in the large conference room on the second floor of City Hall. John reported that the budget includes two large projects. The first being the library expansion and renovation which was made possible by a generous donation. The project should start this fall and hopefully will be completed in 2012. The second large project is the reconstruction of Stanford Street between Main and Cherry Streets. This will consist of lowering the grade, widening to three lanes with curb and gutter and a bike path. Included in this project will be replacement of the water and sewer mains. John reported that the only increase in personnel is in the Emergency Communications

department where a half time position is being proposed to be full time. The State is requiring that the Communications Center be staffed with two individuals at all times by July 2013. John noted that the outside agency requests are included in the budget document. The consensus of the City Council was to accept the proposed budget and set the hearing dates.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended approval of the low quote of Stern Oil on Items 1, 2 and 3 and the low quote of Midway-Vollan Oil on Item 4.

4,350 Gal. unleaded 10% ethanol: Stern Oil \$3.3566, Midway-Vollan Oil \$3.4010, Brunick's Service \$3.50; 1,000 Gal unleaded: Stern Oil \$3.3794, Midway-Vollan Oil \$3.4235, Brunick's Service \$3.58; 3,000 Gal. No. 2 Diesel fuel-dyed: Stern Oil \$3.3234, Midway-Vollan Oil \$3.5505, Brunick's Service \$3.50; 1,000 Gal. No. 2 Diesel fuel-clear: Stern Oil \$3.6364, Midway-Vollan Oil \$3.5655, Brunick's Service \$3.72

230-11

Alderman Meins moved approval of the low quote of Stern Oil on Item #1 in the amount of \$3.3566, Item #2 in the amount of \$3.3794, Item #3 in the amount of \$3.3234, and the low quote of Midway-Vollan Oil on Item #4 in the amount of \$3.5655. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Wheel loader for Solid Waste Department

Jason Anderson, Assistant City Engineer, reported that bids were opened on July 26, 2011 for the purchase of a wheel loader for the Solid Waste Department at the Landfill. Four bid proposals were received. Three bids had proper bid security with the fourth bid from Titan Machinery not read as it had the improper bid security.

Jason reported that the apparent low bidder, Midwest Ready Mix & Equipment, failed to meet bid specifications in several areas. The LiuGong wheel loader has an engine that is not made by the manufacturer, no maintenance schedule was provided, a dollar value for parts inventory was not included, and the warranty information provided only covers 1 year or 1,500 hours of operation (as opposed to the specified 7 year or 6,000 hour). The aforementioned items all do not meet bid specifications.

After evaluating all bids, the Butler Machinery bid is the lowest "responsible" bid on both the basic and alternate proposals due to meeting the bid specifications, high resale value, and equipment compatibility. If the award is made on the alternate proposal the City will have a guaranteed minimum bid price at the end of 7 years.

Jason recommended the add-option of \$391 for a 4.00 cubic yard bucket and the deduct-option of -\$2,191 for the performance bond on the alternate proposal for a total initial cost of \$161,887.

Dave Hertz, Owner of Midwest Ready Mix and Equipment, stated as to the warranty, he signed the proposal, and put zero dollars to the City for the 6,000 hours or 7 years, noting that the exact warranty coverage was stated in the City bid proposal. Dave stated that in the warranty papers the manufacturer covers the machine for 1 year or 1,500 hours, but that he extended the warranty to 7 years or 6,000 hours by signing the bid proposal. As to the maintenance schedule, he stated that in his cover letter he offered the operators and maintenance manual noting it was too large to include with the bid documents. Dave stated that his loader did not meet specifications as the motor is a Cummins, thus is not made by the loader manufacturer. Dave stated that the Cummins is one of the most widely used diesel engines with parts available at the local auto parts store.

Dave stated that the City likes CAT equipment and writes the specifications so they can purchase only CAT equipment. He stated that the LiuGong loader costs less to purchase and costs less to maintain. Dave suggested that the bid specifications be based upon the loader performance on items such as breakout force, static tipping load, engine horse power and torque and operating weight as the LiuGong loader exceeds the CAT loader on all these items.

Dave stated he did not really care if he sold a loader to the City or not, but it is more about the principle than a loader sale. He stated that no one from the City contacted him to test drive his machine or ask questions when developing the specifications, as he is a local businessman. Dave asked the City to backup what they preach and purchase local products and services if they can and recommended that the City reject all bids and create new specifications that allow more bidders to bid on this equipment and save taxpayers money.

Discussion followed with Dave answering questions of the City Council.

John Prescott, City Manager, stated that he would be willing to provide additional information regarding the items raised by Mr. Hertz on the City equipment acquisition process.

Bid results:

Butler Machinery Co. basic proposal \$162,987; Guaranteed total cost of repairs \$700; total guaranteed maximum cost \$163,687; Alternate Proposal \$162,987; Guaranteed total cost of repairs \$700; Guaranteed bid price at end of 6,000 hours or 7 years \$65,000; Net present value of guaranteed bid price \$54,684.50; Guaranteed total cost of ownership \$109,002.50.

Midwest Equipment basic proposal \$148,994; Guaranteed total cost of repairs \$0; total guaranteed maximum cost \$148,994; Alternate Proposal \$148,994; Guaranteed total cost of repairs \$0; Guaranteed bid price at end of 6,000 hours or 7 years \$70,000; Net present value of guaranteed bid price \$58,891; Guaranteed total cost of ownership \$90,103.

Murphy Tractor Co. basic proposal \$179,753; Guaranteed total cost of repairs \$0; total guaranteed maximum cost \$179,753; Alternate Proposal No bid;

Titan Machinery, Inc. bid not read due to bid bond of 5%.

231-11

Alderman Davies moved to reject the bid of Midwest Ready Mix & Equipment as it does not meet bid specification and award the bid to Butler Machinery, Co. on the alternate proposal for a total initial cost of \$161,887 which includes \$391 for the 4 cubic yard bucket add option and deduction of \$2,191 for performance bond option. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Annual supply of liquefied propane for Solid Waste and Waste Water Treatment

Jason Anderson, Assistant City Engineer, read the bids received and recommended the low bid of Butch's Propane at \$1.679 per gallon for up to 35,000 gallons. Discussion followed.

Butch's Propane \$1.679/gal., Long's Propane \$1.754/gal., Sapp Bros Petroleum \$1.750/gal., Tri County Oil & Propane \$1.729/gal

232-11

Alderman Davies moved approval of the low bid of Butch's Propane at \$1.679 per gallon for up to 35,000 gallons of liquefied propane. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John invited the community to the National Night Out on Tuesday, August 2nd from 5:00 p.m. to 8:00 p.m. at Prentis Park. The Police Department will be sponsoring events for children. Hot dog, chips and drink will be available for \$2.50.

B. John reported that the 2012 budget meetings will be Tuesday, August 16th and Wednesday, August 17th starting at 5:15 pm in the large conference room on the second floor of City Hall.

C. John reported that tomorrow's Equalizer will contain a page of information about the city. The City is experimenting with a once a quarter information page vs. the once a year newsletter.

D. John reminded citizens that "Thursdays on the Platz" will be this Thursday, August 4th with the half block of Market Street south of Main Street closed from 5:00 p.m. to 8:00 pm.

PAYROLL ADDITIONS AND CHANGES

Golf Clubhouse: Anne Grady \$7.50/hr; Parks: Aaron Baedke \$16.98/hr; Landfill: Mark Milbrodt \$16.32/hr

11. Invoices Payable

233-11

Alderman Zimmerman moved approval of the following bills:

3D SPECIALTIES INC	SUPPLIES	2,950.50
A & A REFRIGERATION	REPAIRS	1,070.44
ACCENT ENVIROBALE	BALE BAGS	17,840.47
ACE SIGN DISPLAYS	REPAIRS	635.00
AIR DELIGHTS, INC	PARTS	208.95
AIR LIQUIDE INDUSTRIAL U.S	CHEMICALS	352.50
AMERICAN LEGAL PUBLISHING	ORDINANCE UPDATES	4,946.64
AMERICAN RED CROSS	AQUATIC AFFILAITION FEE	275.00
AMERIKIT TECH SOLUTIONS	ANTI-VIRUS SUBSCRIPTION LIC.	546.43
ANDREA IDDINGS	REFUND OUT & ABOUT DAYCAMP	50.00
APPEARA	SUPPLIES	233.93

AQUA-PURE INC	CHEMICALS	4,180.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	187.92
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	112.45
AUDIO GO	BOOKS	343.88
AUTOMATIC BUILDING CONTROLS	FIRE ALARM REPAIR/UPGRADE	2,406.18
BAKER & TAYLOR BOOKS	BOOKS	868.30
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	9,560.94
BARKLEY ASPHALT	HOT MIX ASPHALT	3,059.15
BARNES DISTRIBUTION	TOOLS	301.00
BATTERIES PLUS	BATTERIES	182.00
BETTER HOMES & GARDENS	BOOK	33.91
BIERSCHBACH EQPT & SUPPLY	PARTS	619.08
BILLION AUTO	REPAIRS	39.12
BIOVERSE, INC	SUPPLIES	330.00
BOOK WHOLESALERS, INC	BOOKS	267.88
BORDER STATES ELEC SUPPLY	SUPPLIES	169.12
BRUNICKS SERVICE INC	PROPANE	190.00
BUTLER MACHINERY CO.	PARTS/REPAIRS	1,062.24
CALLAWAY GOLF	MERCHANDISE	159.10
CAMPBELL SUPPLY	SUPPLIES	593.79
CANON FINAN SERVICES, INC	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	903.30
CBCINNOVIS, INC	TESTING MATERIALS	24.50
CENTER POINT LARGE PRINT	BOOKS	188.77
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
CERTIFIED TESTING SERVICES	TESTING SERVICES	292.00
CHEMCO, INC	SUPPLIES	126.86
CHEMSEARCH	SUPPLIES	166.00
CHESTERMAN CO	MERCHANDISE	2,133.08
CITY OF VERMILLION	POSTAGE/COPIES	1,429.31
CITY OF VERMILLION	UTILITY BILLS	37,919.57
CLAY RURAL WATER SYSTEM	WATER USAGE	35.10
COBRA PUMA GOLF, INC	MERCHANDISE	198.57
COFFEE KING, INC	SUPPLIES	57.75
COLLINS BROTHERS, INC	MERCHANDISE	565.28
COLONIAL LIFE ACC INS.	INSURANCE	3,569.70
CONTINENTAL RESEARCH CORP	SUPPLIES	200.72
COYOTE CHEMICAL COMPANY	SUPPLIES	165.00
CRESCENT ELECTRIC SUPPLY	PARTS	127.99
CULLIGAN WATER	DRINKING WATER COOLER	56.50
D-P TOOLS	TOOLS	43.90
DAKOTA BANDITS SOFTBALL	INSTRUCT SOFTBALL CAMP	225.00
DAKOTA BEVERAGE	MERCHANDISE	7,085.62

DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	1,820.89
DAKOTA SUPPLY GROUP	SUPPLIES	174.86
DANKO MES, INC.	PARTS	224.58
DAPHNE'S HEADCOVERS	MERCHANDISE	119.30
DAVIS PHARMACY	SUPPLIES	85.18
DEAR READER.COM	SUBSCRIPTION	550.00
DELTA DENTAL PLAN	INSURANCE	5,413.52
DEMCO	SUPPLIES	191.05
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	221.00
DEWILD GRANT RECKERT ASSOC	PROFESSIONAL SERVICES	10,783.00
DIAMOND VOGEL PAINTS	WHITE TRAFFIC PAINT	2,157.73
DISPATCH TRAIN & CONSULTING	REGISTRATION	900.00
DIVERSIFIED INSPECTIONS	SAFETY INSPECTIONS	707.20
DON'S DUST CONTROL	DUST CONTROL LANDFILL	3,327.30
DUECO, INC	PARTS	334.43
DUST TEX	SUPPLIES	46.40
E.A SWEEN COMPANY	SUPPLIES	156.63
EARTHGRAINS BAKING CO'S INC	SUPPLIES	385.87
ECHO ELECTRIC SUPPLY	SUPPLIES	1,978.47
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	1,631.71
ENTERSECT	USER AGREEMENT	79.00
FARMER BROTHERS CO.	COFFEE PACKETS	37.88
FAST AUTO GLASS	REPAIRS	52.98
FIREGUARD INC	PARTS	13.21
FLAGS UNLIMITED	FLAGS	194.40
FOOT-JOY	MERCHANDISE	98.94
FOREMAN MEDIA	COUNCIL MTG	50.00
FRED HAAR CO, INC	PARTS	79.50
FULLERTON LUMBER CO	SUPPLIES	2,224.85
G & R CONTROLS	REPAIRS	988.27
GALE	BOOKS	345.27
GE CAPITAL	COPIER LEASE	114.48
GERMAINE MARTIN	PROFESSIONAL SERVICES	90.00
GOVERN FIN OFFICER ASSOC.	MEMBERSHIP	170.00
GRAHAM TIRE CO.	TIRES	196.04
GRAYBAR ELECTRIC	PARTS	4,275.77
GREGG PETERS	FREIGHT/ADVERTISING	1,419.75
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	OIL	529.65
HANSEN LOCKSMITHING	KEYS	6.00
HARTINGTON TREE LLC	STUMP GRINDING	2,984.00
HAUGER YARD/SNOW SERVICE	MOWING	355.00

HAWKINS WATER TREATMENT	CHEMICALS	2,980.52
HD SUPPLY WATERWORKS	PARTS	10,682.62
HERREN-SCHEMPP BUILDING	SUPPLIES	42.12
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	67.30
HOLCOMB TRUCKS	PARTS	252.64
HY VEE FOOD STORE	SUPPLIES	349.00
INDEPENDENCE WASTE	PORT TOILET RENT/WASTE HAULING	1,278.14
INGRAM	BOOKS	4,842.77
JACKS UNIFORM & EQPT	UNIFORMS	1,352.70
JAYMAR	SUPPLIES	697.50
JOHN A CONKLING DIST.	MERCHANDISE	6,880.00
JOHNSON BROS FAMOUS BRANDS	MERCHANDISE	16,191.67
JOHNSON ELECTRIC	INSTALL LOAD CONTROLLERS	200.00
JONES ACE HARDWARE	SUPPLIES	944.00
JONES FOOD CENTER	SUPPLIES	1,188.79
KAIROI, INC	WEBSITE HOSTING	577.50
KALINS INDOOR COMFORT	REPAIRS	115.13
KARIAN PETERSON CONTRACTING	MAINTENANCE	2,099.16
KARSTEN MFG CORP	MERCHANDISE	693.36
KDLT-TV	ADVERTISING	50.00
KNOLOGY	911 CIRCUIT	1,365.50
KUSTOM SIGNALS, INC	REPAIRS	469.55
LAKESIDE EQUIPMENT	SUPPLIES	555.00
LARGE PRINT OVERSTOCKS	BOOKS	12.86
LARRYS HOME REPAIR	REPAIRS	52.69
LAWSON PRODUCTS INC	SUPPLIES	188.78
LAYNES WORLD	RETIREMENT PLAQUE	40.00
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	4,001.09
LESSMAN ELEC. SUPPLY CO	SUPPLIES	1,206.00
LINCOLN MUTUAL LIFE	INSURANCE	508.09
LINDA CALLEJA	MILEAGE REIMBURSEMENT	102.12
LIV WEST	UNIFORM REIMBURSEMENT	12.00
LOCATORS AND SUPPLIES, INC	PARTS	138.93
LONGS PROPANE INC	PROPANE	25.00
LUDEY'S READY MIX	CRUSHED CONCRETE	377.00
MARK MILBRODT	SAFETY GLASSES REIMBURSEMENT	150.00
MARKS LAWN CARE	MOWING/SPRAYING	317.50
MARKS MACHINERY	PARTS	224.46
MART AUTO BODY	TOWING	936.00
MATHESON TRI-GAS, INC	MEDICAL OXYGEN	19.20
MATT TAGGART CONSTRUCTION	REPAIRS	250.00
MC2, INC	REPAIRS	716.20
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,072.00

MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	167.42
MICHELLE KOLLER	MILEAGE REIMBURSEMENT	126.98
MIDWEST ALARM CO	FIRE ALARM MONITORING	120.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	814.10
MIDWEST READY MIX	SUPPLIES	1,586.45
MIDWEST TURF & IRRIGATION	PARTS	93.10
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,550.38
MOORE WELDING & MFG	PARTS	43.00
MUSCO SPORTS LIGHTING, LLC	REPAIRS	2,523.66
N B GOLF LLC	GOLF CAR LEASE	3,741.60
NCL OF WISCONSIN, INC	CHEMICALS	841.91
NETSYS+	PROFESSIONAL SERVICES	222.50
NEW YORK LIFE	INSURANCE	95.00
NORTHERN BALANCE & SCALE	SERVICE & CALIBRATION	300.00
OFFICE SYSTEMS CO	COPIER CONTRACT	268.71
OLSON MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	180.00
OXMOOR HOUSE	BOOKS	36.91
PAULS PLUMBING	PARTS	134.97
PETE LIEN & SONS, INC	CHEMICALS	3,871.62
PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	78,595.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POLLMAN EXCAVATION	CRUSHED GRAVEL	4,947.92
PRAIRIE BERRY WINERY	MERCHANDISE	1,953.00
PRESSING MATTERS	SUPPLIES	445.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	40.95
PRINT SOURCE	SUPPLIES	427.00
PUMP N PAK	FUEL	2,418.98
QT TECHNOLOGIES	SERVICE AGREEMENT	595.00
QUEEN CITY WHOLESALE	MERCHANDISE	1,099.74
QUILL	SUPPLIES	1,327.23
QWEST	TELEPHONE	733.23
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RANDOM HOUSE, INC	BOOKS	209.25
RANDY VOSS	REPAIRS	170.00
RASMUSSEN MOTORS, INC	REPAIRS	215.43
RECORDED BOOKS, INC	BOOKS	606.25
REINHART FOODSERVICE, LLC	SUPPLIES	1,887.40
REPUBLIC NATIONAL DIST.	MERCHANDISE	12,594.94
ROTOLOK VALVES INC	PARTS	408.72
ROYAL CAR WASH	CAR WASHES	100.00
S & S WORLDWIDE, INC	SUPPLIES	21.18
SCHAEFFER MFG. CO	SUPPLIES	937.88
SCHOLASTIC LIBRARY PUBLISH	SUBSCRIPTION	542.00

SD ONE CALL	LOCATES	489.30
SD RETIREMENT SYSTEM	CONTRIBUTIONS	44,078.37
SDWWA	REGISTRATION	300.00
SERVALL TOWEL & LINEN	SHOP TOWELS	44.10
SIOUX FALLS TWO WAY RADIO	REPAIRS	77.08
SIOUXLAND HUMANE SOCIETY	FEES	74.00
SMITH & LOVELESS, INC	PARTS	230.02
STATE RADIO COMMUNICATION	TELETYPE SERVICE	3,000.00
STATE STEEL	SUPPLIES	7.15
STEVE'S HEATING & A/C INC	REPAIRS	60.05
STEWART OIL-TIRE CO	TIRES/REPAIRS	209.95
STRYKER SALES CORPORATION	AMBULANCE COT	5,909.60
STUART C. IRBY CO.	SUPPLIES	29,030.92
STURDEVANTS AUTO PARTS	PARTS	1,790.15
TAYLOR MADE	MERCHANDISE	298.47
TESTAMERICA LABORATORIES	TESTING	3,664.40
THATCHER COMPANY	SODA ASH	6,886.00
THE EQUALIZER	ADVERTISING	72.00
THE NEW SIOUX CITY IRON CO	PARTS	284.71
TITLEIST DRAWER CS	MERCHANDISE	2,552.26
TOMAHAWK LIVE TRAP COMPANY	TRAPS	198.15
TOP HAT EMBROIDERY	LIFEGUARD SUITS	240.00
TRI TECH EMERGENCY MEDICAL	SOFTWARE TRAINING	199.00
TRUE VALUE	SUPPLIES	237.18
TURNER PLUMBING	PARTS	90.62
UNITED LABORTORIES	SUPPLIES	254.00
UNITED WAY	CONTRIBUTIONS	270.00
UNIVERSITY BOOK STORE	SUPPLES	29.98
UPSTART	SUPPLIES	63.25
US POSTAL SERVICE	ENVELOPES	543.50
USA BLUEBOOK	SUPPLIES	698.22
VALIANT VINEYARDS	MERCHANDISE	372.40
VAN DIEST SUPPLY CO	SUPPLIES	824.00
VERM CHAMBER OF COMMERCE	CONTRIBUTION-TOUR DE KOTA	534.23
VERMILLION DEVELOPMENT CO	CONTRIBUTION	46,350.00
VERMILLION FORD	PARTS	576.93
VERMILLION ROTARY CLUB	DUES/MEALS	153.75
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	3,848.41
WADE MOUNT	SAFETY BOOT REIMBURSEMENT	84.79
WAL-MART COMMUNITY	SUPPLIES	1,435.86
WALKER CONSTRUCTION	CONCRETE WORK	1,727.37
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	193.00
WESCO DISTRIBUTION, INC	SUPPLIES	6,866.32

WEST GROUP PAYMENT CENTER	SUBSCRIPTION	348.00
WESTERN OFFICE TECHNOLOGIES	SUPPLIES	87.32
WILLIAMS & CO.	2010 AUDIT	2,500.00
YANKTON FIRE & SAFETY	REPAIRS	32.50
YANKTON JANITORIAL SUPPLY	SUPPLIES	735.63
ZEE MEDICAL SERVICE	SUPPLIES	111.65
ZEP SALES & SERVICE	SUPPLIES	224.75
ZIMCO SUPPLY CO	CHEMICALS	5,255.20
ZUERCHER TECHNOLOGIES LLC	SUBSCRIPTION	24,255.00
BOB IVERSON	BRIGHT ENERGY REBATE	10.00
HUGH BRITTEN	BRIGHT ENERGY REBATE	100.00

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

12. Consensus Agenda

A. Set a public hearing date of August 15, 2011 for a special permit to exceed allowable sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets on Friday, September 9, 2011 between 8:00 p.m. and 1:00 a.m. and on Saturday, September 10, 2011 between 5:00 p.m. and 1:00 a.m.

B. Set a public hearing date of August 15, 2011 for a special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 9 & 10, 2011 on Main Street between High and Prospect and Market Street between Main and Kidder Street

C. Set a public hearing date of August 15, 2011 for a special permit to exceed allowable sound levels by no more than 50% for Lambda Chi Alpha Fraternity for a live band at 327 N Pine Street on Friday, September 2, 2011 between 8:00 p.m. and 11:00 p.m.

234-11

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

13. Adjourn

235-11

Alderman Osborne moved to adjourn the Council Meeting at 8:07 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 1st day of August, 2011.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 15, 2011

Subject: Special permit to exceed permissible sound levels by no more than 50% for the Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets on September 9th, 2011 from 8:00 p.m. to 1:00 a.m. and September 10th, 2011 from 5:00 p.m. to 1:00 a.m.

Presenter: Mike Carlson

Background: Ribs, Rods & Rock'n Roll, Inc. has applied for a special permit to exceed allowable noise levels for several bands and for a street dance on two consecutive dates. The first date is Friday, September 9th beginning at 8:00 p.m. and lasting until 1:00 a.m. on September 10th, 2011. The second occasion begins on September 10th at 5:00 p.m. lasting until 1:00 a.m. on September 11th, 2011. A copy of the application and a map of the area are attached.

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 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: The application and map indicate that the stage and sound system will be the same as used for the event last year. The street closing and the closing of other City property is under new business on this agenda.

The City Council will need to determine at the public hearing if it 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 include the availability of restroom facilities, clean up of the area, and disposal of waste.

Financial Consideration: The Committee has paid the \$25 fee for the noise permit.

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.

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 15th day of August, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Ribs, Rods & Rock'n Roll, Inc request for a special permit to exceed allowable sound levels for a street dance on Main Street between High and Prospect on Friday, September 9, 2011 between 8:00 p.m. and 1:00 a.m. and on Saturday, September 10, 2011 between 5:00 pm and 1:00 a.m.

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 29th day of July, 2011.

Michael D. Carlson, Finance Officer

Publish: August 5, 2011

Published once at the approximate cost of _____.

**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 Ribs, Rods, Rock-N-Roll

Contact Person John Storm Phone 670-1652

Contact Person Address 2109 Old Bridge Rd., Vermillion SD 57069

Location of Event Main Street, Vermillion Date of Event 9/9-9/10, 2011

Duration of event from time 8p-1a, 5p-1a to Time Friday/Sat.

The ordinance asks if this is a suitable location with appropriate facilities:

Yes, Temporary stage and tent to be set up on Main St. Area will be bordered with security fence and area borders.

Security personnel will be on site

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

Annual rib event and car show. The event draws upwards of 15,000 people to downtown Vermillion.

Benefits include: increased sales tax revenue, venue will showcase downtown Vermillion, becoming a signature event.

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 7/22/2011



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 15, 2011

Subject: Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 9th & 10th, 2011 on W. Main Street between High and Prospect Streets, Market Street from W. Main to Kidder Streets and Ratingen Platz at the corner of Market and W. Main Streets

Presenter: Mike Carlson

Background: Ribs, Rods & Rock'n Roll, Inc. has submitted an application for a special daily malt beverage and wine license for the Ribs, Rods & Rock'n Roll event on September 9th & 10th, 2011 on W. Main Street between High and Prospect Streets, Market Street from W. Main to Kidder Streets and the Ratingen Platz at the corner of Market and W. Main Streets.

City ordinance on special daily licenses reads as follows:

§ 112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.

- (A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.
- (B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.
- (C) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.
- (D) The fee for such special licenses shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

35-4-124. Special alcoholic beverage licenses issued in conjunction with special events. Any municipality or county may issue:

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any calendar year.

The Police Chief's report, notice of hearing, information sheet about the alcohol sales and diagram are attached.

Discussion: The notice of public hearing and a report from the Police Chief are attached. As the event will be held on a City street and City property, ordinance allows the City to include "*such conditions and restrictions, as the governing body may deem appropriate and consistent with state law.*" The street closure request and the request to exceed noise levels are also part of this agenda. Ribs, Rods & Rock'n Roll, Inc. will sell the beer and wine on the City streets. The actual consumption area is on W. Main Street from the intersection of W. Main Street and

Market Street to the west roughly half a block west, as well as on Market Street from the W. Main Street and Market Street intersection south to Kidder Street, and the Ratingen Platz. A colored map shows this area in pink labeled as "A". The alcohol sales and consumption area remain the same as last year.

A Release and Indemnification releasing the City from liability for the event has been received from the organization.

Below are the special conditions required by the City Council for past Ribs, Rods & Rock'n Roll events. Adjustments may be appropriate for the last two conditions but Staff recommends the City Council attach the following conditions:

- A certificate of insurance naming the City of Vermillion as an additional insured including liquor liability.
- Require the applicant identify and utilize a fenced area where alcoholic beverages may be sold and consumed as well as a plan to monitor the entrances and exit from this area.
- State law provides if an organization conducts a street dance in conjunction with a special event, the organization shall provide qualified security personnel as deemed necessary by the governing body, which issued the license to maintain order during the street dance. In past years, the organization has reimbursed the City for Police Department wages to monitor the dance. With a second evening of entertainment, staff proposes that the organization again reimburse the Police Department for officers assigned to the event but limit the overtime wage reimbursement to \$1,000 or actual costs, whichever is lower. For 2010 the overtime costs were \$758.98. In 2010, reimbursement was required within 30 days of the event. The organization was also required to provide at least six personnel with attire that stated "Event Security".
- Require a plan for the clean up and disposal of the cups and other materials after the event each day.
- Restroom facilities will also need to be provided. In past years, port-a-potties were brought in for similar events.
- Last year the City Council required a list of those individuals selling alcohol and checking IDs be provided to the City Manager 24 hours before the event. All individuals on the list were required to be at least 21 years of age.
- Hours of sale were limited. In 2010, the sale hours were Friday from 5:00 pm to 1:00 am on Saturday and again on Saturday from Noon until 1:00 am Sunday. The request this year is for Friday from 4:00 pm to 1:00 am Saturday and Saturday from 11:00 am until 1:00 am Sunday.

One potential concern, which came about in 2010, was that it appeared individuals visiting businesses such as the Civic Council, Market Street Café, west entrance to

the Café Brule, and Total Flooring would have to walk through an area on Friday and Saturday where alcohol is being consumed. Most likely, the hours of these businesses would largely not overlap the anticipated higher alcohol sale times. This may be one reason the City Council should consider limiting the hours of alcohol sales on these two days to avoid this situation if it is a concern. It also appears that pedestrian or bike traffic on the south side of W. Main Street would need to utilize the North side of W. Main Street to avoid an area where alcohol is being served/consumed or to pass through without a charge.

Financial Consideration: The City has received the \$15 per day license fee and \$15 advertising fee from the applicant for a total of \$45.

Conclusion/Recommendations: Administration recommends approval of the September 9th & 10th, 2011 special daily malt beverage and wine license contingent upon a Certificate of Insurance naming the City of Vermillion as an additional insured, establish the hours that sales will be allowed for each day, the City Council is comfortable that the applicant holding the license can properly distribute malt beverages and regulate the event, and there is complete understanding and agreement by the applicant with regard to any conditions and restrictions the City Council may require after further information is provided at the public hearing.



City of Vermillion

Police Department

15 Washington Street • Vermillion, SD 57069

Matt Betzen
Chief of Police

Phone: (605) 677-7070
Fax: (605) 677-7166
www.vermillionpd.org

MEMORANDUM

To: Vermillion City Council

Date: July 27, 2011

From: Matt Betzen
Chief of Police

Subject: Application for Alcohol Beverage License

Reference: Ribs, Rods & Rock'n Roll, Inc.

I have reviewed the application for "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by Ribs Rods & Rock'n Roll, Inc. reference their event in downtown Vermillion on September 9th & 10th of this year. A check of the Vermillion Police Records does not reveal any felonies with regards to the applicants. Nor does this event appear to have caused problems in the past.

This event involves a beer garden and street dance. As in previous years, there are security personnel and alcohol control measures planned for as a part of the application. Additionally, the event has budgeted \$1000 towards overtime for additional police coverage. These preventative measures should be adequate to allow for a safe event. I do not have any concerns regarding this event.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 15th day of August, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

Special Daily License (On-Sale) Malt Beverage and Wine License:

Ribs Rods & Rock'n Roll, Inc on or about September 9 & 10, 2011 on Main Street between High and Prospect Street, public platz on the corner of Main and Market Street and Market Street from Main to Kidder 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 29th day of July, 2011.

Michael D. Carlson, Finance Officer

Publish: August 5, 2011

Published once at the approximate cost of _____.

Ribs Rods & Rock 'N Roll

Event Date: September 9 – 10 2011

Beer Garden Hours:

Friday Sept 9 4 PM – 1 AM

Saturday Sept 10 11 AM – 1 AM

The Beer Garden Tent this year will be located outside the large entertainment tent roughly in front of Cor Trust Bank on Main St., it will have its own tent. This will be the only place to pick up your beverage but as it was last year you will be able to carry your drink anywhere in the designated beer garden area (see attached map).

Customers will be carded in a separate area where they will purchase their drink tokens and have a wristband applied. This will be the only place to get drink tokens and will have **cast trained supervisors** at all times.

Cast training is South Dakota approved training for alcohol sales and service.

As was the case in years past we will have security posted at all entrances of the beer garden to make sure no beer leaves the designated area and for crowd control and routine security (watching to make sure only banded people are drinking)



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 15, 2011

Subject: Special permit to exceed permissible sound levels by no more than 50% for Lambda Chi Alpha Fraternity at 327 N. Pine Street on September 2, 2011 from 8:00 p.m. to 11:00 p.m. for a concert.

Presenter: Mike Carlson

Background: Jordan Smith, on behalf of the Lambda Chi Alpha Fraternity, has applied for a special permit to exceed allowable noise levels for a concert on Friday, September 2, 2011 from 8:00 p.m. until 11:00 p.m., at their house, at 327 N. Pine Street. 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 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 on the front deck facing west to the street and the University property across the 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. This event will be on private property, but will be 69 feet from Pine Street. A relevant question, with the dorms across the street, may be some type of monitoring for those crossing Pine Street and that there is not any congestion along the street. Mr. Smith has been asked to contact the neighbors with information on the proposed event.

A similar concert was held in 2010 on a Thursday night and the City Council restricted the time to 10:00 pm, as it was a week night. In checking with the Police Chief, there were no incidents reported last year relating to the event.

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 will be problems related to the noise.

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 15th day of August, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Lambda Chi Alpha Fraternity request for a special permit to exceed allowable sound levels for a concert at 327 N Pine on Friday, September 2, 2011 between 8:00 p.m. and 11:00 p.m.

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 29st day of July, 2011.

Michael D. Carlson, Finance Officer

Publish: August 5, 2011

Published once at the approximate cost of _____.

**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 Lambda Chi Alpha Fraternity
Contact Person Jordan Smith Phone 605 957 5375
Contact Person Address 327 N Pine vermillion SD
Location of Event 327 N Pine Date of Event Sept 2nd, 2011
Duration of event from time 8pm to Time 11pm

The ordinance asks if this is a suitable location with appropriate facilities:

SEE ATTACHED

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

SEE ATTACHED

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 Jordan Smith date 7/26/11

Lambda Chi Alpha Fraternity is values based fraternity. The ultimate goal of the fraternity is to guide young men into becoming better men. The fraternity guides its members by teaching seven core values; Loyalty, Duty, Respect, Service and Stewardship, Honor, Integrity and Personal courage.

On September 2nd, Lambda Chi Alpha fraternity at 327 N Pine Street would like to host two bands for a concert. We would like to obtain a permit for 65 decibels from the hours of 8-11pm. 50 ft. away from source will be 41db and 200 ft. away will be 36 db. The concert will take place on the Fraternity's porch. All speakers will be facing west toward the school so that sound pollution from the concert will not be directed toward any residential housing. Signatures will be collected from neighbors in a two-block radius including a signature from the school confirming notification of the event. This event will be dry meaning there will be no tolerance for alcohol during the event. There will be three bathrooms available for use inside the Fraternity during the concert. Free food and non-alcoholic drinks will also be provided.

This event is of public benefit. The concert will be available to any male college student at the University of South Dakota. The Fraternity is using the event as a tool to meet outstanding men from the university to consider for membership. By allowing a sound permit for this event, the public will benefit because more college men will be attracted to the fraternity which will lead to students joining and eventually pledging to the values-based Fraternity. The city and University will therefore have a higher quality of students/citizens. This event will also spark more interest in the University/City and also increase culture.

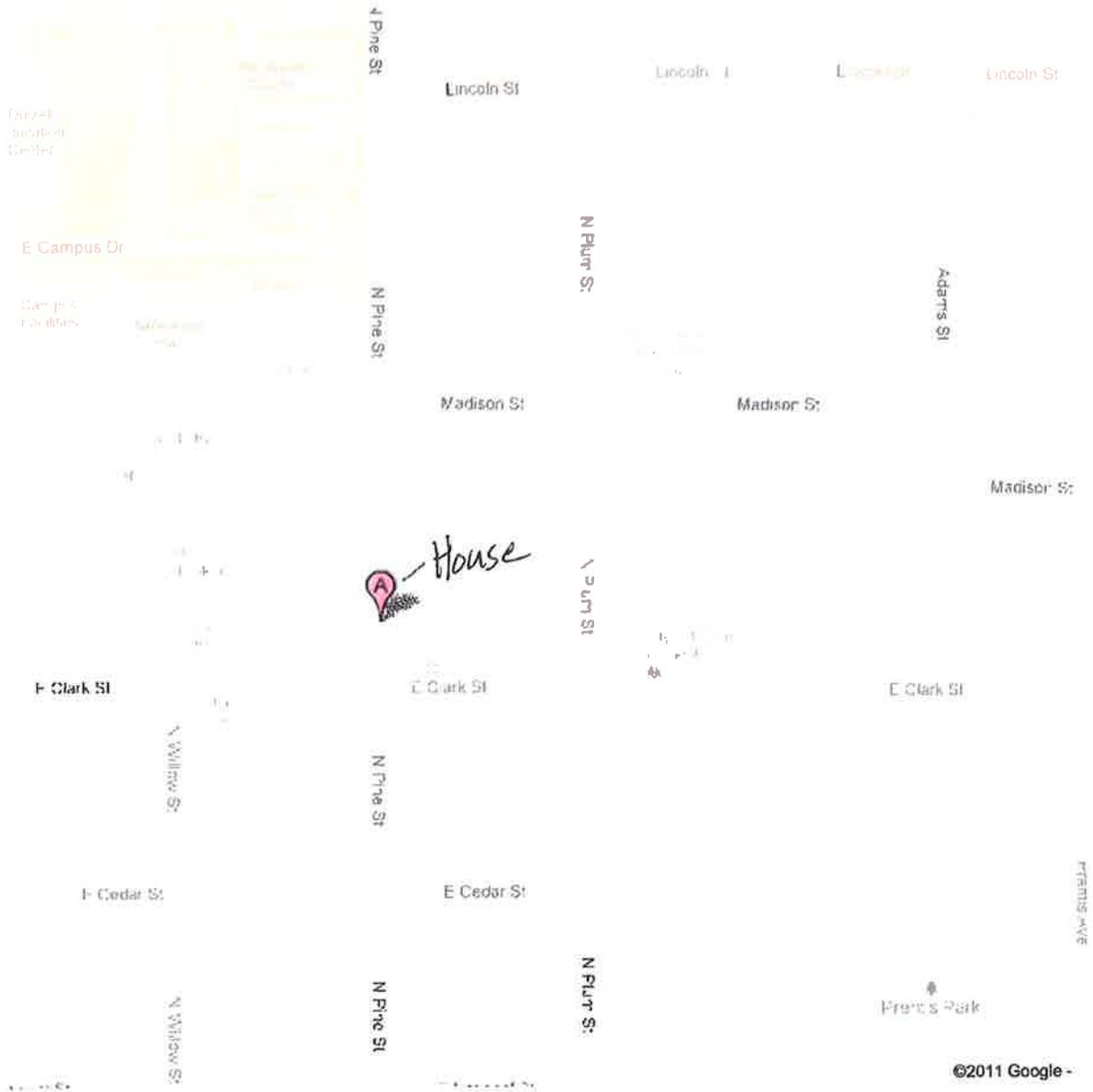


All sound will be projected West toward the University on Pine st.



Address **327 N Pine St**
Vermillion, SD 57069

Get Google Maps on your phone
Text the word "GMAPS" to 466453



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: August 15, 2011

Subject: Resolution Establishing Fees

Presenter: Farrel Christensen

Background: The adoption of Ordinances No.'s 1255 and 1256 at the August 1, 2011 meeting requires fees to be set by resolution. As the section numbers of the chapter have been changed, the rental housing fees contained in 94.05 are being adopted. The first two fees on the resolution are the current fees that have been charged for rental registration.

Discussion: At the last City Council meeting, it was suggested that a scale be established for failure to register a rental property vs. a range of \$100 to \$500. Staff considered a variety of factors which could be used in establishing a scale of fees. Ultimately it was determined to set up a fee schedule that would be based on violations per calendar year. As there might be situations where a violation occurs unintentionally or due to unique circumstances, language giving the City Manager the authority to abate all or a portion of a fee is also included.

The fees proposed are similar to those established for compliance with the International Residential Code, the International Building Code and the International Property Maintenance Code.

Financial Consideration: Any funds collected with this resolution will go into the City's general fund.

Conclusion/Recommendations: Administration recommends approval of the resolution establishing fees as provided for in Ordinances No.'s 1255 and 1256.

**RESOLUTION TO ESTABLISH FEES FOR
RENTAL HOUSING REGISTRATION AND VIOLATIONS**

WHEREAS, the adoption of Ordinance No. 1255 and 1256 established the International Property Maintenance Code, as modified, as the Rental Housing Code for the City of Vermillion; and

WHEREAS, Chapter 94, Sections § 94.05 and 94.11, of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish fees; and

WHEREAS, The Rental Housing Code provides for rental registration fees, as well as violation penalties, for any person who violates provisions of the code, fails to register rental units, fails to make required repairs within the allotted time, or misses scheduled inspections.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, of said City, at 7:00 p.m. on the 15th day of August, 2011 that the fees and/or penalties are established as follows:

1. Registration Required - 94.05 (D)
A fee of \$20.00 per structure and \$12.00 per unit.

2. Registration Required - 94.05 (I)
A penalty of \$5.00 per unit, per month, shall be added to the annual registration fee if not paid by January 15th of each year.

3. Registration – Section 94.11(B)
The fee for failing to properly register a rental unit shall be;
 1. For the first violation within a calendar year, \$100.00
 2. For the second violation within a calendar year, \$250.00
 3. For three or more violations within a calendar year, \$500.00

4. Violation penalties – Section 94.11(C)
The fee for failure to make required repairs within the time allotted shall be \$100.00.

5. Inspections – Section 94.11(D)
The fee for failing to meet the inspector at a scheduled inspection time and place, or failure to reschedule an inspection at least one working day prior to the scheduled time, shall be \$25.00 or \$5.00 per unit, whichever is greater.

The City Manager may abate all or a portion of any fee or penalty for just cause. The issuance of a fee or penalty shall not be construed to be approval of any violation of any of the provisions of the code. Stop orders, demolition orders, other fees orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

This resolution shall become effective upon the adoption of Ordinance No.'s 1255 and 1256.

Dated at Vermillion, South Dakota this 15th day of August, 2011.

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: Jordan McQuillen, City Manager Intern
Meeting: August 15, 2011
Subject: Request for Temporary Street Closing – Ribs, Rods, & Rock’n Roll
Presenter: John Prescott, City Manager

Background: The Ribs, Rods, & Rock’n Roll organization is requesting a temporary street closing to host their Ribs, Rods, & Rock’n Roll State BBQ Championship, Music Festival, and Car Show on September 9th and 10th, 2011.

Discussion: The request has been broken down into five sections as follows:

Section A – W. Main Street from the west side of the Prospect Street intersection west to the alley immediately east of the Eagles and Market Street from the intersection with W. Main Street south to Bloomingdale Street be closed from 7:00 am Friday, September 9th, until 12:00 pm on Sunday, September 11th.

Section B – Kidder Street from the alley just west of the Craig Thompson Law Office to the alley on the east side of Total Flooring and the parking lot located at the corner of Market Street and Kidder Street from 7:00 am Friday, September 9th, until 12:00 pm on Sunday, September 11th.

Section C – W. Main Street from High Street to at least Austin Street and ending in an area deemed appropriate by the City from 5:00 pm Friday, September 9th, until Noon on Saturday, September 10th. See comments below.

Section D – Austin Street from W. Main Street to Kidder Street, leaving the intersection of Austin Street and Kidder Street open, closed from 7:00 am Saturday, September 10th, until 12:00 pm on Sunday, September 11th.

Section E – Main Street from Prospect Street to Church Street, Prospect Street from W. Main Street one-half (½) block north, Court Street from Main Street south one-half (½) block to the alley, and Center Street from Main Street to National Street on Saturday, September 10th, from 7:00 am until 4:00 pm.

A letter detailing the event and a map of the requested street closings are both attached. It is noted on the request that all residents and businesses will be contacted as has been consistent with past years.

With respect to Area C, staff would recommend ending the W. Main Street closure at Washington Street. Allowing the intersection of W. Main Street and Washington Street to remain open would assist law enforcement and the Public with accessing the Public Safety Center. This should also provide adequate space for the Eagles bike event and parking of bikes for the event at the Eagles. A portion of High Street could also be closed should additional space be needed. Staff would suggest this closure begin at 4:00 pm on Friday, September 9th, and run until Noon on Saturday, September 10th.

The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns.

Financial Consideration: None

Conclusion/Recommendations: Given the amount of streets to be closed, the timing of the street closings during the hours of some businesses, and past concerns expressed about the event prior to 2010, Administration recommends that the City Council receive public input and determine the streets to be closed and for what time periods.

Request to Close Public Street

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

**REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION**

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

Organization Requesting Ribs, Rods, Rock-n-Roll
Contact Person John Storm Phone 670-1652
Contact Person Address 2109 Old Bridge Rd.
Event SD BBQ Championship Date(s) of Event 9/9-9/10

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

Street Main St. from Washington to Center (see map)
Street Closing Times Fri 7:00a to Sun 12:00p

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes No Will notify

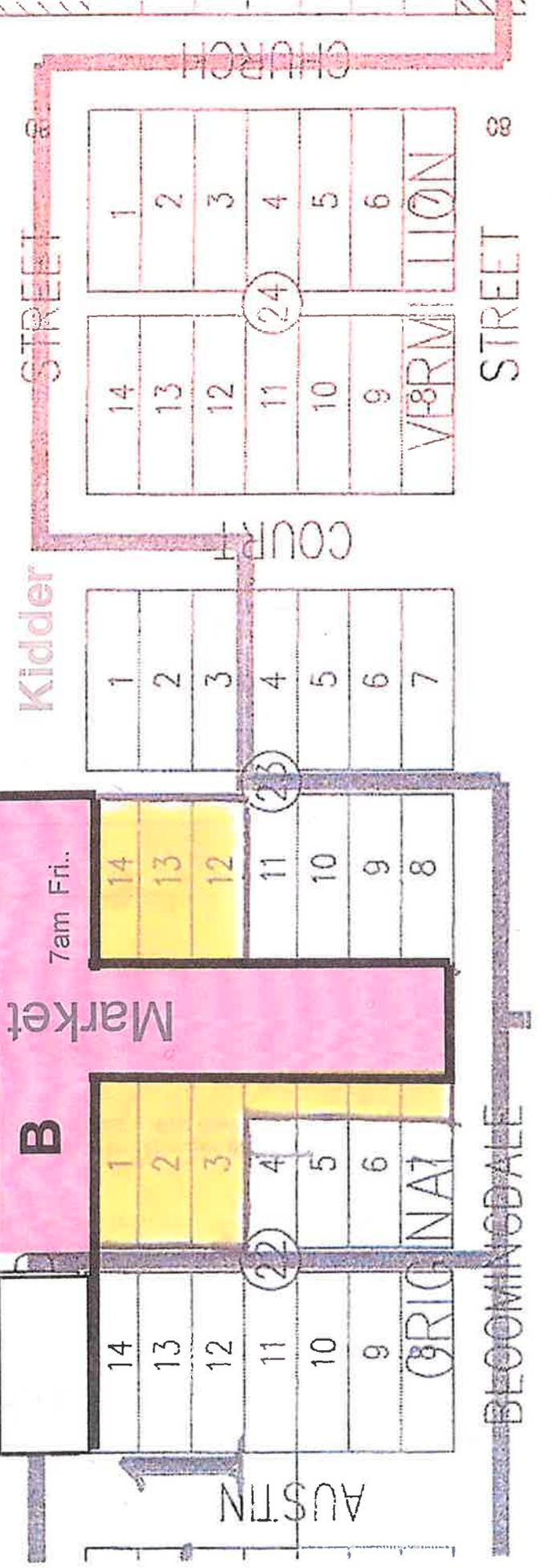
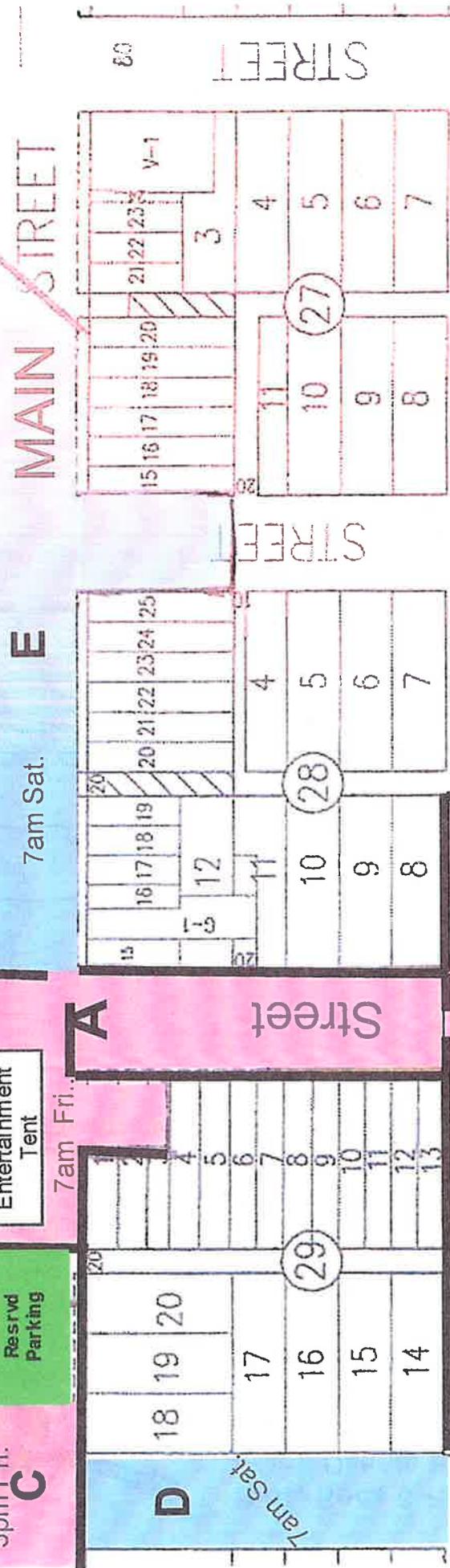
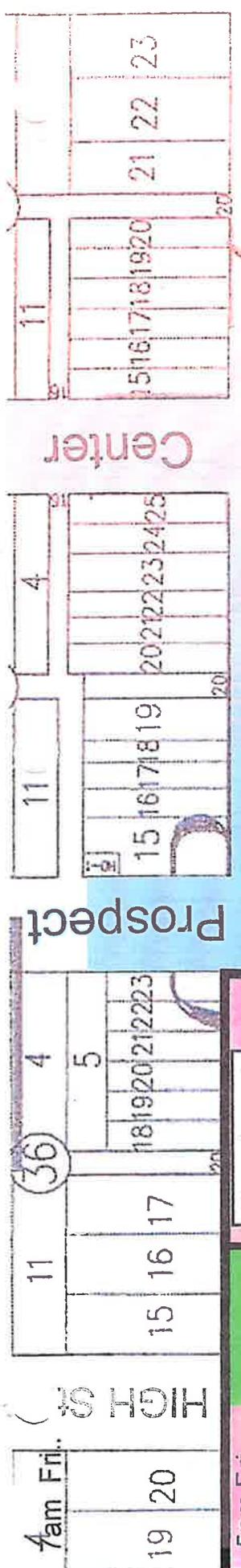
Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes, Teams of volunteers are scheduled throughout the event.

Teresa Gilbertson = Volunteer Chair

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant  date 7/22/2011



C
 5pm Fri.
 Resrvd Parking
 Entertainment Tent
 7am Fri.

D
 7am Sat.

A
 7am Fri.

B
 7am Fri.

E
 7am Sat.

Kidder

(36)

(29)

(28)

(27)

(22)

(23)

(24)

BLOOMINGDALE

VERMILION STREET

88

STREET

STREET

CHURCH

COURT

AUSTIN

Ribs, Rods and Rock & Roll

2011 Street closure Narrative

- A. Area extends from the alley between the Eagle's and the Pocket park to Prospect, then down Market to Bloomingdale. This is to be the area of the heaviest use and is requested for closure the longest; 7:00am Friday until 12:00pm Sunday. Main Street in this section will be used for the entertainment and Beer tents (inclusive of the pocket park) as it was last year with some minor adjustments. Market Street down to Kidder will be used for the street food vendors (same as last year).
- B. Area extends from the alley just west of Thompson Law office on Kidder to the alley just East of Total Flooring on Kidder and then down Market street to Bloomingdale. It is requested that this area also be closed from 7:00am Friday until 12:00pm Sunday. This is primarily a traffic and organizational, staging, and parking area for the rib event (same as last year). Also requested in this area is the area shaded in yellow which includes the city owned property on the corner of Kidder and Market (same as last year).
- C. Area extends West on Main Street from High Street past Austin to a location deemed convenient by the city for closure. It is requested that this area be closed later in the day Friday until 12:00pm Saturday in an effort to minimize traffic issues related to adjacent closures, but also, to provide parking and staging for a bike event in front of the Eagle's as well as provide event space/access to Austin Street on Saturday (same as last year).
- D. Area extends from Main Street to Kidder on Austin Street. It is requested that this area be available from 7:00am Saturday until 12:00pm Sunday.
- E. Area extends on Main from Prospect to a loosely defined endpoint somewhere near Church Street as well as partially up Prospect and Center, then down Court. It is requested that this area be available on Saturday at 7:00am until approximately 4:00pm. This area will be used for the Car Show (same as last year).

As this is a work-in-process we are expecting some subtle changes to this as the event approaches. Any and all changes will be reviewed with the city management to ensure compliance.



Council Agenda Memo

From: Jordan McQuillen, City Manager Intern
Meeting: August 15, 2011
Subject: Request for Temporary Street Closing – USD Coyote Tailgate Nation
Presenter: David Herbster, USD Senior Associate Athletic Director

Background: To facilitate Coyote Tailgate Nation, USD would like to temporarily close a portion of Rose Street on six separate Saturdays: September 10th, September 17th, October 1st, October 8th, and October 22nd, from 10:00 a.m. to halftime (approximately 6:00 p.m.) and on November 12th, from 6:00 a.m. to halftime (approximately 2:00 p.m.) for tailgaters associated with Coyote football games. The purpose of the event is to provide a safe area for fans to gather for pregame activities. A listing of USD home football games and a map of the proposed closing areas are attached.

Discussion: This request was made last year for the first time to accommodate the new location for tailgating. Staff is not aware of any problems from last year's closings. USD's Coyote Tailgate Nation is requesting that Rose Street, from Coyote Village to the Dome parking lot, be closed on September 10th, September 17th, October 1st, October 8th, and October 22nd, from 10:00 a.m. to 6:00 p.m. and on November 12th, from 6:00 a.m. to 2:00 p.m.

The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the temporary closing of Rose Street on September 10th, September 17th, October 1st, October 8th, October 22nd, and November 12th for USD's Coyote Tailgate Nation.

Home Football Games

Rose Street Closure

<u>Date</u>	<u>Team</u>	<u>Time</u>	<u>Close</u>	<u>Open</u>
Sept. 10	E. Washington	4:00 PM	10am	6pm
Sept. 17	NW Oklahoma	4:00 PM	10am	6pm
Oct. 1	Lindenwood	4:00 PM	10am	6pm
Oct. 8	S. Utah	4:00 PM	10am	6pm
Oct. 22	Cal - Davis	4:00 PM	10am	6pm
Nov. 12	MO S & T	12 noon	6am	2pm



ALUMNI FOUNDATION

DAKOTA STREET

DAKOTADOME

W.H. OVER MUSEUM

TAYLOR DRIVE

OVERFLOW PARKING

A B

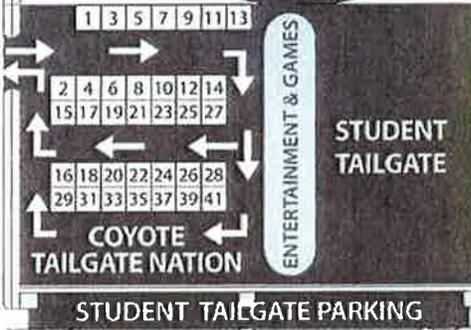
C D

E F

● PRIORITY PARKING LOTS A-B

● OPEN PARKING LOTS C-E & G-H

● COYOTE TAILGATE NATION & PARKING LOT F



ROSE STREET

COYOTE VILLAGE

N. UNIVERSITY STREET

McFADDEN HALL



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 15, 2011

Subject: First Reading of Ordinance No. 1257 amending Ward Boundaries

Presenter: Mike Carlson

Background: The Fourteenth Amendment to the United States Constitution guarantees equality of voting power. The courts have interpreted this as an honest and good faith effort to create districts as equal in population as is practicable. Apportionment with over 10% deviation is often determined to be malapportioned. The following state statutes address establishing ward boundaries for the first time noting that registered voters, times two, can be used until the next federal census is complete.

9-2-7. Determination of number of inhabitants in wards. For the purpose of dividing a municipality into wards, the number of inhabitants shall be determined by subdivision 2-14-2(20). However, the governing body may, by resolution, authorize its auditor, clerk, or finance officer to determine the number of inhabitants by filing in his office a certificate showing the whole number of persons registered to vote in each ward of the municipality. That number multiplied by two shall constitute the number of inhabitants until the next federal census is completed.

2-14-2. Definition of terms used in code. Terms used throughout the code of laws enacted by §2-16-13, mean:

(20) "Population," the number of inhabitants as determined by the last preceding federal census;

Discussion: The use of the 2010 City Census count of 10,571 would have the ideal population of each ward at 2,643. The following table includes the 2010 population with the current ward boundaries, the deviation for each ward, the 2000 population by ward and a column with the change in population by ward since the 2000 census. The total deviation is 16.27%, made up of the largest negative deviation in the Central Ward of -10.33%, and the largest positive deviation in the Southeast Ward of 5.94%. As the total deviation is greater than 10%, the ward boundaries need to be adjusted to reduce the total deviation.

	2010 Population by Ward	<u>Deviation</u>	2000 Population by Ward	Population Change since 2000
Northwest Ward	2,702	2.23%	2,592	110
Central Ward	2,370	-10.33%	2,686	(316)
Northeast Ward	2,699	2.12%	2,466	233
Southeast Ward	<u>2,800</u>	5.94%	<u>2,532</u>	<u>268</u>
	10,571		10,276	295
		16.27%	total deviation	

In reviewing the population by ward, it should be noted that Coyote Village was not occupied when the census count was being conducted and the mobile home park had been removed, thus it would be reasonable to assume that the population of the Central Ward might increase with the occupancy of Coyote Village.

By moving the ward boundary from Yale Street to University Street, the population of the Central Ward would be increased 226, while the Southeast Ward would be reduced by the same. The Central Ward would have a negative deviation that will be adjusted as Coyote Village is occupied and the Southeast Ward has the greatest negative deviation but, during the past decade, showed the largest increase.

	2010 Population by Ward	<u>Change Proposed</u>	Revised Population by Ward	<u>Deviation</u>
Northwest Ward	2,702		2,702	2.23%
Central Ward	2,370	226	2,596	-1.78%
Northeast Ward	2,699		2,699	2.12%
Southeast Ward	<u>2,800</u>	-226	<u>2,574</u>	-2.61%
	10,571		10,571	
				4.84% total deviation

The proposal keeps the majority of the ward boundaries intact and doesn't displace any existing council members while bringing the total deviation within the 10% required, complying with the Fourteenth Amendment.

The City Council reviewed the proposed boundary change during the July 5th Noon session requesting that the information on the proposed change be included in the quarterly City Update published August 2nd in the Equalizer.

Following the adoption of the ordinance changing the ward boundaries, the County Auditor will send notice to the registered voters of their ward change. As all wards vote at the same location, there is less inconvenience at the polls if the voter goes to vote at the wrong ward.

Financial Consideration: The cost would be the publication of the ordinance.

Conclusion/Recommendations: Administration would recommend approval of first reading of Ordinance No. 1257 amending the ward boundaries.

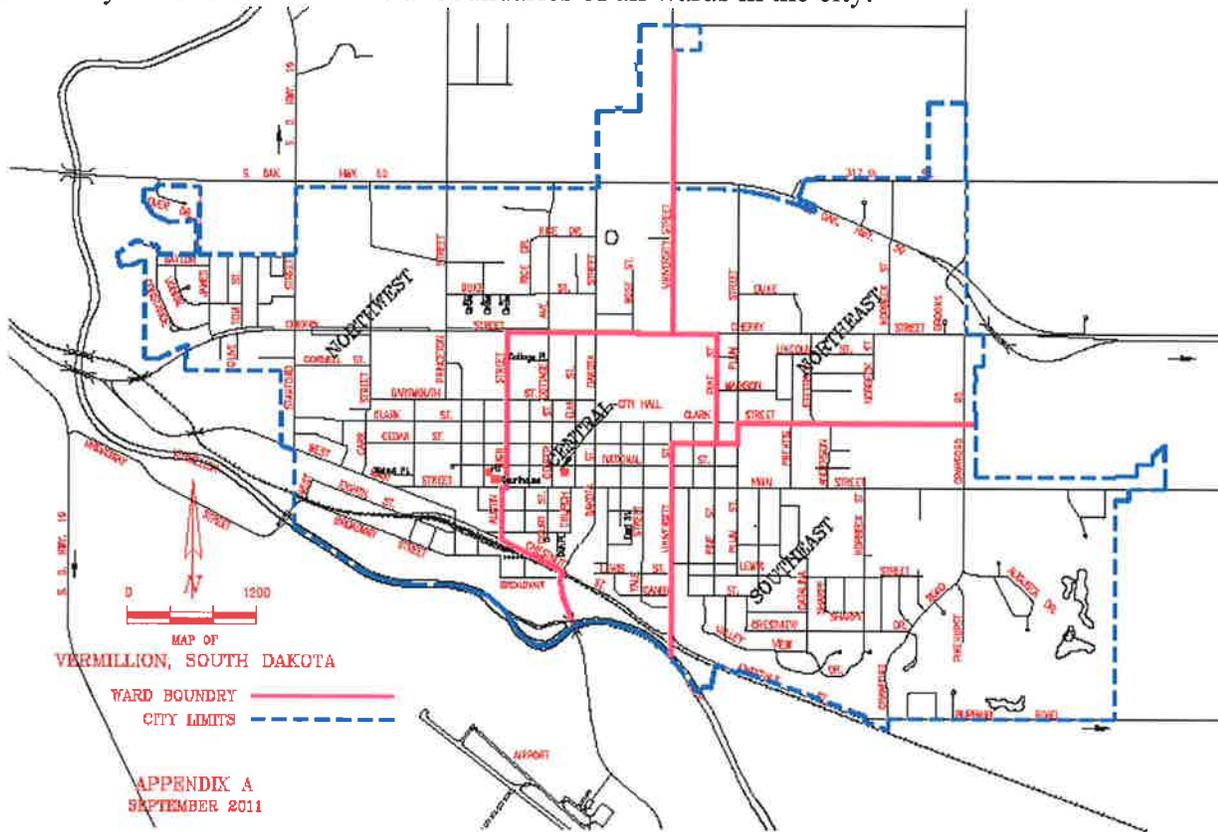
PROPOSED ORDINANCE NO. 1257

AN ORDINANCE AMENDING TITLE I, SECTION 11.02, WARDS AND BOUNDARIES, OF THE 2008 REVISED ORDINANCES FOR THE CITY OF VERMILLION, AMENDING THE WARD BOUNDARIES.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Section 11.02 be amended to read as follows:

§ 11.02 BOUNDARIES.

The boundaries of wards, as shown on the Ward Map in Appendix A of this chapter, are hereby incorporated by reference as the official boundaries of all wards in the city.



Dated at Vermillion, South Dakota this 6th day of September, 2011.

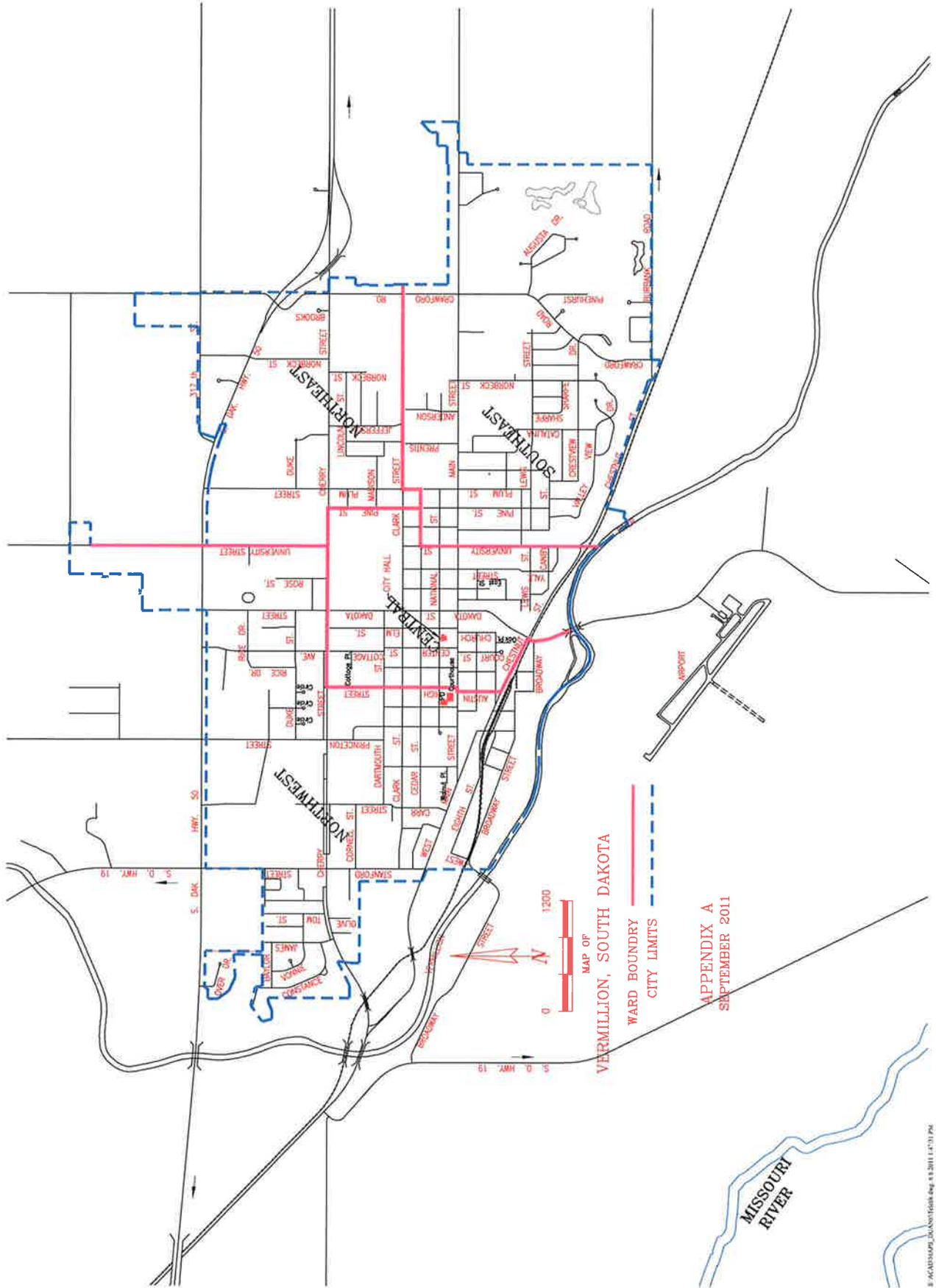
THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: August 15, 2011
Second Reading: September 6, 2011
Publication: September 16, 2011
Effective Date: October 6, 2011



VERMILLION, SOUTH DAKOTA

MAP OF
 WARD BOUNDARY
 CITY LIMITS

APPENDIX A
 SEPTEMBER 2011



Council Agenda Memo

From: José Domínguez, City Engineer
Meeting: August 15, 2011
Subject: Resolution for Airport Fuel Tax Account Reimbursement
Presenter: José Domínguez

Background: Last year, the Precision Approach Path Indicator (PAPI) lights at the airport malfunctioned and had to be repaired. The repair consisted of replacing the mother board that operates the system. From conversations with the State Department of Transportation – Aeronautics Division, it was found that the cost of the repair could be reimbursed to the City through airport fuel tax collections. This tax is collected by the State, who also administers the fund. The money within the fund can be utilized by the City for repairs and maintenance of the airport.

The cost of the repair was \$2,692.50, of which 100% is reimbursable. The work was completed last year and the request for reimbursement was made in December 2010. The reimbursement agreement was received from the State last month.

Discussion: As part of the reimbursement agreement, the City Council needs to pass a resolution accepting the reimbursement. The agreement also notifies the Council that the funds for the reimbursement are being drawn out of the City's fuel tax account administered by the State.

Financial Consideration: The cost to the City is nothing. The City will be reimbursed \$2,692.50 for funds expended last year.

Conclusion/Recommendations: Administration recommends approving the resolution approving the reimbursement of the funds.

**STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
DIVISION OF FINANCE AND MANAGEMENT
OFFICE OF LOCAL TRANSPORTATION PROGRAMS
BECKER-HANSEN BUILDING
PIERRE, SOUTH DAKOTA
FOR
PROJECT NO. AP0056 (01)**

This Agreement is made and entered into by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and the City of Vermillion, South Dakota, referred to in this Agreement as the "SPONSOR."

BACKGROUND:

- A. The STATE and the SPONSOR entered into an Agency Agreement for the purpose of establishing, constructing, and maintaining an airport on a portion of Sections Twenty-four (24) and Twenty-five (25), of Township Ninety-two North (92N), Range Fifty-two West (52W) of the Fifth Prime Meridian, Clay County, South Dakota, referred to in this Agreement as the "Airport."
- B. The SPONSOR has requested financial assistance from the STATE for the development of the Airport.
- C. The SPONSOR has acquired satisfactory title to the property on which the Airport will be located and has indicated the SPONSOR'S desire to use the same for the Airport.
- D. The SPONSOR proposes the development of the Airport will consist of the following described items, referred to in this Agreement as the "Project":

Precision Approach Path Indicators (PAPI) Repair.

- E. The total estimated cost of the Project is shown on the Engineer's Estimate, entitled "Summary of Project Costs," attached to this Agreement as Exhibit A.

NOW, THEREFORE, in consideration of these facts and the mutual covenants contained in this Agreement, the Parties agree as follows:

Section 1. Payment

Pursuant to and for the purposes of carrying out the provisions of SDCL 50-7-15, the STATE will share in the cost of the Project in the amount of **100% percent of the total eligible Project costs, but in no event will the STATE'S TOTAL SHARE exceed the amount of Two Thousand, Six Hundred Ninety-two Dollars and Fifty Cents (\$2,692.50)**. The STATE will pay the STATE'S share of the eligible Project costs from the AERONAUTICS FUEL TAX FUND.

Section 2. Termination

1. For Convenience. The STATE may, with the concurrence of the SPONSOR, terminate and cancel this Agreement if both parties agree that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds.
2. For Cause. The STATE may, by written notice to the SPONSOR, terminate the Project and cancel this Agreement for any of the following reasons:

- (a) The SPONSOR takes any action pertaining to this Agreement without the STATE'S approval and which under the procedures of this Agreement would have required the STATE'S approval.
- (b) The commencement, prosecution, or timely completion of the Project by the SPONSOR is, for any reason, rendered improbable, impossible, or illegal.
- (c) The SPONSOR will be in default under any provision of this Agreement.

Section 3. SPONSOR Assurances

1. The SPONSOR will operate the Airport as such for the use and benefit of the public. The SPONSOR will operate and maintain the Airport as a public use facility for a minimum of twenty (20) years from the date of this Agreement.
2. The SPONSOR will not exercise, grant, or permit any exclusive right for the use of the Airport. This provision will not be construed to prohibit the granting or exercising of an exclusive right for the furnishing of non-aviation products and supplies or any services of a non-aeronautical nature.
3. The SPONSOR will suitably operate and maintain the Airport and all facilities on or connected with which are necessary for airport purposes. The SPONSOR will not allow facilities on the Airport property which would interfere with the SPONSOR'S use for aeronautical purposes in a safe manner. Essential facilities, including night lighting systems, when installed, will be operated in such a manner as to assure the availability of such essential facilities to all users of Airport.
4. Insofar as is within the SPONSOR'S powers, the SPONSOR will prevent the use of any land either within or outside the boundaries of the Airport in any manner, including construction, which would create a hazard to the landing, taking-off, or maneuvering of aircraft at the Airport, or otherwise limit the usefulness of the Airport. The SPONSOR will notify the STATE as soon as any information is known which may cause or create such hazards to the Airport.
5. The SPONSOR will not enter into any transaction which would operate to deprive the SPONSOR of any of the rights and powers necessary to perform any or all of the covenants made in this Agreement, unless by such transaction the obligation to perform all such covenants is assumed by another public agency. If an arrangement is made for management or operation of the Airport by an agency or person other than the SPONSOR or an employee of the SPONSOR, the SPONSOR will reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with these covenants.

Section 4. Special Conditions

1. The SPONSOR will maintain an accurate cost accounting system for all costs incurred under this Agreement and costs will be clearly identified with activities performed under this Agreement. All Project charges will be subject to audit in accordance with the STATE'S current procedures and 49 CFR Part 18.22.
2. Upon reasonable notice, the SPONSOR will allow the STATE or U.S. Department of Transportation representatives to examine all records of the SPONSOR related to this Agreement during SPONSOR'S normal business hours. The SPONSOR will keep all such records for a period of three (3) years after the date of final payment by the STATE under this Agreement and all other pending matters are closed.
3. The SPONSOR will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the STATE, and to provide insurance coverage for the benefit of the STATE in a manner consistent with this Agreement. The SPONSOR will cause its subcontractors, agents, and employees to comply with applicable federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements and will adopt such review

and inspection procedures as are necessary to assure such compliance. Failure to comply with federal requirements related to right-of-way, environmental clearances, utilities, contract provisions, and the bid letting process could jeopardize future federal funding.

4. If the SPONSOR expends Five Hundred Thousand Dollars (\$500,000) or more in federal funds during any SPONSOR fiscal year covered, in whole or in part, under this Agreement, the SPONSOR will be subject to the single agency audit requirements of the U. S. Office of Management and Budget (OMB) Circular A-133. If the SPONSOR expends less than \$500,000 in federal funds during any SPONSOR fiscal year, the STATE may perform a more limited program or performance audit related to the completion of Agreement objectives, the allowability of services or costs and adherence to Agreement provisions. The CFDA Number for funds used under this Agreement is 20.106.
5. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, the Agreement may be terminated by the STATE. Termination for any of these reasons is not a default by the STATE nor does it give rise to a claim against the STATE.
6. The SPONSOR will pay subcontractors or supplies within fifteen (15) days of receiving payment for work that is submitted for progress payment by the STATE. If the SPONSOR withholds payment beyond this time period, the SPONSOR will submit written justification to the STATE, upon request. If it is determined that a subcontractor or supplier has not received payment due without just cause, the STATE may withhold future estimated payments or may direct the SPONSOR to make such payment to the subcontractor or supplier.
7. The SPONSOR must submit any proposed change affecting the Project to the STATE in writing for the STATE'S approval prior to any change.
8. This Agreement may not be amended, except in writing, which writing will be expressly identified as a part of this Agreement, and be signed by an authorized representative of each of the parties to this Agreement.
9. The SPONSOR agrees to provide services in compliance with the American with Disabilities Act of 1990, and any amendments.
10. The SPONSOR certifies, to the best of the SPONSOR'S knowledge and belief, that: No Federal appropriated funds have been paid or will be paid, by or on behalf of the SPONSOR, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any of the above mentioned parties, the SPONSOR will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The SPONSOR will require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients will certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty or not less than \$10,000 and not more than \$100,000 for each such failure.

11. The SPONSOR certifies, by signing this Agreement, that neither the SPONSOR nor the SPONSOR'S principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any federal department or agency.
12. The SPONSOR will indemnify the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceeding which may arise as a result of the SPONSOR performing services under this Agreement. This section does not require the SPONSOR to be responsible for or defend against claims or damages arising solely from acts or omissions of the STATE, its officer, agents, or employees
13. SPONSOR has designated its Mayor as the authorized representative of the SPONSOR and has empowered the Mayor with the authority to sign this Agreement on behalf of the SPONSOR. A copy of the minutes of the SPONSOR'S Commission authorizing the execution of this Agreement by the Mayor as the authorized representative for the SPONSOR is attached hereto as Exhibit B.
14. The effective date of this Agreement is **February 22, 2011**.

The SPONSOR, by signing this Agreement, evidences authority to enter into this Agreement through formal action of its governing body.

City of Vermillion, South Dakota

By: John E Powell

Its: Mayor

Date: 8-1-11

Attest

Michael D. [Signature]
City Auditor/Clerk

State of South Dakota
Department of Transportation

By: _____

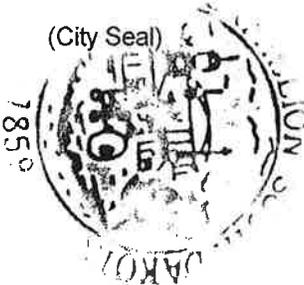
Its: Program Manager
Local Transportation Programs

Date: _____

Approved as to Form:

[Signature]
Special Assistant Attorney General

(City Seal)



SUMMARY OF PROJECT COSTS		1.Proj. No. AP0056-2011
3.Sponsors Name and Address City of Vermillion Vermillion, SD		2.Grant No. PAPI Repair
5.Official Name and Location of Airport Harold Davidson Field 25 Center Street Vermillion, SD 57069		4.Approved by Aero Comm on 02/22/2011
		6.Max Fuel Tax Funds 2692.5
DESCRIPTION	LATEST REVISED TOTAL ESTIMATED COST	ACTUAL COST INCURRED TO DATE
I. EQUIPMENT		
	\$0.00	\$0.00
II. CONSTRUCTION:		
A. PAPI Repairs	\$2,692.50	\$0.00
TOTAL CONSTRUCTION	\$2,692.50	\$0.00
III. ENGINEERING:		
TOTAL ENGINEERING	\$0.00	\$0.00
IV. ADMINISTRATION	\$0.00	\$0.00
TOTAL PROJECT COST	\$2,692.50	\$0.00
STATE SHARE-100% w/MAX \$2,692.50	\$2,692.50	\$0.00
LOCAL SHARE	\$0.00	\$0.00
7.CERTIFICATION:		
DATE:	PREPARED BY:	
SCOPE: Precision Approach Path Indicators (PAPI) Repair.		

Resolution
**Accepting the Reimbursement for Funds used to Repair the
PAPI Lights at the Vermillion Airport**

WHEREAS, the City of Vermillion applied for a reimbursement from the State of South Dakota Department of Transportation – Aeronautics Division for the cost of fixing the PAPI lights at the airport, and;

WHEREAS, the City of Vermillion was notified of the approval of the reimbursement, and;

WHEREAS, the Governing Body of the City of Vermillion is required to accept the reimbursement's financial agreement by resolution, and;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion accepts the reimbursement for the PAPI lights.

Dated at Vermillion, South Dakota this 15th day of August, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: August 15, 2011
Subject: Resolution of Necessity and Notice of Hearing for Sidewalk Repairs
(Southeast Quadrant)
Presenter: Jose Dominguez

Background: The City instituted a new Sidewalk Inspection Program in 2010 which is meant to bring deficient portions of sidewalks up to a proficient standard. Prior to this program, the City's sidewalk repair/replacement policy was complaint-based. The previous program was reactive and costly. The City's liability insurance carrier had recommended the City begin a sidewalk inspection program to address hazards before accidents occur and claims are presented. The sidewalk inspection program is intended to protect property owners because insurance claims are often presented against property owners and the City.

The new Sidewalk Inspection Program was first presented to the City Council in 2010 and comments and discussion helped create the program used today. The program divided the City into quadrants with the southeast (south of E. Main Street and east of Dakota Street) quadrant being inspected this year. During City inspections, staff look for several deficiencies, which included: trippers, surface conditions and cross-slope. In addition, sidewalk tiles were inspected more closely to verify that they were functioning as originally constructed. If the panels were found to be deficient, they were also marked for replacement.

Discussion: The special assessment process provides that the governing body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on September 19, 2011. Following the hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

In addition to the sending the property owners a letter notifying them of the hearing, the City will provide packet information on the City website at www.vermillion.us. Packets will be sent to property owners upon request. The

packet will include: a list of contractors that they could use, a list of acceptable repair methods, a copy of the City's specifications and a sidewalk repair permit.

Financial Consideration: The cost will include postage and the publication of the notice. The City has budgeted the necessary funds in 2012 to repair sidewalks throughout the community which did not pass inspection.

Conclusion/Recommendations: Administration recommends adoption of the resolution that sets the public hearing date for September 19, 2011.

RESOLUTION OF NECESSITY AND NOTICE OF HEARING
FOR SIDEWALK REPAIRS
IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 15th day of August, 2011, that the necessity has arising for sidewalk repairs along the parcels of land hereinafter named, viz:

Violation Address	Violation Legal Description	Violation Addition	Violation Parcel Number	ESTIMATED COST
10 S. University	Lot 4, and the W 1/2 of Vacated Alley	East End Park View Acres	15230-00000-040-00	\$ 583.33
100 Catalina	Lot 3, Blk 1	2nd	15570-00100-030-00	\$ 62.22
100 S. Pine	Lot 1 & N 14' of Lot 2	Nelsons Park View Acres	15500-00000-020-00	\$ 97.22
100 Sycamore	Lot 1, Blk 2	2nd Eastgate Manor	15570-00200-010-00	\$ 233.33
1001 Crestview	Lot 1 & N 10' of Lot 2, Blk 3	2nd	15250-00300-020-03	\$ 65.78
1003 Valley View	Lot 6, Blk 3	Ridgecrest	15600-00300-060-00	\$ 82.22
1004 Ridgecrest	Lot 10, Blk 3	Ridgecrest	15600-00300-100-00	\$ 411.11
1011 Ridgecrest	Lot 13, Blk 1	Ridgecrest	15600-00100-130-00	\$ 65.78
1016 Valley View	Lot 2, Blk 4	Ridgecrest Eastgate Manor	15600-00400-020-00	\$ 388.89
1018 Crestview	Lot 2, Blk 6	3rd	15260-00600-020-00	\$ 62.22
1019 Ridgecrest	Lot 14, Blk 1	Ridgecrest	15600-00100-140-00	\$ 388.89
102 Linden	Lot 6, Blk 1	Eastside	15270-00100-060-00	\$ 200.00
102 S. Forest	W 85' of Lots 1 & 2, Blk 75	Smiths	15710-07500-020-00	\$ 97.22
102 S. University	Lot 1 and the N 18' of Lot 2, Blk 2 N 17' of Lot 17 and all of Lot 18, Blk 2	College Park	15170-00200-020-00	\$ 97.22
103 Linden	18, Blk 2	College Park	15170-00200-180-00	\$ 97.22
103 S. Yale	Lots 1 & 2, Blk 77	Smiths	15710-07700-020-00	\$ 2,333.33
1030 Valley View	Lot 5, Blk 4	Ridgecrest	15600-00400-050-00	\$ 62.22
1031 Valley View	Lot 8A Replat of Lots 8 & 9, Blk 3	Ridgecrest	15600-00300-090-00	\$ 90.44
104 S. Harvard	Lots 9 & 10, Blk 77	Smiths	15710-07700-100-00	\$ 357.78
104 S. Yale	W 185' of the N 78' of the S 200' of Blk 78	Smiths	15710-07800-000-12	\$ 302.78
106 S. University	S 32' of Lot 2 and the N 12' of Lot 3, Blk 2	College Park Park View Acres	15170-00200-030-00	\$ 200.00
107 Catalina	S 65' of Lot 3, Blk 2	2nd	15570-00200-030-03	\$ 155.56
107 S. Forest	Lot 13 & N. 29' of lot 14, Blk 73	Smiths	15710-07300-140-00	\$ 880.56

107 S. University	Lot G1, Blk 78	Smiths	15710-07800-000-27	\$ 97.22
108 Linden	Lot 7, Blk 1	Eastside	15270-00100-070-00	\$ 123.33
109 S. Pine	Lots 18 & 19, Blk 1	East View	15290-00100-190-00	\$ 97.22
109 S. University	Lot L-2, Blk 78	Smiths	15710-07800-000-39	\$ 175.00
1096 Valley View	Lot 17, Blk 4	Ridgecrest 4th	15630-00400-170-00	\$ 246.67
11 Linden	N 132' of Lot 1, Blk 1 130' x 188' NE Corner of Blk	College Park	15170-00100-010-00	\$ 2,641.67
11 S. University	78	Smiths	15710-07800-000-19	\$ 2,338.89
110 Forest (Forest Arms)	Lots 3, 4 & 5, Blk 75 S 21' of Lot 4 & N 41.5' of Lot	Smiths	15710-07500-050-00	\$ 194.44
110 S. Pine	5 S 38' of Lot 3 and all of Lot 4,	Nelsons	15500-00000-050-00	\$ 194.44
110 S. University	Blk 2	College Park Eastgate Manor	15170-00200-040-00	\$ 1,205.56
1101 Crestview	Lot 3, Blk 7 COMM AT SE COR OF BLK 78 W185', N90', E 185', S 90' to	3rd	15260-00700-030-00	\$ 62.22
111 S. University	prob Blk 78	Smiths	15710-07800-000-03	\$ 1,867.50
1114 Ridgecrest	Lot 6, Blk 4	Ridgecrest 5th Eastgate Manor	15640-00400-060-00	\$ 65.78
1119 Crestview	Lot 6 & W 5' of Lot 7, Blk 7	3rd	15260-00700-070-03	\$ 62.22
1119 Ridgecrest	Lot 14, Blk 4	Ridgecrest 5th	15640-00400-140-00	\$ 65.78
112 Linden	Lot 8, Blk 1	Eastside Park View Acres	15270-00100-080-00	\$ 102.78
113 Catalina	Lot 4, Blk 2	2nd	15570-00200-040-00	\$ 82.22
113 Linden	N 27' of Lot 15 and the S 16' of Loy 16, Blk 2	College Park	15170-00200-160-00	\$ 102.78
113 S. Forest	S 15' of Lot 14 & all of Lot 15, Blk 73	Smiths	15710-07300-150-00	\$ 302.78
1132 Valley View	Lot 22, Blk 4	Ridgecrest 4th	15630-00400-220-00	\$ 98.67
1140 Valley View	Lot 23, Blk 4	Ridgecrest 4th	15630-00400-230-00	\$ 82.22
115 Linden	N 20' of Lot 14 and the S 23' of Lot 15, Blk 2	College Park	15170-00200-150-00	\$ 302.78
116 Linden	Lot 9, Blk 1	Eastside	15270-00100-090-00	\$ 102.78
117 S. Forest	Lot 16, Blk 73	Smiths	15710-07300-160-00	\$ 369.44
117 S. Pine	Lots 22 & 23, Blk 1 S 1/2 of Lot 4 & all of Lot 5 and a strip 6' x 150' S of Lot 5,	East View	15290-00100-230-00	\$ 194.44
117 S. Yale	Blk 77	Smiths	15710-07700-050-00	\$ 175.00
118 S. University	Lots 5 & 6, Blk 2	College Park	15170-00200-060-00	\$ 888.33
118 S. Yale	W 185' of the S44' of Blk 78	Smiths	15710-07800-000-33	\$ 123.33
12 S. University	Lot 5 W 80' of S 40' of Lot 2 & W 80'	East End	15230-00000-050-00	\$ 194.44
12 Sycamore	of Lot 3, Blk 1	Park View Acres	15560-00100-030-00	\$ 186.67

12 Walker	S 49' of Lots 1 & 2 & N 21' of Lot 5, Blk 1	Russo's First	15670-00100-050-00	\$ 124.44
121 S. Pine	Lots 24 & 25, Blk 1	East View	15290-00100-250-00	\$ 194.44
121 S. University	E 236' of Lot 1, Blk 5	Addition to Hanson's Eastgate Manor 3rd	15310-00500-010-06	\$ 388.89
1213 Lewis	N 86.6' of Lot 8, Blk 5	Ridgecrest 2nd	15260-00500-080-03	\$ 248.89
1215 Valley View	Lot 27, Blk 1	Ridgecrest 2nd	15610-00100-270-00	\$ 65.78
1219 Valley View	Lot 28, Blk 1	Ridgecrest 2nd	15610-00100-280-00	\$ 82.22
122 Linden	Lot 10 & 11, Blk 1	Eastside	15270-00100-110-00	\$ 102.78
122 S. Yale	N 60' of the W 150' of Lot 1, Blk 5	Addition to Hanson's	15310-00500-010-03	\$ 272.22
1226 Valley View	Lot 26, Blk 4	Ridgecrest 4th	15630-00400-260-00	\$ 324.44
123 Linden	Lot 13 and the S 25' of Lot 14, Blk 2	College Park	15170-00200-140-00	\$ 194.44
123 S. Forest	Lots 1 & 2 & 10' N and S x 150' E & W bordering Lot 1, Blk 1	Hanson's Eastgate Manor 3rd	15300-00100-020-00	\$ 194.44
1234 Valley View	E 40' of 9 and all of 10, Blk 1	Park View Acres 2nd	15260-00700-100-00	\$ 186.67
124 Catalina	Lot 8, Blk 1	Addition to Hanson's	15570-00100-080-00	\$ 62.22
126 S. Yale	S 50' of the W 150' of Lot 1, Blk 5	Addition to Hanson's	15310-00500-010-00	\$ 97.22
127 S. Yale	Lot 3, Blk 4	Hanson's	15310-00400-030-00	\$ 97.22
128 Linden	Lot 12, Blk 1	Eastside	15270-00100-120-00	\$ 136.11
129 S. Forest	Lot 3 and N 10' of Lot 4, Blk 1	Hanson's Eastgate Manor 3rd	15300-00100-040-00	\$ 1,002.78
1318 Crestview	Lot 22, Blk 9	Eastgate Manor 3rd	15260-00900-220-00	\$ 124.44
1414 Crestview	Lots 24 & 25, Blk 11	Eastgate Manor 3rd	15260-01100-250-00	\$ 62.22
1421 E. Main	Lot 2 & 3, Blk 1	Dahl	15202-00100-030-00	\$ 185.00
15 S. Forest	Lots 7 & 8, Blk 73	Smiths	15710-07300-080-00	\$ 97.22
215 S. Plum	Lot 16, Blk 3	Eastside	15270-00300-160-00	\$ 1,108.33
1504 Lewis	Lot 9, Blk 10	Eastgate Manor 3rd	15260-01000-090-00	\$ 243.11
1559 Crestview	Lot 10 & 11, Blk 5	Ridgecrest 7th	15660-00500-100-00	\$ 342.22
16 S. Pine	Lot 4	Prices	15590-00000-040-00	\$ 952.78
17 S. Yale	Lot 13, Blk 76	Smiths	15710-07600-130-00	\$ 291.67
18 S. Forest	N 1/2 of the W 1/2 of Lot 7, Blk 74	Smiths	15710-07400-070-09	\$ 97.22
19 Linden	S 13' of Lot 3 & N 37' of Lot 4, Blk 1	College Park	15170-00100-040-00	\$ 588.89
19 S. Pine	Lots 5 & 6, Blk 1	East View	15290-00100-060-00	\$ 291.67
19 S. University	Lot L1, Blk 78	Smiths	15710-07800-000-09	\$ 194.44

20 Mickelson	20 S. Mickelson	Dahl	15202-00200-050-00	\$ 97.22
20 S. Harvard	Lot 19, Blk 76	Smiths	15710-07600-190-00	\$ 373.33
200 S. Forest	S 25' of Lot 1 and all of Lot 2, Blk 2	Hanson's Addition to	15300-00200-020-00	\$ 97.22
201 S. Yale	40' of Lot 4, Blk 4	Hanson's	15310-00400-040-00	\$ 97.22
202 Linden	Lot 13, Blk 1	Eastside	15270-00100-130-00	\$ 200.00
202 S. Pine	Lot 1, Blk 3	Eastside	15270-00300-010-00	\$ 794.44
203 E. Main (Pump & Stuff	Lots 1, 2, 3 & N. 99.5' of 4, 5 & 6, Blk73	Smiths	15710-07300-030-00	\$ 3,461.11
206 Linden	Lot 14, Blk 1	Eastside	15270-00100-140-00	\$ 97.22
206 S. Pine	Lot 2 & N 44' of Lot 3, Blk 3	Eastside	15270-00300-030-00	\$ 97.22
207 S. Forest	S. 40' of Lot 4 & E. 150' of N. 10' of Lot 5, Blk 1	Hanson's Addition to	15300-00100-050-00	\$ 97.22
207 S. Yale	57' of Lot 5, Blk 5	Hanson's	15310-00400-050-00	\$ 97.22
208 S. Forest	Lots 3 & 4, Blk 2	Hanson's Addition to	15300-00200-040-00	\$ 97.22
208 S. Yale	Lots 7 & 8, Blk 5	Hanson's	15310-00500-080-00	\$ 194.44
209 Catalina	S 5' of Lot 8 & N 65' of Lot 9, Blk 2	Park View Acres 2nd	15570-00200-090-00	\$ 164.44
210 Linden	Lot 15, Blk 1	Eastside	15270-00100-150-00	\$ 583.33
2105 E. Main	Lot 9, Blk 5	Smith Quam	15715-00500-090-00	\$ 263.11
211 E. Main	Lot 11, Blk 5	Smith Quam	15715-00500-110-00	\$ 248.89
211 S. Pine	Lot 3, Blk 2	Eastside	15270-00200-030-00	\$ 185.00
215 S. University	S 39' of 5 and all of 6, Blk 5	Hanson's	15310-00500-060-00	\$ 308.33
212 S. Pine	S 6' of Lot 3, All of Lot 4 & N 30' of Lot 5, Blk 3	Eastside	15270-00300-050-00	\$ 97.22
213 S. Forest	N 1/2 of Lot 6 & all of Lot 5, Exc. N 10' of E. 150' of said Lot 5, Blk 1	Hanson's	15300-00100-060-00	\$ 102.78
214 Linden	Lot 16, Blk 1	Eastside	15270-00100-160-00	\$ 97.22
214 Norbeck	Lot 3, Blk 2	French	15296-00200-030-00	\$ 65.78
214 Walker	Lot 3, Blk 4	Meisenholder 3rd	15470-00400-030-00	\$ 248.89
215 S. Forest	S. 1/2 of Lot 6 & all of Lot 7, Blk 1 & E 1/2 vac Dakota Street, subject to easement of S 10'	Hanson's	15300-00100-070-00	\$ 1,166.67
215 S. Pine	Lot 4, exc. W 60', Blk 2	Eastside	15270-00200-040-00	\$ 633.33
216 Linden	Lot 17 & N 39.2' of Lot 18, Blk 1	Eastside	15270-00100-180-00	\$ 497.22
217 Lewis	LOT 2A A REPLAT OF A PART OF BLKS 79 & 73 & a portion of vacated Park Ave.	East Vermillion	15280-07900-020-00	\$ 97.22

220 Catalina	S 67' of Lot 13, Blk 1	Park View Acres 2nd	15570-00100-130-03	\$ 54.44
220 Linden	Lot 19 & S 18' of Lot 18, Blk 1	Eastside	15270-00100-190-00	\$ 702.78
220 S. Yale	Lot 6	Morries	15490-00000-060-00	\$ 246.67
220 Walker	Lot 4, Blk 4	Meisenholder 3rd	15470-00400-040-00	\$ 190.22
221 E. Main	Lots 4, 5 & 6, Blk 74	Smiths	15710-07400-060-00	\$ 466.67
221 Lewis	Lot 1A, Blk 79	East Vermillion	15280-07900-010-00	\$ 97.22
221 S. University	Lot 1	Morries	15490-00000-010-00	\$ 97.22
222 S. Pine	Lot 7 & N 25' of Lot 8, Blk 3	Eastside	15270-00300-080-00	\$ 777.78
223 S. Pine	Lot 6, Blk 2	Eastside	15270-00200-060-00	\$ 97.22
223 S. Plum	N 1/2 of Lot 14, and all of Lot 15, Blk 3	Eastside	15270-00300-150-00	\$ 124.44
224 S. Forest	Lot 3 & S 18' of Lot 2, Blk 3	Hanson's	15300-00300-030-00	\$ 97.22
224 S. University	Lots 7, 8, 9, 10, 11 & 12, Blk 2	College Park	15170-00200-120-00	\$ 702.78
224 Walker	Lot 5, exc. W 60' of S 2' S 1" of the NE 1/4 of the NE 1/4, 24-92-52	Meisenholder 3rd	15470-00400-050-00	\$ 197.33
225 S. Yale	Lot 15, Blk 1	Unplatted S. Yale	158700-09252-241-03	\$ 194.44
226 Sycamore	Lot 4 & 9, Blk 3	Urup's	15780-00100-150-00	\$ 312.44
228 S. Forest	N 65' of Lot 4, Blk 2	Hanson's	15300-00300-040-00	\$ 194.44
229 Catalina	S 8' of Lot 4 and the N 42' of Lot 5, Blk 1	East Acres	15220-00200-040-00	\$ 62.22
23 Linden	Lots 9 & 10, Blk 73	College Park	15170-00100-050-00	\$ 600.00
23 S. Forest	E 1/2 of the S 1/2 of Lot 7, Blk 74	Smiths	15710-07300-100-00	\$ 297.22
23 S. Harvard	Lot 16, Blk 76	Smiths	15710-07600-180-00	\$ 124.44
25 S. Yale	Lot 3, Blk 4	Smiths	15710-07600-160-00	\$ 2,333.33
231 S. University	S 1/2 of Lot 8 and all of Lot 9, Blk 3	Morries	15490-00000-030-00	\$ 375.00
234 S. Pine	Lots 8 & 9, Blk 78	Eastside	15270-00300-090-00	\$ 262.50
235 Lewis	Lot 20, Blk 1	East Vermillion	15280-07800-090-00	\$ 622.22
236 Linden	Lot 1 & N 35' of Lot 2	Eastside	15270-00100-200-00	\$ 194.44
239 S. University	Lots 17 & 18, Blk 76	Cusack's	15200-00000-020-00	\$ 97.22
24 S. Harvard	S 48.4' of Lot 6 and all of Lot 7	Smiths	15710-07600-180-00	\$ 1,742.22
24 S. Pine	Lot 6	Prices	15590-00000-070-00	\$ 194.44
24 S. University	COMM AT POINT 216' S OF NW COR BLK 78 E 130' S 55' W 130' N 55' to pob Blk 78	East End	15230-00000-060-00	\$ 97.22
24 S. Yale	S 3' of Lot 5 and all of Lot 6, Blk 1	Smiths	15710-07800-000-00	\$ 116.67
25 Linden	Lot T1, Blk 78	College Park	15170-00100-060-00	\$ 194.44
25 S. University	S 68' of Lot 7, Blk 1	Smiths	15710-07800-000-30	\$ 291.67
30 Walker	Lot 8 and the E 10' of Lot 9, Blk 81	Russo's First	15670-00100-070-03	\$ 186.67
300 Lewis		East Vermillion	15280-08100-090-06	\$ 124.44

300 S. Forest	Lot 5 & N 1/2 of Lot 6, Blk 3	Hanson's	15300-00300-060-00	\$ 291.67
301 Lewis	Lot 10 & 11, Blk 78	East Vermillion	15280--7800-110-00	\$ 197.33
302 S. Yale	Lot 6	Cusack's	15200-00000-060-00	\$ 370.00
303 Catalina	Lot 10, Blk 1	East Acres	15220-00100-100-00	\$ 186.67
303 E. Main	Lots 1 & 2, Blk 76	Smiths	15710-07600-020-00	\$ 871.11
303 Linden	N 75' of Lot 20, Blk 1 and E 1/2 of Vacated Alley adjacent to N 75'	Bruyer's	15130-00100-200-00	\$ 7.78
305 E. Main	Lots 3 & 4, Blk 76	Smiths	15710-07600-040-00	\$ 350.00
305 S. Forest	Lots 1 to 14, inclusive, Blk 11	Original Town	15530-01100-060-00	\$ 194.44
309 Lewis	Lot 12 & the W 1/2 of Lot 13, Blk 78	East Vermillion	15280-07800-120-00	\$ 131.56
309 S. Crawford	S 73' of Lot H, Blk 1, E 1/2 E 1/2 NE 1/4 NE 1/4 19-92-51	Miscellaneous Entries	15880-09251-191-19	\$ 197.33
309 S. Yale	Lot L-1, except the S 8' & the W 20' in the unplatted part of the NE 1/4 of the NE 1/4, 24-92-52		15870-09252-240-09	\$ 297.22
310 S. Forest	N 1/2 of the W 35' of Lot 9, Blk 81	East Vermillion	15280-08110-090-03	\$ 97.22
311 E. Main	Lots 5 & 6, Blk 76	Smiths	15710-07600-060-00	\$ 1,050.00
311 S. Forest	N 1/2 of the 14' of Lot 3 and N 1/2 of Lots 4, 5, 6 & 7, Blk 80	East Vermillion	15280-08000-070-00	\$ 97.22
311 Sycamore	Lot 3, Blk 1	East Acres	15220-00100-030-00	\$ 108.89
312 Lewis	Lot 4 & W. 7' of Lot 3 Blk 81 with an easement over a strip of land 3' wide along west side of east 38' of said lot 3 for driveway purposes	East Vermillion	15280-08100-040-00	\$ 62.22
315 E. Main	Lots 7, 8 & 9 with a strip 20' wide along s side of Lots 7, 8 & 9, Blk 76	Smiths	15710-07600-090-00	\$ 1,330.00
315 Lewis	E 1/2 of Lot 13 and all of Lot 14, Blk 78	East Vermillion	15280-07800-140-00	\$ 124.44
315 S. University	N 1/2 of Lots 1, 2 & 3, Blk 82	East Vermillion	15280-08200-030-00	\$ 388.89
316 S. University	Lot 1 and the N 1/2 of Lot 2, Blk 1	Bruyer's	15130-00100-020-00	\$ 1,361.11
319 S. Pine	Lot 5, Blk 2	Eastside	15270-00200-050-00	\$ 281.94
320 S. University	S 1/2 of Lot 2 and all of Lot 3, Blk 1	Bruyer's	15130-00100-030-00	\$ 1,118.06
321 E. Main	Lots 10, 11 & 12, Blk 76	Smiths	15710-07600-120-00	\$ 758.33
322 Canby	Lot 1 & 2, Blk 78	East Vermillion	15280-07800-020-00	\$ 2,256.11
322 S. Forest	S 1/2 of the W 35' of Lot 9, Blk 81	East Vermillion	15280-08100-090-00	\$ 194.44

322 S. Yale	C-2 & the S 8' & the W 20' of L-1, 24-94-52	Unplatted S. Yale	15870-09252-240-06	\$ 291.67
324 Lewis	The S 103' 7.5" of Lot 1 & 2, Blk 81	East Vermillion	15280-08100-020-00	\$ 194.44
325 S. University	S 1/2 of Lots 1, 2 & 3, Blk 82	East Vermillion	15280-08200-030-03	\$ 291.67
326 S. University	Lot 4, and the W 1/2 of Vacated Alley	Bruyer's	15130-00100-040-00	\$ 583.33
4 Sycamore	W 80' of Lot 1 & W 80' of the N 40' of Lot 2, Blk 1	Park View Acres	15560-00100-020-03	\$ 194.44
401 Park Lane	Lots 6 to 15, including Blk 75	East Vermillion	15280-07500-150-00	\$ 917.78
401 Sharpe	Lot 9, Blk 3	Eastgate Manor 3rd	15260-00300-090-00	\$ 350.00
402 Lewis	E 76' of Lot 5 & W 8' of Lot 6, Blk 10	Eastgate Manor 3rd	15260-01000-060-00	\$ 97.22
402 S. University	Lot 5 and the N 1/2 of Lot 6, Blk 1 and 1/2 of Vacated Alley	Bruyer's	15130-00100-060-00	\$ 972.22
403 E. Main	W 130' of the N 216' of Blk 78	Smiths	15710-07800-000-21	\$ 1,493.33
403 Linden	N 75' of Lot 18, Blk 1	Bruyer's	15130-00100-180-02	\$ 824.44
408 Lewis	W 30' of the S 132' of Lot 8 & the E 25' of the S 132' of Lot 9, Blk 82	East Vermillion	15280-08200-090-00	\$ 62.22
408 S. Pine	S 65' of Lot 2, Blk 2, 19-92-51	Aud Tract B	15850-00200-020-03	\$ 164.44
408 S. University	S 1/2 of Lot 6 & all of Lot 7, Blk 1 and the W 1/2 of Vacated Alley	Bruyer's	15130-00100-070-00	\$ 1,069.44
408 S. Yale	S 60' of EL-1, Blk 77	East Vermillion	15280-07700-000-09	\$ 105.00
409 Linden	N 1/2 of Lot 17 & S 25' of Lot 18, Blk 1	Bruyer's	15130-00100-180-00	\$ 62.22
409 S. Norbeck	Lot 7 & S 10' of Lot 8, Blk 5	Eastgate Manor 3rd	15260-00500-080-00	\$ 131.56
411 Lewis	EL-2, Blk 77	East Vermillion	15280-07700-000-00	\$ 171.11
415 Lee Street	Lot 14, Blk 9	Eastgate Manor 3rd	15260-00900-140-00	\$ 124.44
415 S. University	N 1/2 of Lots 1, 2, 3 & 4, Blk 77	East Vermillion	15280-07700-040-00	\$ 1,118.06
416 Lewis	W 30' of Lot 6 & all of Lot 7 and the E 15' of Lot 8, Blk 82	East Vermillion	15280-08200-080-00	\$ 435.56
416 S. University	Lot 8 and the N 20' of Lot 9, Blk 1 and the West 10' of vacated alley & the N 20' of Lot 9	Bruyer's	15130-00100-090-00	\$ 583.33
419 Park Lane	Lot 16 & 17 and the W 40' of Lot 18, Blk 75	East Vermillion	15280-07500-180-00	\$ 513.33
420 Canby	E 28' of Lot 6, Blk ___ and all of Lots 5, Blk 77	East Vermillion	15280-0700-050-00	\$ 62.22
421 & 423 Lewis	Lot 16 & the W 30' of Lot 17,	East Vermillion	15280-07700-170-0	\$ 435.56

Blk 77				
421 S. University	S 1/2 of Lot 1, 2, 3 & 4, Blk 77	East Vermillion	15280-07700-040-03	\$ 583.33
422 S. University	S 30' of Lot 9, and all of Lot 10, Blk 1	Bruyer's	15130-00100-100-00	\$ 1,322.22
422 S. Yale	Lot 10 & the West 1/2 of Lot 9, Block 77	East Vermillion	15280-07700-100-00	\$ 315.00
424 Lewis	Lot 4 and the E 10' of Lot 5, Blk 82	East Vermillion	15280-08200-050-00	\$ 197.33
501 S. Norbeck	Lot 5, Blk 5	Eastgate Manor	15260-00500-050-00	\$ 186.67
501 S. Yale	E 21' of Lot 16 lying S of Canby, all Lots 17 & 18, Blk 74	3rd		
503 Thomas	Lot 1, Blk 8	East Vermillion	15280-07400-180-00	\$ 62.22
505 E. Main	Lots 1, 2 & 3	Meisenholder 3rd	15470-00800-010-00	\$ 115.11
506 Bulow	Lot 9, Blk 5	East End	15230-00000-030-00	\$ 388.89
508 Lee Street	N 8' of Lot 5 & all of Lot 6, Blk 11	Eastgate Manor	15260-00500-090-00	\$ 128.00
509 Lee Street	Lot 17, Blk 9 & S 1/2 of Lot 16 & N 1/2 of Lot 18, Blk 9	3rd	15260-01100-060-00	\$ 62.22
509 Poplar	Lot 2, Blk 2	Eastgate Manor	15260-00900-170-00	\$ 124.44
510 Catalina	S 10' of Lot 4 & Lot 5, Blk 3	3rd	15800-00200-020-00	\$ 304.44
511 Mickelson	Lot 6, Blk 12	Eastgate Manor	15260-00300-050-00	\$ 205.56
514 S. Norbeck	Lot 5, Blk 9	3rd	15260-01200-060-00	\$ 82.22
514 Valley View	Lot 14, Blk 2	Eastgate Manor	15260-00900-050-00	\$ 65.78
515 E. Main	N 132' of Lot 2, Blk 1	Valley View	15800-00200-140-00	\$ 296.00
515 Poplar	Lot 3, Blk 2	College Park	15170-00100-020-00	\$ 544.44
515 Sterling	Lot 18, Blk 11	Valley View	15800-00200-030-00	\$ 189.11
517 Valley View	Lot 5, Blk 3	Eastgate Manor	15260-01100-180-00	\$ 62.22
518 Valley View	Lot 13, Blk 2	3rd	15260-01100-180-00	\$ 62.22
519 Crawford Road	Lot 1A, Blk 15	Valley View	15800-00300-050-00	\$ 387.56
521 Valley View	70' x 142.5' to 168.2' Replat of Lot 6A, Blk 3	Valley View	15800-00300-050-00	\$ 387.56
526 Poplar	Lot 5, Blk 1	Valley View	15800-00200-130-00	\$ 148.00
530 Oakmont Drive	Lot 8, Blk 4	Eastgate Manor	15260-01500-010-00	\$ 62.22
6 Walker	N 100' of Lot 1, Blk 1	3rd	15260-01500-010-00	\$ 62.22
600 Lewis	Lot 1	Valley View	15800-00300-060-03	\$ 739.11
600 S. Norbeck	Lot 4, Blk 9	Valley View	15800-00100-050-00	\$ 77.78
601 Lewis	Lot 1, Replat Auditor's Tract	Smith Quam	15715-00500-080-00	\$ 65.78
		Russo's First	15670-00100-010-00	\$ 77.78
		Coverdales	15190-00000-010-00	\$ 155.56
		Eastgate Manor		
		3rd	15260-00900-040-00	\$ 62.22
		Auditor's Tract "A"	15860-09251-190-24	\$ 62.22

	"A" S 1/2 of Lot 2 NW 1/4 Sect 19-92-51			
602 Canby	Lot 12 of Replat A 75.6', 19- 92-51	Aud Tract in 19-92- 51	15860-09251-190-03	\$ 62.22
602 Poplar	Lot 7, Blk 1	Valley View	15800-00100-070-00	\$ 62.22
602 Thomas	N 85' of Lot 1, Blk 7	Meisenholder 3rd Eastgate Manor	15470-00700-010-00	\$ 124.44
603 S. Norbeck	Lot 11, Blk 6	3rd Eastgate Manor	15260-00600-110-00	\$ 62.22
605 Sharpe	Lot 17, Blk 6	3rd	15260-00600-170-00	\$ 263.11
606 Lewis	Lot 2	Coverdales	15190-00000-020-00	\$ 124.44
609 Catalina	Lot 12, Blk 2	Eastgate Manor	15240-00200-120-00	\$ 97.22
609 Thomas	S 25' of N 50' of Lot 4, Blk 8	Meisenholder 3rd	15470-00800-040-02	\$ 186.67
610 Catalina	Lot 4, Blk 4	Eastgate Manor Eastgate Manor	15250-00400-040-00	\$ 194.44
613 Lee Street	Lot 21, Blk 9	3rd Eastgate Manor	15260-00900-210-00	\$ 193.78
618 Lee Street	Lot 1, Blk 11	3rd	15260-01100-010-00	\$ 328.89
619 Lewis	Lots 4 & 5, Replat Auditor's Tract A NW 1/4, 19, 92-51	Auditor's Tract "A"	15860-09251-190-09	\$ 186.67
619 Valley View	Lot 10, Blk 3	Valley View	15800-00300-100-00	\$ 77.78
620 Canby	W 20' of Lots 2 & 3, Blk1, 19- 92-51	Aud Tract B	15850-00100-030-03	\$ 148.00
620 Lewis	Lot 5	Coverdales	15190-00000-050-00	\$ 62.22
623 E. Main	Lot 4, Blk 1	East View	15290-00100-040-00	\$ 544.44
624 Lewis	Lot 6	Coverdales	15190-00000-060-00	\$ 62.22
627 Lewis	Lot 6, Replat Auditor's Tract A, NW 1/4, 19-92-51	Auditor's Tract "A"	15860-09251-190-15	\$ 111.00
630 Lewis	Lot 7	Coverdales	15190-00000-070-00	\$ 62.22
630 Thomas	Lot 3, Blk 7	Meisenholder 3rd	15470-00700-030-00	\$ 128.00
631 Lewis	Lot 1, Aud Tract B of S 1/2 of Low 2 in the NW 1/4, 19-92- 51	Aud Tract in 19-92- 51	15860-09251-192-03	\$ 148.00
641 Thomas	Lot 6, exc. N 35' & Lot 7, exc. S 25', Blk 8	Meisenholder 3rd	15470-00800-070-00	\$ 65.78
701 Lewis	Lot 1 & N 10' of Lot 2, Blk 2, Auditor's Tract B NW 1/4, 19- 92-51	Aud Tract B	15850-00200-020-00	\$ 404.44
702 Lewis	S 100' of Lot 8	Coverdales	15190-00000-080-03	\$ 370.00
703 E. Main	N 83' of 1 & N 83' of W 1/2 of Lot 2	Prices	15590-00000-020-03	\$ 1,922.22
704 Valley View	Lot 8, Blk 2	Valley View	15800-00200-080-00	\$ 62.22
706 Lewis	Lot 9	Coverdales	15190-00000-090-00	\$ 105.00
707 Lewis	Lot 3, Blk 2, Auditor's Tact B, NW 1/4, 19-92-51	Aud Tract B	15850-00200-030-00	\$ 62.22

709 E. Main	E 1/2 of Lot 2 and all of Lot 3 E77.7' of Lot 11, 12 & E 77.7' of S 1/2 of Lot 13, Blk 3	Prices	15590-00000-030-00	\$ 1,400.00
716 Maple	E 25' of Lot 12 & W 50' of Lot 13	Eastside	15270-00300-130-00	\$ 404.44
722 Lewis	S 172.4' of E 64.73' of AUD Tract C of S 1/2 of Lot 2 NW 1/4 19-92-51, exc S 22.4' of E 70.8'	Coverdales	15190-00000-130-03	\$ 248.89
726 Canby		Aud Tract in 19-92- 51	15860-09251-190-33	\$ 311.11
804 Canby	Lot 4, Blk 2	Meisenholder 1st	15460-00200-040-00	\$ 124.44
806 Valley View	Lot 7A replat of S 25' of Lot 7, Blk 8	Meisenholder 3rd	15470-00800-070-03	\$ 190.22
812 Canby	Lot 5, Blk 2	Meisenholder 1st	15460-00200-050-00	\$ 124.44
819 Jane	Lot 1, Blk 1	Meisenholder 1st	15460-00100-010-00	\$ 1,617.78
828/830 Canby	Lot 6, Blk 2	Meisenholder 1st	15460-00200-060-00	\$ 248.89
833 Valley View	Lot 3, Blk 1, exc. Westerly 13.8'	Ridgecrest	15600-00100-030-00	\$ 85.56
836 Valley View	Lots 4 & 5, Blk 2	Ridgecrest	15600-00200-050-00	\$ 139.78
849 Valley View	Lot 5, Blk 1	Ridgecrest	15600-00100-050-00	\$ 567.78
9 S. Forest (building S of Pump & Stuff	N 1/2 Vac alley & S. 30.5' of E. 15', Lot 3 & S. 30.5' of Lots 4, 5, & 6, Blk 73.	Smiths	15710-07300-060-00	\$ 102.78
902 Eastgate Drive	Lot 7, Blk 2	Eastgate Manor	15240-00100-070-00	\$ 62.22
902 Ridgecrest	Lot 1, Blk 3	Ridgecrest	15600-00300-010-00	\$ 314.67
902 Valley View	Lot 8, Blk 2	Ridgecrest	15600-00200-080-00	\$ 62.22
903 Crestview	Lots S-1, exc the S 20' of the NW 1/4, 19-92-51	Miscellaneous Entries	15880-09251-192-01	\$ 70.00
904 Lewis	W 60' of Lot 6 & W 60' of S 1' of Lot 5, Blk 4	Meisenholder 3rd	15470-00400-050-06	\$ 318.22
906 Lewis	E50' Lot 6, Blk 4 and W 18.5' of Lot 1, Blk 1	Meisenholder 3rd and 4th	15470-00400-060-00	\$ 197.33
909 Lewis	Replat of Blk 1	St. Agnes Church	15740-00100-000-00	\$ 128.33
910 Eastgate Drive	W 68.5' of Lot 8, Blk 1	Eastgate Manor	15240-00100-080-00	\$ 62.22
912 Ridgecrest	Lot 15, Blk 3	Ridgecrest	15600-00300-150-00	\$ 62.22
915 E. Main	N 100' of Lot 3, Blk 1	Russo's First	15670-00100-030-00	\$ 194.44
915 Ridgecrest	Lot 6, Blk 1	Ridgecrest	15600-00100-060-00	\$ 62.22
917 Ridgecrest	Lot 7, Blk 1	Ridgecrest	15600-00100-070-00	\$ 295.56
919 Valley View	Lot 3, Blk 3	Ridgecrest	15600-00300-030-00	\$ 124.44
924 Valley View	Lot 11, Blk 2	Ridgecrest	15600-00200-110-00	\$ 155.56
927 Valley View	Lot 4, Blk 3	Ridgecrest	15600-00300-040-00	\$ 318.22
928 Eastgate Drive	Lot 10 & W 2' of Lot 11, Blk 1	Eastgate Manor	15240-00100-100-00	\$ 124.44
931 Ash	Lot 6, Blk 1	East Acres	15220-00100-060-00	\$ 124.44
933 Eastgate Drive	Lot 10, Blk 2	Eastgate Manor	15240-00200-100-00	\$ 124.44
933 Valley View	Lot 5, Blk 3	Ridgecrest	15600-00300-050-00	\$ 124.44

934 Lewis	E 70.5' of Lot 3 & W 15' of Lot 4, Blk 1	Eastgate Manor 3rd	15260-00100-040-00	\$ 124.44
935 Sunset	Lot 1, Blk 2	Park View Acres 2nd	15570-00200-010-00	\$ 148.00
937 Ridgecrest	Lot 10, Blk 1	Ridgecrest	15600-00100-100-00	\$ 77.78
941 Crestview	E 32' of Lot 5 & W 60' of Lot 6, Blk 2	Eastgate Manor 2nd	15250-00200-060-00	\$ 65.78
942 Ridgecrest	Lot 11, Blk 3	Ridgecrest	15600-00300-110-00	\$ 233.33
943 E. Main	Lot 4, Blk 1	Park View Acres	15600-00100-040-00	\$ 97.22
943 Eastgate Drive	Lot 11, Blk 2	Eastgate Manor Park View Acres	15240-00200-110-00	\$ 65.78
945 Sunset	Lot 2 & N 5' of Lot 3, Blk 2	2nd	15570-00200-030-00	\$ 160.00
948 Eastgate	E 76' of Lot 5, Replat, Blk 1 & 2, Blk 2	St. Agnes Church Park View Acres	15740-0020-050-02	\$ 267.78
948 Sunset	Lot 1, Blk 1	2nd	15570-00100-010-00	\$ 172.67
949 E. Main	Lot 6, Blk 1	Park View Acres	15560-00100-060-00	\$ 585.00
952 Crestview	E 72' of Lot 7, Blk 1	Eastgate Manor 2nd	15250-00100-070-00	\$ 77.78
952 Sunset	Lot 2, Blk 1	Park View Acres 2nd	15570-00100-020-00	\$ 186.67
959 E. Main	Lot 10, Blk 1	Park View Acres	15560-00100-100-00	\$ 102.78
984 Crestview Drive	E 93' of Lot 11, Blk 1	Eastgate Manor 2nd	15250-00100-110-00	\$ 155.56
10 Linden Avenue	Lot 1, Blk 1	Eastside	15270-00100-010-00	\$ 680.56
St. Agnes	Replat of Blk 1	St. Agnes Church	15740-00100-000-00	\$ 245.22
120 Sycamore	Lots 9, 10, 11 and N 20' of Lot 12, Blk 1	Urup's	15780-00100-120-00	\$ 411.11
15 Sycamore	S 49' of Lots 3 & 4, Blk 1	Russo's First	15670-00100-040-00	\$ 97.22
35 Sycamore	Lot 9 & N 40' of Lot 10, Blk 1	Russo's First	15670-00100-090-00	\$ 97.22
125 Sycamore	S 26' of Lot 1 & all Lot 2 & N 11' of Lot 3, Blk 1	Urup's	15780-00100-030-00	\$ 77.78
175 Sycamore	Lots 4, 5 & 6, Blk 1	Urup's	15780-00100-060-00	\$ 124.44

BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be completed by the 29th day of June, 2012, or be under contract to be completed no later than the end of 2012.

BE IT FURTHER RESOLVED, that if a property owner does not repair their sidewalk properly within the time specified, the City of Vermillion will cause the repairs to be made and assess the costs, plus a fiscal fee. The fiscal fee will be EIGHT PERCENT (8%) of the cost or FIFTY DOLLARS (\$50.00), whichever is greater.

BE IT FURTHER RESOLVED, that the assessment shall be payable in two (2) equal annual installments. Any assessment or installment not paid within THIRTY (30) days after filing the approved assessment roll in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of TEN PERCENT (10%) per annum.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause before the Governing Body of the City of Vermillion at the City Council Chambers of said City at 7:00 p.m. on the 19th day of September 2011, why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated this 15th day of August, 2011.

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

John E. (Jack) Powell

ATTEST:

Michael D. Carlson, Finance Officer



Council Agenda Memo

From: José Domínguez, City Engineer
Meeting: August 15, 2011
Subject: 2011 Sidewalk Repair Assessment (Northeast quadrant)
Presenter: José Domínguez

Background: Last year, the City started the sidewalk inspection program. The first quadrant to be inspected was everything north of E. Main Street and east of Dakota Street. The sidewalks in this quadrant were inspected for trippers, holes and spalling. In September 2010, notices to repair were sent to property owners whose sidewalks did not meet specifications. Property owners were given a deadline of June 2011 to complete the repairs. Approximately half of the property owners chose to complete the repairs themselves.

Bids were opened on August 3, 2011. Bids were sent to 11 potential bidders in the area. Out of the eleven potential bidders, the City received three bids. One of the three bids was thrown out due to being incomplete. The low bid was for \$58,823.16 from Slattery Construction. The engineer's estimate was \$82,000.

Discussion: Bidding is required by State law when the cost of the project exceeds \$50,000. This project was estimated to cost more than the bid limit so bids were requested.

Financial Consideration: \$110,000 was budgeted for this project. This includes the sidewalks being assessed and the City sidewalks being repaired.

Conclusion/Recommendations: Administration recommends awarding the project to Slattery Construction for the amount of \$58,823.16.

BID TABULATION
 2011 Sidewalk Repair Assessment
 Bids opened August 3, 2011 at 2:00 p.m.

Bid Item Number	Item Description	Unit	Quantity	Bid Security		10% Bid Bond		10% Bid Bond	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	000 - Mobilization	LS	1	2,050.00	2,050.00	1,000.00	1,000.00		
2	1100 - Remove Sidewalk	SY	1,762	6.18	10,889.16	10.00	17,620.00		
3	1200 - Unclassified Excavation	CY	100	4.00	400.00	25.00	2,500.00		
4	2000 - Gravel Cushion	Ton	180	15.85	2,853.00	25.00	4,500.00		
5	4400 - Sidewalk, 4 inches	SY	1,586	23.50	37,271.00	46.00	72,956.00		
6	4400 - Sidewalk, 5 inches	SY	176	25.00	4,400.00	48.50	8,536.00		
7	10000 - Landscaping	LS	1	960.00	960.00	3,000.00	3,000.00		
Total					\$ 58,823.16		\$ 110,112.00		

Slattery Construction
 31070 463rd Avenue
 Vermillion, SD 57069

Masonry Components, Inc.
 3702 Leader Lane
 Yankton, SD 57078

CITY OF VERMILLION
 INVOICES PAYALBE-AUGUST 15, 2011

1 JACK POWELL	APPA TRAVEL REIMBURSEMENT	1,435.60
2 AT&T	POLICE COMMUNICATIONS	224.40
3 BROADCASTER PRESS	ADVERTISING	1,342.79
4 BUREAU OF ADMINISTRATION	TELEPHONE	309.35
5 CITY OF VERMILLION	LANDFILL VOUCHERS	795.00
6 CLAY CO REGISTER OF DEED	FILING FEES EASEMENTS	84.00
7 CLAY-UNION ELECTRIC CORP	ELECTRICITY	959.58
8 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,906.08
9 ERIN J. SEEP	MAINTENANCE	76.75
10 GREGG PETERS	MANAGERS FEE	5,375.00
11 KNOLOGY	DIAL-UP SERVICE	49.95
12 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	70.00
13 MATHESON TRI-GAS, INC	CYLINDER RENTAL	120.82
14 MIDAMERICAN	GAS USAGE	667.83
15 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
16 MIDWAY SERVICE, INC	FUEL	22,040.59
17 QWEST	TELEPHONE	1,548.90
18 RESERVE ACCOUNT	POSTAGE FOR METER	2,200.00
19 RIBS, RODS & ROCKN' ROLL	COMMUNITY PROPOTION	5,000.00
20 STERN OIL	AVIATION FUEL	21,828.59
21 SLATTERY CONSTRUCTION	STORM SEWER REPAIR/MAINTENANCE	875.64
22 SPRINT	CELL PHONES	970.05
23 STANARD & ASSOCIATES, INC	PROFESSIONAL SERVICES	500.00
24 UNITED PARCEL SERVICE	SHIPPING	9.54
25 US POSTMASTER	POSTAGE	1,025.00
26 VISA/FIRST BANK & TRUST	LODGING/FUEL/SUPPLIES	289.76
27 LARRY SCHUH	BRIGHT ENERGY REBATE	15.00
28 UNITED PARCEL SERVICE	BRIGHT ENERGY REBATE	294.00
29 MARGARET BIERLE	BRIGHT ENERGY REBATE	10.00
30 STANLEY PETERSON	BRIGHT ENERGY REBATE	15.00
	GRAND TOTAL	\$71,135.17

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

Date: 8-10-11

1. Name of organization/group St. Agnes Catholic Church
 Contact person: Name: Mary Dennison 624-5161

2. Date(s) that tickets/chances will be sold: from Sept 1 to Oct 16
 Cost of tickets/chances: 1 per

3. Date(s) of drawing(s): Oct 16

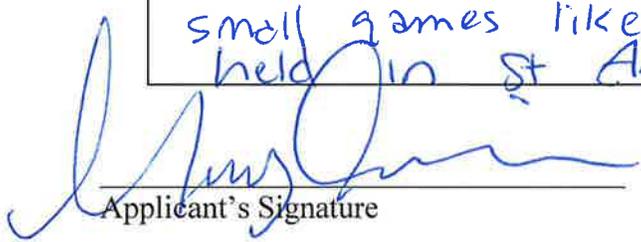
4. Can anyone purchase tickets? yes

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

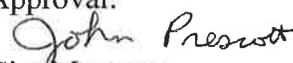
6. Description and approximate value of top prize: 1000 top prize
used car Misc small prizes

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.

Fall Festival. turkey Dinner.
 Bingo @ 50¢ card
 car raffle @ \$1 per ticket
 1,000 top prize @ \$1 per chance
 Misc small prizes as donated
 small games like ring toss, fish pond
 held in St Agnes school gym


 Applicant's Signature

~~4#~~ 909 E Lewis
 Proceeds split 50/50 between
 Church & School per Mary 8-12-11

Approval:  City/Manager	<u>8-12-11</u> Date
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