

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 be completed due to weather is unable to be completed.
- (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 _____.