



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, August 1, 2011
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Education Session – Light & Power future infrastructure projects – Mark Koller.**
3. **Briefing on the August 1, 2011 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

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

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

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

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

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

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

**DeWild Grant Reckert
and Associates Company**



**ELECTRIC SYSTEM STUDY
REPORT**

FOR

**THE CITY OF VERMILLION
VERMILLION, SOUTH DAKOTA**

Executive Summary

JULY 2011

DGR DeWild Grant Reckert
and Associates Company

CONSULTING ENGINEERS AND LAND SURVEYORS

ELECTRIC SYSTEM STUDY
REPORT

FOR

THE CITY OF VERMILLION
VERMILLION, SOUTH DAKOTA

JULY 2011

Executive Summary

DGR Project No. 414811

DEWILD GRANT RECKERT AND ASSOCIATES COMPANY
CONSULTING ENGINEERS

ROCK RAPIDS, IOWA
SIOUX FALLS, SOUTH DAKOTA
SIOUX CITY, IOWA

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

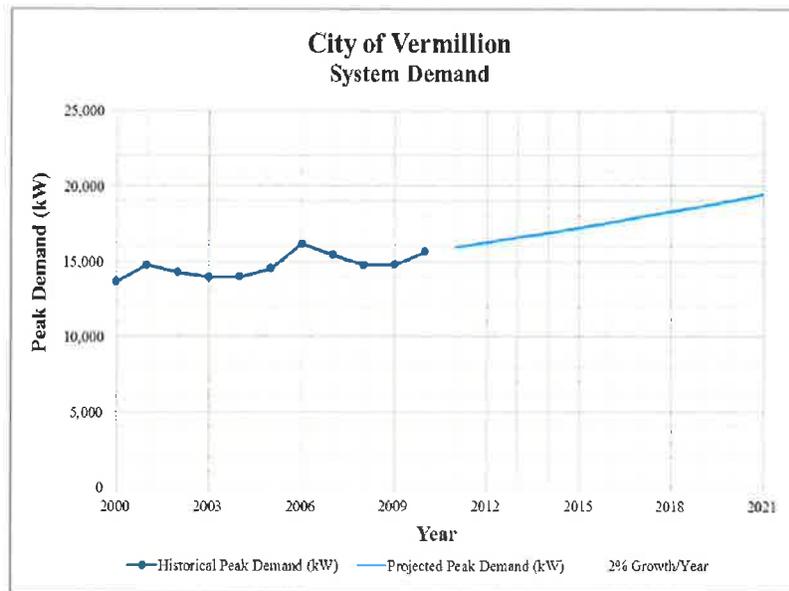
This report is the result of a detailed study that focused on the capabilities of the City's substation and distribution system. The last such study for the electric utility system was completed in 1999, and whereas, the capital improvements plan in that study has been largely completed and significant system and loading changes have occurred in the interim.

EXISTING SYSTEM

The City's transmission system is comprised of two 115 kV transmission lines fed from Basin Electric Power Cooperative's Spirit Mound Substation, which provide power to two transformers in the City's substation. Each transmission line supplies one 115 kV/13.8 kV transformer through a series of two group-operated switches, with a set of two group-operated tie switches. Each transformer has a maximum capacity of 22.4 MVA. The existing distribution system provides electric service throughout Vermillion at 13.8 kV. The current configuration of circuits includes a total of six (6) load-serving circuits being fed throughout the system.

The City's electric utility system experienced load growth average of about 1.4% per year from 2000 to 2010, with a peak load of 16,132 kW in 2006. For this study, DGR has projected a 2% load growth. The chart below shows historical and projected peak loads for the City of Vermillion.

EXECUTIVE SUMMARY



PLANNING CRITERIA AND GOALS

The following is a list of criteria and goals used in evaluation of the performance of the distribution system.

- ◆ Provide "N-1" (single contingency) level of reliability for all facilities.
- ◆ Provide ANSI "Class A" voltage service to all customers, under normal or emergency conditions.
- ◆ Do not exceed thermal limitations of facilities on the electric system, under normal or emergency conditions.
- ◆ Design a system that is flexible in terms of operational characteristics.
- ◆ Design a system to minimize the length of system outages.
- ◆ Develop a system that is expandable, so that load growth can be accommodated in an orderly manner.

EXECUTIVE SUMMARY

- ◆ Be viewed by both internal clients (customers) and external clients (utility peers) as operating under the highest utility standards regarding service and reliability.

EXISTING SYSTEM DEFICIENCIES

Due to continued system growth and projected increasing loads on the system, the following deficiencies have been identified:

- ◆ Under normal system configurations and a system load based on 2010 peak kW demand, feeder circuits B2 and C3 have low voltage areas that exceed the recommended 3.5 voltage drop recommendation on the primary system.
- ◆ The City's distribution system lacks the capability to tie East and West sides of town together under peak loading without severe voltage drop occurring during emergency conditions such as the loss of a feeder or bus, and becomes more widespread under anticipated future load growth.
- ◆ Both 13.8 kV main circuit breakers (B1 and C1) and the bus tie circuit breaker (BC) at the substation switchgear have approached their useful life, and upgrades need to be completed. The existing building that contains the switchgear equipment would not be large enough to house new equipment and 115 kV breaker panels if upgrades were made.
- ◆ The 115 kV transmission system feeding the City currently lacks closed loop capability. In the event that either transmission lines 1 or 2 were disrupted, the City would be unable to maintain uninterrupted power. This lack of closed loop capability was listed as a deficiency in the previous system study conducted in 1999; however, projects addressing the deficiency were put on hold due to the recent 115 kV project.
- ◆ When the projected load of 2021 is applied to the system, along with the loss of either transformer, the load capacity of the individual substation transformer would be approached.

EXECUTIVE SUMMARY

CAPITAL IMPROVEMENTS PLAN SUMMARY

The following table summarizes the planned improvements and associated estimated costs necessary to resolve the system deficiencies:

Phase 1 (Beginning of 2012 – End of 2012)

Tie Switch Additions

- | | |
|---------------------------------------------------------|------------------|
| • Three (3) padmount switches and associated equipment. | \$145,000 |
| Total – Phase 1: | \$145,000 |

Phase 2 (2012-2013)

Substation Upgrades

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| • 115 kV switchgear, control Building, two main breakers (B1, C1), one tie breaker (BC), and two breakers for station power and associated equipment. | \$590,000 |
| • 115 kV breakers and associated equipment | \$490,000 |
| Total – Phase 2: | \$1,080,000 |

Phase 3 (2015 - 2016)

Addition of Circuits C5 and B5

- | | |
|---------------------------------------|------------------|
| • Circuit C5 and associated equipment | \$334,000 |
| • Circuit B5 and associated equipment | \$245,000 |
| Total – Phase 3: | \$579,000 |

EXECUTIVE SUMMARY

Phase 4 (2020 - 2021)

New substation, transmission line, two feeder egress circuits and associated equipment	\$3,596,000
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Total – Phase 4:	\$3,596,000
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Total – All Phases:	\$5,400,000
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City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, August 1, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. July 18, 2011 Special Session; July 18, 2011 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. A special daily malt beverage and wine license for the Fraternal Order of Eagles on or about August 12 & 13, 2011 at the Clay County Fair Grounds.
7. **Old Business**
 - a. Second Reading of Ordinance 1255 – Adopting Rental Housing Regulations and Establishing the International Property Maintenance Code.
 - b. Second Reading of Ordinance 1256 – Amending the International Property Maintenance Code as adopted by the City of Vermillion to include residential structures registered as rental dwelling units.
8. **New Business**
 - a. Resolution setting fees related to Ordinance 1255.
 - b. Final Plat of Lots 1 thru 5, and R1, Block 1 of Bliss Second Addition.
 - c. Public Fireworks Display Permit - USD August 27, 2011
 - d. Presentation of the proposed 2012 budget.
9. **Bid Openings**
 - a. Fuel quotes.
 - b. Wheel loader for Solid Waste Department.
 - c. Annual supply of liquefied propane for Solid Waste and Waste Water Treatment.
10. **City Manager's Report**
11. **Invoices Payable**
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 nor 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.

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
July 18, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 18, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward (arrived at 12:09 p.m.), Zimmerman, Mayor Powell

Absent: French, Willson

John Prescott, City Manager, introduced Matt Betzen as Police Chief.

2. Educational Session - Sidewalk survey update - Jordan McQuillen

John Prescott, City Manager, reported that this has been an ongoing project to identify areas of the community that lack sidewalks and develop a policy to install the needed sidewalks. Criteria was developed and reviewed by the City Council and Jordan McQuillen, Intern to the City Manager, has compiled a listing of some of the areas that would require sidewalks. Jordan requested that the City Council review the list before any contact is made with the property owners.

Jordan reported that the criteria developed is to have sidewalks on both sides of the street for one block around schools and parks, that sidewalks be installed that connect pedestrian routes to the business district and install sidewalks in developments that are 75% developed. He reviewed areas around schools and the city parks that would need sidewalks to meet the criteria, noting that some areas are undeveloped, have elevation issue, utility structure interference, not enough right-of-way so curbside sidewalks would be required and areas that have back yard frontage. Jordan requested City Council input or adjustments to the criteria in these areas. Discussion followed on the criteria along with the need to develop costs for the sidewalks needed on City property for consideration during the budget process before proceeding with the private property.

Alderman Ward arrived at 12:09 p.m.

3. Educational Session - 2011 sidewalk inspection program - José Dominguez

José reported that the 2010 survey was of the northeast area of the city with 215 properties tagged and notified of the need to make repairs. The City will be contracting for the sidewalk replacement at 114 locations with a bid opening set for August 3rd. The 2011 survey, completed in June, was of the southeast area of the city with 311 properties tagged. Notices will be sent to the property owners in July or August notifying them of the need to repair by next June or the City will proceed with the repairs and assess the property owner for the cost. A resolution will be coming before the City Council for this action. José answered questions of the Council on the sidewalk program.

4. Educational Session - Proposed Driveway cut policy - José Dominguez

José reported that a permit is required for driveway cuts to control the access to streets and maintain the flow for storm drainage. He noted that, for driveway cuts on asphalt streets, the City has the expense of replacing the asphalt removed to install the forms. José noted that the City has adopted fees for street cuts and asphalt repairs that are used for sewer service install or repair and would like to use these fees for driveway cuts. Discussion followed with the consensus that the existing resolution would allow for charging a fee for the asphalt cutting and replacement.

5. Briefing on the July 18, 2011 City Council Regular Meeting Agenda

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

6. Adjourn

207-11

Alderman Meins moved to adjourn the Council special session at 1:08 p.m. Alderman Davies seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of July, 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
July 18, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 18, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: French

2. Pledge of Allegiance

3. Minutes

A. July 2, 2011 Special Session; July 5, 2011 Regular Session

208-11

Alderman Grayson moved approval of the July 5, 2011 special session minutes and the July 5, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

209-11

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

5. Visitors to be Heard

A. Vermillion Public Library

Mayor Powell reported that, for a number of years, the Library Board and City Council have been working on expanding and renovating the Library. The City Council budgeted \$1.4 million to this project for this year and made application for Rural Development Grant and loan funding that was not received. A Community Development Block Grant of \$200,000 for the project was received. The architect's estimate for the project was about \$3 million so the project was on hold pending funding. He stated that, several months ago, he received a call

asking about the status of the library project, noting that his response was that the project was on hold as there were not sufficient funds to proceed at this time. The caller then asked if a substantial gift would enable the City to proceed with the project. As to how substantial, it was said to be in the range of \$800,000. Mayor Powell reported that the donor wishes to remain anonymous at this time. When the time is right, later on in the project, we will provide appropriate recognition to this donor. He stated that this is an exciting announcement for the community as, with this donation, the library building project will be able to proceed. Mayor Powell asked John Prescott, City Manager, to review the financing for the project and Roger Kozak, Co-Chair for the Library Foundation fund raising project, to explain the opportunity that our entire community has to bring this project to fruition.

John Prescott, City Manager, reviewed the financing in place for the project noting that the Library Board has committed their certificates of deposit to fund the architect's fees. He noted that the architect's estimate of \$100,000 for landscaping and site work will be done by City staff to save some of the funds. The estimate for additional footings for a future second floor would be bid as an "add" alternate. The estimate includes \$200,000 for contingency which, as in the City Hall project, was not all needed. The estimate included furniture and fixtures that the Library Foundation has committed to raise funds for to reduce the project cost. John stated that he recommends moving forward with the project and reviewing the funding during the budget session.

Roger Kozak, Co-Chair for the Library Foundation fund raising, outlined the challenge and the goal noting that the generous gift, City funding, Federal grant and Library Board funds will take care of the building with the Foundation committed to raising \$200,000 for the furnishing of the building. He noted that the Library has changed over the years to meet the needs of the citizens. Roger reported that the Foundation is developing a list of items for giving levels. He was pleased to announce that the Library Foundation has committed the first \$10,000 towards the goal. Their goal is to have the funds raised within three months to furnish a first rate library.

Jon Flanagan, Library Board Chairman, wanted to thank all those who have worked on this project as the Library is a great resource to the community.

B. National Night Out Proclamation

Alderman Meins read the National Night Out Proclamation for 2011 recognizing August 2, 2011 as "National Night Out" in Vermillion.

Crystal Brady accepted the proclamation on behalf of the Vermillion Police Department and invited citizens to the event that is planned for August 2nd with a cookout by Hy-Vee for \$2.50 per plate. Crystal introduced Matt Betzen, the new Police Chief.

6. Public Hearings

A. 2000-2020 Comprehensive Plan Amendments

Andy Colvin, Assistant to the City Manager, reported that the City and County have been working on a Joint Jurisdictional Ordinance for some time now and, before the City can adopt a Joint Jurisdictional Ordinance, a future land use map needs to be included in the Comprehensive Plan. The City's Comprehensive Plan currently has no provision for land use outside the city limits so an amendment is needed to include the future land use map. The Planning Commission and City Council have reviewed the proposed map noting that future platting and zoning will be guided by this map. Andy noted that the future land use map is different than the Joint Jurisdictional area. He reviewed the different areas of the future land use map. Andy noted that the proposed amendments also modify the City's Growth Management Strategy and Plan Implementation sections. Many of the policies and objectives in the Comprehensive Plan have been completed or altered at some point. The Planning Commission has participated in a number of goal setting work sessions to develop a newly revised Planning Policy Framework. The comprehensive plan revision process was put on hold until the Joint Jurisdictional Zoning Ordinance was finalized. The Planning Commission considered the amendment on June 27th and recommended approval. Toby Brown, Planner with Southeastern Council of Governments, was present to answer questions as he has assisted the City and County with the process. Discussion followed.

210-11

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

A RESOLUTION AMENDING THE 2000 - 2020 VERMILLION
COMPREHENSIVE PLAN AS PROVIDED FOR IN SDCL CHAPTER 11-6.

WHEREAS, the Vermillion City Council desires to amend the 2000 - 2020 Vermillion Comprehensive Plan; and

WHEREAS, the Vermillion Planning Commission has held the required public hearing and has recommended approval of said proposed amendments; and

WHEREAS, the Vermillion City Council has received the recommendation of the Vermillion Planning Commission and has held the required public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion City Council hereby adopts the attached addendum which will amend the 2000 - 2020 Vermillion Comprehensive Plan and that these amendments will take effect upon publication of a notice of adoption and summary (SDCL 11-6-18.2).

Dated at Vermillion, South Dakota this 18th day of July, 2011.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

7. Old Business - None

8. New Business

A. Architectural Services agreement with Architecture Incorporated for the Vermillion Library addition and expansion

John Prescott, City Manager, reported that this is a follow-up to the announcement of funding for the Library addition and expansion. The Library Board went through a selection process to select Architecture Incorporated of Sioux Falls, who did the schematic design for the grant applications. The standard contract has been reviewed and modified by the City Attorney with his changes incorporated.

211-11

Alderman Osborne moved approval of the architectural services agreement with Architecture Incorporated for the Vermillion Public Library addition and expansion project. Alderman Ward seconded the motion. Discussion followed on the timeline for the project. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance No. 1255 - Adopting Rental Housing Regulations and Establishing the International Property Maintenance Code

Farrel Christensen, Building Official, reported that the City has updated the building code by adopting the 2009 International Building and Residential Codes and the International Property Maintenance Code. Excluded from the property maintenance code was rental housing as that was addressed by the existing ordinance that was adopted in 1975 with minor updates. Farrel stated that the proposed ordinance is to replace the existing Chapter 94 Rental Housing Code with the 2009 International Property Maintenance Code. As to changes, Farrel noted that fraternities and sororities will require inspections and that he had worked with the USD Student Life Office on the proposed changes. The proposed ordinance will require an owner or property manager to reside within 100 miles where, in the past, they needed to reside in South Dakota. An inspection is required before a property is to be registered. Owners will need to provide a listing of tenants, upon request, to assist with overcrowding issues. Farrel answered questions of the City Council on the proposed ordinance noting that if this ordinance is approved, the next ordinance will remove the rental housing exemption from the Property Maintenance section of the ordinance.

Amber Groh with USD Student Life Office, wanted to thank Farrel for contacting and working with her office on the inclusion of the fraternities and sororities.

Discussion followed on the proposed ordinance.

212-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 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, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being

a regularly called meeting of the Governing Body of the City on this 18th day of July, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Meins. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. First 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, stated that Ordinance No. 1256 is to amend Chapter 150.50 to remove the exemption from the International Property Maintenance Code for rental structures registered with the City as rental dwelling unit regulated by Chapter 94 to provide that all properties in the city are governed by the same code. Discussion followed.

213-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 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 has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 18th day of July, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Zimmerman. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. Resolution Authorizing State Water Plan Application for Landfill

Bob Iverson, Solid Waste Director, noted that last year the City hired a consultant to determine if the landfill cells could go deeper to provide more space and extend the landfill life. The report came back that the landfill cells could be up to fifty feet deeper. In working with the SD Department of Environment and Natural Resources

(DENR), the Leachate system for future cells has had to be redesigned. The DENR has amended the landfill permit to allow the additional depth and redesigned Leachate system. Bob stated that HDR, the engineering consultant, is working on the landfill design for cell 5 and the Leachate system. Cell 5 is projected to have a 9 year life and the Leachate system will serve future cells with an estimated life of the balance of the existing land of 42 years. The project is estimated to cost \$2.3 million and to make application for grant or SRF loan funding, the project will need to be included on the State Water Plan. Discussion followed on the project and the landfill. John Prescott, City Manager, reported that the whole Joint Powers solid waste system is being reviewed and the report will include a cost of service study for the landfill to be completed this fall. Discussion followed on the landfill.

214-11

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

CITY OF VERMILLION
RESOLUTION AUTHORIZING STATE WATER PLAN
APPLICATION AND RELATED GRANT/LOAN APPLICATIONS

SUBMITTAL OF APPLICATIONS FOR INFRASTRUCTURE FINANCING

WHEREAS, the City of Vermillion has determined a need for the Landfill Expansion project;

WHEREAS, financial assistance will be necessary to enable the City to construct this project; and

WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water, wastewater, and storm water infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Vermillion hereby authorizes the filing of a State Water Plan and grant and/or loan applications with the South Dakota Department of Environment and Natural Resources, including all understandings and assurances contained therein, to fund its Landfill Expansion project.
2. Be it further resolved, that the City of Vermillion hereby authorizes its City Manager to act as Project Certifying Officer in connection

with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Dated at Vermillion, South Dakota this 18th day of July, 2011.

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

John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

E. Request to close four Main Street parking stalls in front of Hollywood Video on Thursday, July 28th from 7:00 a.m. until 5:00 p.m. for a sidewalk sale

Andy Colvin, Assistant to the City Manager, reported that a request was received to close four parking stalls in front of Coyote Twin Theatre/Hollywood Video at 10 & 12 E. Main Street on Thursday, July 28, 2011 from 7:00 a.m. to 5:00 p.m. for their annual Customer Appreciation Day sale. Andy noted that no concerns have been raised in the past for closing the parking stalls.

215-11

Alderman Osborne moved approval of the closing of four parking stalls at 10 & 12 E. Main Street from 7:00 a.m. to 5:00 p.m. on Thursday, July 28, 2011. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Designation of representation to the South Dakota Municipal Power Agency

John Prescott, City Manager, reported that the City is a member of the South Dakota Municipal Power Agency which requests the designation of a representative and alternate. In the past, the representative has been the City Manager with Harold Holoch, Utility Engineer, serving as alternate. John recommended adoption of the

resolution with Mark Koller, Light Department Superintendent, as the alternate.

216-11

Alderman Willson moved approval of the resolution authorizing and appointing John Prescott, City Manager, as the representative of the City of Vermillion to the South Dakota Municipal Agency and Mark Koller, Light Department Superintendent, as alternate. Alderman Grayson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Designation of representation for Missouri River Energy Services business

John Prescott, City Manager, reported that the City is a member of Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services which requests the designation of a representative and an alternate. In the past, the representative has been the City Manager with Harold Holoch, Utility Engineer, serving as the alternate. John recommended adoption of the resolution with Jason Anderson, Assistant City Engineer, as the alternate.

217-11

Alderman Zimmerman moved approval of the resolution authorizing and appointing John Prescott, City Manager, as the City representative to the Missouri River Basin Power Agency and Jason Anderson, Assistant City Engineer, as the alternate. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that fogging for mosquitoes continues as counts in the traps warrant. All of the community has been fogged with the parks area receiving more frequent fogging. John noted that the City also partnered with USD to allow them to use our equipment to fog before their camps.

B. John reported that the first of the Thursdays on the Platz events is this Thursday, July 21st noting that Market Street will be closed for a half block south of Main Street from 5:00 p.m. to 8:00 p.m.

C. John invited the community to an open house for Matt Betzen, Police Chief, on Tuesday, July 19th from 4:00 p.m. to 6:00 p.m. on the second floor of City Hall.

PAYROLL ADDITIONS AND CHANGES

Planning Commission: Mike Manning \$15.00/meeting; Police: Matt Betzen \$33.65/hr, Brandon Hansen \$17.69/hr, Chad Passick \$29.21/hr, Jonathan Warner \$21.24/hr; Ambulance: Lee Huber \$19.23/hr

11. Invoices Payable

218-11

Alderman Zimmerman moved approval of the following bills:

AMERICAN LEGAL PUBLISHING	ORDINANCE UPDATES	479.90
AT&T	POLICE COMMUNICATIONS	252.07
AVERA QUEEN OF PEACE HEALTH	TESTING	279.60
BROADCASTER PRESS	ADVERTISING	913.28
BUREAU OF ADMINISTRATION	TELEPHONE	370.09
CHANEY-COR INSURANCE	FIRE PORTABLE EQUIPMENT	1,047.00
CITY OF VERMILLION	LANDFILL VOUCHERS	820.50
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,011.22
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,400.01
GCSAA	MEMBERSHIP DUES	340.00
GERSTNER OIL CO	AVAITION FUEL	17,053.26
GREGG PETERS	MANAGERS FEE & QTR PROFIT	22,750.25
JONES FOOD CENTER	SUPPLIES	49.38
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	SUPPLIES	211.56
MIDAMERICAN	GAS USAGE	1,265.74
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
MIDWAY SERVICE, INC	FUEL	23,367.58
MINN MUNICIPAL UTILITY ASSOC.	SAFETY MGMT PROGRAM	5,372.51
PRESTO-X-COMPANY	INSPECTION/TREATMENT	94.00
QWEST	TELEPHONE	1,548.91
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD DEPT OF LABOR	UNEMPLOYMENT BENEFITS	3,721.00
SPRINT	CELL PHONES	969.67
STACY LAVIN	WATER HEATER REBATE	357.00
THE EQUALIZER	ADVERTISING	43.20
UNITED PARCEL SERVICE	SHIPPING	47.87
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	493.90
SESDAC	BRIGHT ENERGY REBATE	661.00

Alderman Meins 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 1, 2011 for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about August 10 & 11, 2011 at the Clay County Fairgrounds

219-11

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

13. Adjourn

220-11

Alderman Zimmerman moved to adjourn the Council Meeting at 8:16 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of July, 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 1, 2011

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

Presenter: Mike Carlson

Background: The Fraternal Order of Eagles has submitted an application for a special daily malt beverage and wine license for the Clay County Fair on August 12th & 13th. There will be a beer garden in the arena for the Demolition Derby on Friday, August 12th and the 4 Wheel Mud Races on Saturday, August 13th.

Our city ordinance on special daily licenses reads as follows:

Sec. 112-18. Special Licenses for Sales of Malt Beverages and/or Wine.

The city council may recommend to the state department of revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. The granting of the special license shall be subject to such conditions and restrictions, as the governing body may deem appropriate and consistent with state law. The fee for such license shall be \$5 per day plus a \$10 advertising fee.

State Statute for the special daily licenses is as follows:

35-4-11.4. Special malt beverage retailers' license--Special retail on-sale wine-dealers' license--Maximum period of validity--Necessary security for street dance. Any municipality or county may issue a special malt beverage retailers' license and a special retail on-sale wine dealers' license to any civic, charitable, educational, or fraternal organization in conjunction with a special event within the municipality or within the county. Educational does not include any elementary, secondary, or higher educational institution in the public school system of this state. Any license issued pursuant to this section may be issued for a period of time established by the municipal governing body or board of county commissioners. However, such period may not exceed fifteen consecutive days. If an organization receiving a license pursuant to this section conducts a street dance in conjunction with the 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.

Discussion: The notice of public hearing is attached and the Fraternal Order of Eagles has been issued a liquor license. The report from the Police Chief is also attached.

Financial Consideration: The City has received the \$15 per day licensing fee, for a total of \$30, and the \$15 advertising fee from the applicant, for a sum total of \$45.

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage and wine license for August 12th & 13th unless additional 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 20, 2011

From: Matt Betzen
Chief of Police

Subject: Application for Alcohol Beverage License

Reference: Fraternal Order of Eagles

I have reviewed the application submitted by the Fraternal Order of Eagles regarding a special daily license (on-sale) for malt beverage and wine for the following:

- Clay County Fair on or about August 12th and 13th of 2011.

This is an annual event, and an examination of the Vermillion Police Department's Records Management System with regards to these events has revealed no alcohol related violations or felony convictions in reference to this application.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 1st 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:

Fraternal Order of Eagles on or about August 12 & 13, 2011 at Clay County Fair Grounds.

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 15th day of July, 2011.

Michael D. Carlson, Finance Officer

Publish: July 22, 2011

Published once at the approximate cost of _____.



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: August 1, 2011

Subject: First Reading of Ordinance 1255 - Adopting Rental Housing Regulations and Establishing the International Property Maintenance Code and Ordinance
First Reading of Ordinance 1256 - Amending the International Property Maintenance Code to include residential structures registered as rental dwelling units

Presenter: Farrel Christensen

Background: Over that last few years, it has become apparent to the Code Enforcement staff that the existing Rental Housing Ordinance is becoming out of date and less compatible with newer ordinances like the 2009 Building and Residential codes and the zoning and subdivision ordinances. The original ordinance was first adopted in 1975 and since that time only minor updates have been made. The City Council adopted the first reading on July 18, 2011.

Discussion: When researching options for a new code, staff looked at other ordinances both in and out of state. The examples only offered marginal improvements. The best replacement ordinance was one already adopted by the City – the 2009 International Property Maintenance code for owner-occupied structures. Staff believes this code provides the needed updates and compatibility along with a more comprehensive and detailed list of minimum standards for rental housing. The proposed ordinances would also simplify the codes by having only one maintenance code for both rental and owner-occupied structures. For the first time, Sororities and Fraternities will be included in the units required to register and be inspected. Code staff has worked with USD's Student Life office on this change.

Ordinance 1255 repeals the existing rental housing code and inserts new regulations. The revised regulation refer the property maintenance items to the City's property maintenance ordinance, and reorganizes the other rental housing

regulations that are not directly related to property maintenance. Additionally, fraternities and sororities will be included in the new rental housing regulations.

Ordinance 1256 removes the rental housing exemption from the City's property maintenance code and is necessary only if the City Council adopts ordinance 1255. The current adoption of the Property Maintenance Code specifically exempts the Property Maintenance Code from being applied to registered rental housing. So two choices exist:

1. If the City Council adopts proposed ordinance 1255 they will also need to adopt proposed ordinance 1256 to allow the new ordinance to apply to registered rentals and prevent a conflicting ordinance
2. If the Council does not adopt proposed ordinance 1255 no action needs to be taken on proposed ordinance 1256 and registered rental units will not be subject to the 2009 International Property Maintenance Code.

The City Attorney and staff have made a few changes since the first reading. Some changes are minor restructuring and have little impact on the code. The biggest change is to owner responsibilities subsection G, this change 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 one year to comply. The change comes as part of the health, safety and welfare intent of the ordinance. Currently nonconforming units use battery power alarms. While inspecting units, these types of alarms are commonly missing batteries 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.

Financial Consideration: Other than publication costs, the adoption of the ordinances will not have a direct financial impact. Under New Business is a resolution that will establish fee for violations. Any funds collected with this change will go into the City's general fund.

Conclusion/Recommendations: Administration recommends approval of the second reading of ordinances 1255 and 1256, respectively. If the City Council decides not to adopt ordinance 1255, then ordinance 1256 is not necessary. If both are adopted, the resolution establishing fees is required. As this is the second reading, a recorded vote is required.

ORDINANCE NO. 1255

AN ORDINANCE REPEALING CHAPTER 94 RENTAL HOUSING CODE SECTIONS 94.01 THROUGH 94.17 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 or 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, 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.

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 article 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) Occupant Information, 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 and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not 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 hard wiring and interconnection 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.
- (B) 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.

- (C) 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.
- (D) 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.
- (E) Any rooming unit failing to comply with the standards of this section shall be declared substandard and the rental registration canceled upon reasonable notice.
- (F) 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 unfeasible, 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

First Reading: July 18, 2011
 Second Reading: August 1, 2011
 Publication: August 12, 2011
 Effective Date: September 1, 2011

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.

~~**Exception:** Residential structures registered with the City as Rental Dwelling Units shall be regulated by chapter 94: rental housing code.~~

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

First Reading: July 18, 2011
Second Reading: August 1, 2011
Publication: August 12, 2011
Effective Date: September 1, 2011



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: August 1, 2011

Subject: Resolution Establishing Fees

Presenter: Farrel Christensen

Background: The adoption of Ordinances 1255 and 1256 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: 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. 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 is also included.

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

Conclusion/Recommendations: Administration recommends approval of the resolution if the City Council approves the second reading of Ordinances 1255 and 1256.

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

WHEREAS, the adoption of Ordinance 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 violate provision of the code or fails to register rental units or 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 said City at 7:00 p.m. on the 1st 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 15 of each year.

3. Registration – Section 94.11(B)

The fee for failing to properly register a rental unit shall be not less than \$100.00 or more than \$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 Ordinances 1255 and 1256.

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



Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: August 1, 2011

Subject: Final Plat Lots 1 thru 5, and R1, Block 1, Bliss Second Addition to the City of Vermillion

Presenter: José Domínguez

Background: McLaury Engineering has filed a plat to subdivide a portion of land located in the south half (S½) of S14-T92-R52. This area is directly west of the City limits, on the south side of W. Main Street (Mart Auto Body is directly east of the property). The property is currently outside City limits and within the extraterritorial area. The proposed plat will subdivide approximately 20.5-acres into five lots and also dedicate a portion of West Main Street to the public.

Currently, there is a blanket utility easement over the entire property. This easement will be vacated and new easements dedicated over the existing utilities located through the property. The applicant will also be dedicating all of the required 8-foot easements around the perimeter of each lot. The applicant will also dedicate a 20-foot wide utility easement along the front of Lots 4 and 5 for the existing sanitary sewer. In addition, the applicant will also dedicate a 30-foot wide utility easement centered along Lots 4 and 5 for the construction of storm sewer.

The applicant also desires to have the platted area annexed into the City after the plat has been approved by the Clay County Commission.

The Planning Commission reviewed the plat at their July 25th meeting and recommended approval.

Discussion: Staff reviewed the final plat and find that it complies with all code provisions. The new subdivision ordinance was not followed in this instance due to the fact that the platting process was started towards the beginning of April 2011 and the new ordinance took effect on May 19, 2011.

Lots 1 and 5 already have City sanitary and water services, and the other three lots will have access to the same utilities.

Financial Consideration: All associated fees have been paid.

Conclusion/Recommendations: Administration finds that the plat meets ordinance requirements and recommends approval of the final plat.



McLaury
Engineering, Inc.

P.O. BOX 1130
118 W. MAIN STREET
ELK POINT, SD 57025
(605) 356-2308

PAGE 1 OF 4

SURVEY CREW: MSB TAA 12/15/06

DRAWN BY: TAA 07/11/11

PROJECT NO. 12061101

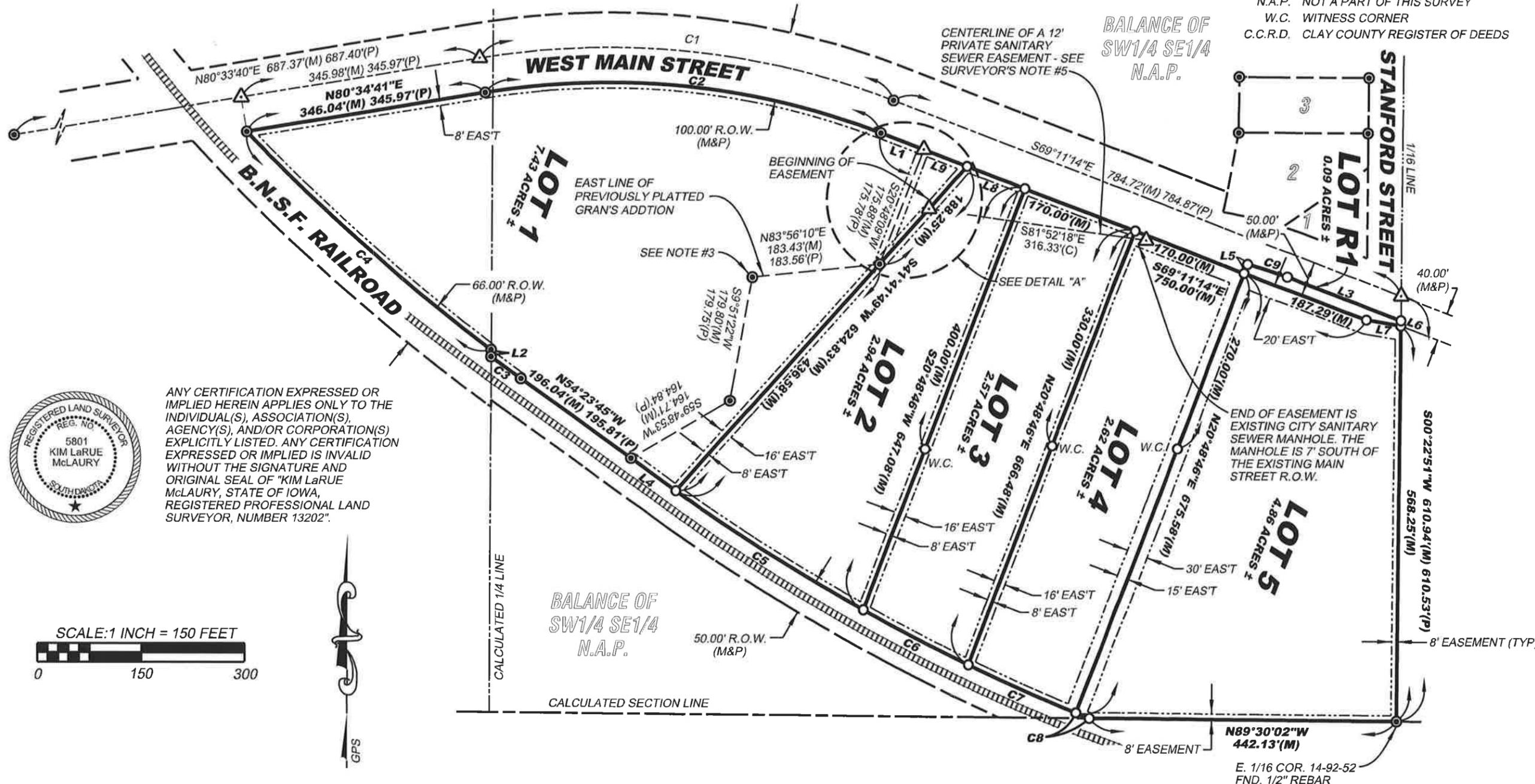
SCALE: 1" = 150'

SURVEY PLAT OF LOTS 1-5, AND R1, BLOCK 1 BLISS SECOND ADDITION

**IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND
THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER ALL IN
SECTION 14, TOWNSHIP 92 NORTH, RANGE 52 WEST OF THE 5TH
P.M., CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA.**

LEGEND:

- IRON MONUMENT FOUND
CAPPED REBAR LS #5089
GRAN'S TRACT 1
BK. 7 PG. 105 C.C.R.D.
- IRON MONUMENT SET
5/8" x 18" REBAR W/CAP
"SDRLS KLM 5801"
- △ CALCULATED CORNER
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE
- (C) CALCULATED DISTANCE
- R.O.W. RIGHT OF WAY
- N.A.P. NOT A PART OF THIS SURVEY
- W.C. WITNESS CORNER
- C.C.R.D. CLAY COUNTY REGISTER OF DEEDS





Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: August 1, 2011
Subject: Fireworks Public Display Permit
Presenter: Mike Carlson

Background: The University of South Dakota is requesting City Council approval for a fireworks display to be held as part of USD's Welcome Week, in the field north of the Dakota Dome parking lot, at 10:00 p.m. on August 27, 2011. Tom Taylor will be conducting the show.

Discussion: State law requires approval from the governing board of the municipality where the public display is to be fired.

SDCL: 34-37-13. Public display of fireworks. Nothing in this chapter prohibits the use of public display of fireworks. However, any person, association, organization, municipality, county, firm, partnership, or corporation, before making such public display of fireworks shall secure a written permit from the governing board of the municipality, township, or county where the public display is to be fired, and shall have purchased fireworks for the display from a licensed wholesaler under this chapter. Any public display shall comply with the National Fire Protection Association Standard 1123, 1995 edition.

The following is an e-mail that was received regarding the permit request:

As part of USD's Welcome Week, we are hosting a bonfire and fireworks show in the DakotaDome parking lot on Saturday August 27th. We have received approval from both the University Police Department and Facilities Maintenance to hold this event. We have contracted to Tom Taylor to construct and supervise the show for that evening.

Lindsay Sparks
Assistant Director of Student Life
The University of South Dakota
(605) 677-5666

Financial Consideration: None

Conclusion/Recommendations: Administration recommends the City Council authorize the Mayor to sign the Fireworks Public Display permit submitted by the University of South Dakota for the field north of the Dakota Dome parking lot on August 27, 2011 at 10:00 p.m.

FIREWORKS PUBLIC DISPLAY PERMIT
A PERMIT TO OPERATE A DISPLAY OF FIREWORKS

Lindsey Sparks
CONTACT

Name of Applicant University of South Dakota Phone 605-677-7249
Address 515 E. Clark St. City Vermillion State SD Zip 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name Tom Taylor Address 703 Valley View City Vermillion State SD Zip 57069
Name Jim Taylor Address 703 Valley View City Vermillion State SD Zip 57069
Date of Display AUG. 27, 2011 Time of Day ~~10:30~~ 10:00 p.m.

Exact Location of Display
Field just north of Dakota Dome Parking Lot.

TYPES OF FIREWORKS: U.S. Consumer Product Safety Commission CFR Title 16-1507-1998
American Pyrotechnics Association STD 87-1-1993

Display Fireworks
 Consumer Fireworks

I, Thomas J. Taylor, declare and affirm under the penalty of perjury that this
Fireworks Display Permit has been examined by me and to the best of my knowledge and belief is true and correct.

Date this 27 day of August, 20 11
Signature of Applicant [Signature]

Subscribed and sworn to (or affirmed)
Before me this 27 day of
August, 20 11
[Signature]
Notary Public

My Commission Expires 7-5, 20 17

Permit Authorized By: _____
Title _____
Location of Issuing Authority _____
Date _____

Issued subject to all applicable laws and regulations. SDCL 34-36, SDCL 34-37 and National Fire Protection Association Pamphlet #1123 (1995 Edition). This permit may not be reassigned or transferred.

COPIES: WHITE-Permit Holder: YELLOW-Fireworks Wholesaler: PINK-Issuing Authority



Council Agenda Memo

From: John Prescott, City Manager
Meeting: August 1, 2011
Subject: Presentation of the 2012 Proposed Budget
Presenter: John Prescott

Background: Each year the City staff prepares a proposed annual budget for the next fiscal year. The proposed budget documents for 2012 will be presented at the meeting on Monday night. The actual discussion and presentation of the respective departmental budgets will take place the week of August 15 after the City Council has had a chance to review the documents.

Discussion: The budget utilizes conservative fiscal principals to develop a plan of action for 2012. The first penny of sales tax, along with the General Fund, is utilized primarily for operating costs while the second penny funds primarily uses capital expenses per the locally adopted ordinance. There are not a lot of new items in the 2012 budget. Due to stagnant sales tax numbers, and uncertainty about the future economic condition, a considerable amount of the proposed 2012 budget reflects the same level of expenditures as the 2011 budget year with inflationary increases.

A series of proposed budget review sessions are being planned starting with Tuesday, August 16, 2011 at 5:15 p.m. in the large conference room on the second floor of City Hall. City staff, and outside agencies, will present their budget requests during the sessions scheduled for August 16, 17 and possibly August 18, 2011.

The budget was prepared with the assistance of all Departments. Mike Carlson, Andy Colvin, Kate Amundson and intern Jordan McQuillen were instrumental in the development of the proposed 2012 budget.

Financial Consideration: The budget that the City Council ultimately adopts will determine the revenue streams and expenditures for 2012.

Conclusion/Recommendations: The City Council is asked to review the budget document, make any needed changes during the budget hearings, and ultimately adopt a budget for 2012 in September.



Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: August 1, 2011

Subject: Purchase of Landfill Wheel Loader

Presenter: Jason Anderson

Background: A 2005 wheel loader to be replaced in 2011 was provided in the Solid Waste Department's landfill budget. Four bid proposals were received; three with proper bid security were opened on July 26, 2011. Titan Machinery's proposal was rejected immediately due to improper bid security (see attached bid tabulation).

Discussion: The basic bid proposal includes guaranteed total cost of repairs for 6,000 hours/7 years. The alternate bid proposal includes guaranteed total cost of repairs and a guaranteed bid price at the end of the seven-year period. This type of bidding has been used on snow removal and landfill equipment since the start of the equipment replacement fund. The specifications state that in evaluating the bids the City will consider, amongst other things, the needs of the City, the quality of the equipment, resale value, availability of service and parts, compatibility with other city-owned equipment, and operation and maintenance costs in determining the lowest "responsible" bid.

The apparent low bidder, Midwest Ready Mix & Equipment, failed to meet bid specifications in several areas. The Liu Gong 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.

Administration recommends the add-option of \$391 for a 4.00 cubic yard bucket and the deduct-option of -\$2,191 for the performance bond. The Butler Machinery basic bid proposal is exactly the same as the alternate bid proposal, without a guaranteed bid price after 7 years.

Financial Consideration: The purchase will come from the 2011 Joint Powers Landfill Fund after delivery and acceptance. The existing wheel loader will be considered surplus and sold by sealed bids after delivery of the new wheel loader. Revenue from the sale of the surplus wheel loader will be returned to the Joint Powers Fund.

Conclusion/Recommendations: After evaluation of the bids, administration recommends rejecting the Midwest Ready Mix & Equipment bid as it does not meet bid specifications and awarding to Butler Machinery Co. on the alternate proposal. The Butler Machinery proposal is the lowest responsible bid on both the basic proposal and alternate proposal.

After taking bid specifications, resale value, fuel costs, and compatibility with other city-owned equipment into account, Administration recommends the award be made to Butler Machinery Co. on the alternate proposal for a total initial cost of \$161,887 which includes \$391 for the 4.00 cubic yard bucket add-option and deduction of \$2,191 for performance bond option.

BID TABULATION

PROJECT: New Wheel Loader for Solid Waste

DATE: July 26, 2011

BIDDER ADDRESS		Butler Machinery Co. PO Box 1210 Sioux Falls, SD 57101	Midwest Equipment 1405 E. Hwy 50 Vermillion, SD 57069
BID SECURITY		Bond - 10%	Check - \$7,500.00
ITEM	DESCRIPTION		
1	<u>BASIC PROPOSAL</u> New Wheel Loader	\$162,987.00	\$148,994.00
Make & Model		CAT 938H	Livgong 842ZII
2	Guaranteed Total Cost of Repairs for 6000 hrs/7years	\$700.00	\$0.00
3	Total Guaranteed Maximum Cost	\$163,687.00	\$148,994.00
<u>ALTERNATE PROPOSAL</u>			
1	New Wheel Loader	\$162,987.00	\$148,994.00
2	Guaranteed Total Cost of Repairs for 4000 hr/5years	\$700.00	\$0.00
3	Guaranteed Bid Price at end of 6000 hrs/7years	\$65,000.00	\$70,000.00
4	Guaranteed Bid Price at Net Present Value at 2.5% interest	\$54,684.50	\$58,891.00
5	Total Guaranteed Maximum Cost of Ownership at Net Present Value(#1 + #2 - #4)	\$109,002.50	\$90,103.00
Equipment Delivery ARO		160/AR	60-120/AR



Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: August 1, 2011

Subject: Annual Supply of Liquefied Propane

Presenter: Jason Anderson

Background: The City opened bids on Wednesday, July 27th at 2:00 p.m. for the annual supply of liquefied propane at the Wastewater Treatment Plant, Landfill, and Recycling Center. A copy of the bid tabulation sheet is attached.

Discussion: Bid specifications were sent to seven prospective bidders and four bids were received. Butch's Propane is the low bidder for \$1.679/gallon for a total of \$58,765. The City uses approximately 35,000 gallons of propane annually. The low bid in 2010 was \$43,400. Bidding is required by State law when the annual purchase of a material exceeds \$25,000.

Financial Consideration: Money has been budgeted in the Wastewater Treatment and Solid Waste Funds. The City only pays for actual gallons used.

Conclusion/Recommendations: Administration recommends awarding the annual supply of up to 35,000 gallons of liquefied propane to the low bidder, Butch's Propane, for \$1.679/gallon for a total of \$58,765.

BID TABULATION

PROJECT: Annual Supply of Liquefied Propane

DATE: July 27, 2011

BIDDER	Butch's Propane	Long's Propane Inc.	Sapp Bros. Petroleum	Tri County Oil & Propane
ADDRESS	103 Nebraska St. Obert, NE 68757	PO Box 96 Yankton, SD 57078	129 Steuben St Sioux City, IA 51101	PO Box 435 Irene, SD 57037
DESCRIPTION				
35,000 gal. Liquefied propane HD-5 w/odorant, delivered to WWTP, Landfill, and Recycling Center, on a keep-full basis, per gallon	UNIT PRICE \$ 1.679	UNIT PRICE \$ 1.754	UNIT PRICE \$ 1.750	UNIT PRICE \$ 1.729
	TOTAL \$58,765.000	TOTAL \$61,390.000	TOTAL \$61,250.000	TOTAL \$60,515.000

CITY OF VERMILLION
 INVOICES PAYABLE-AUG 1, 2011

1 3D SPECIALTIES INC	SUPPLIES	2,950.50
2 A & A REFRIGERATION	REPAIRS	1,070.44
3 ACCENT ENVIROBALE	BALE BAGS	17,840.47
4 ACE SIGN DISPLAYS	REPAIRS	635.00
5 AIR DELIGHTS, INC	PARTS	208.95
6 AIR LIQUIDE INDUSTRIAL U.S	CHEMICALS	352.50
7 AMERICAN LEGAL PUBLISHING	ORDINANCE UPDATES	4,946.64
8 AMERICAN RED CROSS	AQUATIC AFFILAITION FEE	275.00
9 AMERIKIT TECHNOLOGY SOLUTIONS	ANTI-VIRUS SUBSCRIPTION LIC.	546.43
10 ANDREA IDDINGS	REFUND OUT & ABOUT DAYCAMP	50.00
11 APPEARA	SUPPLIES	233.93
12 AQUA-PURE INC	CHEMICALS	4,180.00
13 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	187.92
14 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	112.45
15 AUDIO GO	BOOKS	343.88
16 AUTOMATIC BUILDING CONTROLS	FIRE ALARM REPAIR/UPGRADE	2,406.18
17 BAKER & TAYLOR BOOKS	BOOKS	868.30
18 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	9,560.94
19 BARKLEY ASPHALT	HOT MIX ASPHALT	3,059.15
20 BARNES DISTRIBUTION	TOOLS	301.00
21 BATTERIES PLUS	BATTERIES	182.00
22 BETTER HOMES & GARDENS	BOOK	33.91
23 BIERSCHBACH EQPT & SUPPLY	PARTS	619.08
24 BILLION AUTO	REPAIRS	39.12
25 BIOVERSE, INC	SUPPLIES	330.00
26 BOOK WHOLESALERS, INC	BOOKS	267.88
27 BORDER STATES ELEC SUPPLY	SUPPLIES	169.12
28 BRUNICKS SERVICE INC	PROPANE	190.00
29 BUTLER MACHINERY CO.	PARTS/REPAIRS	1,062.24
30 CALLAWAY GOLF	MERCHANDISE	159.10
31 CAMPBELL SUPPLY	SUPPLIES	593.79
32 CANON FINANCIAL SERVICES, INC	COPIER LEASE	56.16
33 CASK & CORK	MERCHANDISE	903.30
34 CBCINNOVIS, INC	TESTING MATERIALS	24.50
35 CENTER POINT LARGE PRINT	BOOKS	188.77
36 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
37 CERTIFIED TESTING SERVICES	TESTING SERVICES	292.00
38 CHEMCO, INC	SUPPLIES	126.86
39 CHEMSEARCH	SUPPLIES	166.00
40 CHESTERMAN CO	MERCHANDISE	2,133.08
41 CITY OF VERMILLION	POSTAGE/COPIES	1,429.31
42 CITY OF VERMILLION	UTILITY BILLS	37,919.57
43 CLAY RURAL WATER SYSTEM	WATER USAGE	35.10
44 COBRA PUMA GOLF, INC	MERCHANDISE	198.57
45 COFFEE KING, INC	SUPPLIES	57.75
46 COLLINS BROTHERS, INC	MERCHANDISE	565.28
47 COLONIAL LIFE ACC INS.	INSURANCE	3,569.70
48 CONTINENTAL RESEARCH CORP	SUPPLIES	200.72
49 COYOTE CHEMICAL COMPANY	SUPPLIES	165.00
50 CRESCENT ELECTRIC SUPPLY	PARTS	127.99
51 CULLIGAN WATER	DRINKING WATER COOLER	56.50
52 D-P TOOLS	TOOLS	43.90

53 DAKOTA BANDITS SOFTBALL	INSTRUCT SOFTBALL CAMP	225.00
54 DAKOTA BEVERAGE	MERCHANDISE	7,085.62
55 DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	1,820.89
56 DAKOTA SUPPLY GROUP	SUPPLIES	174.86
57 DANKO MES, INC.	PARTS	224.58
58 DAPHNE'S HEADCOVERS	MERCHANDISE	119.30
59 DAVIS PHARMACY	SUPPLIES	85.18
60 DEAR READER.COM	SUBSCRIPTION	550.00
61 DELTA DENTAL PLAN	INSURANCE	5,413.52
62 DEMCO	SUPPLIES	191.05
63 DENNIS MARTENS	MAINTENANCE	833.34
64 DEPT OF REVENUE	TESTING	221.00
65 DEWILD GRANT RECKERT & ASSOC.	PROFESSIONAL SERVICES	10,783.00
66 DIAMOND VOGEL PAINTS	WHITE TRAFFIC PAINT	2,157.73
67 DISPATCH TRAINING & CONSULTING	REGISTRATION	900.00
68 DIVERSIFIED INSPECTIONS	SAFETY INSPECTIONS	707.20
69 DON'S DUST CONTROL	DUST CONTROL LANDFILL	3,327.30
70 DUECO, INC	PARTS	334.43
71 DUST TEX	SUPPLIES	46.40
72 E.A SWEEN COMPANY	SUPPLIES	156.63
73 EARTHGRAINS BAKING CO'S INC	SUPPLIES	385.87
74 ECHO ELECTRIC SUPPLY	SUPPLIES	1,978.47
75 EMERGENCY MEDICAL PRODUCTS	SUPPLIES	1,631.71
76 ENTERSECT	USER AGREEMENT	79.00
77 FARMER BROTHERS CO.	COFFEE PACKETS	37.88
78 FAST AUTO GLASS	REPAIRS	52.98
79 FIREGUARD INC	PARTS	13.21
80 FLAGS UNLIMITED	FLAGS	194.40
81 FOOT-JOY	MERCHANDISE	98.94
82 FOREMAN MEDIA	COUNCIL MTG	50.00
83 FRED HAAR CO, INC	PARTS	79.50
84 FULLERTON LUMBER CO	SUPPLIES	2,224.85
85 G & R CONTROLS	REPAIRS	988.27
86 GALE	BOOKS	345.27
87 GE CAPITAL	COPIER LEASE	114.48
88 GERMAINE MARTIN	PROFESSIONAL SERVICES	90.00
89 GOVERNMENT FINANCE OFFICER ASSOC.	MEMBERSHIP	170.00
90 GRAHAM TIRE CO.	TIRES	196.04
91 GRAYBAR ELECTRIC	PARTS	4,275.77
92 GREGG PETERS	FREIGHT/ADVERTISING	1,419.75
93 GREGG PETERS	RENT	937.50
94 GUARANTEE OIL CO INC	OIL	529.65
95 HANSEN LOCKSMITHING	KEYS	6.00
96 HARTINGTON TREE LLC	STUMP GRINDING	2,984.00
97 HAUGER YARD/SNOW SERVICE	MOWING	355.00
98 HAWKINS WATER TREATMENT	CHEMICALS	2,980.52
99 HD SUPPLY WATERWORKS	PARTS	10,682.62
100 HERREN-SCHEMPP BUILDING	SUPPLIES	42.12
101 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	67.30
102 HOLCOMB TRUCKS	PARTS	252.64
103 HY VEE FOOD STORE	SUPPLIES	349.00
104 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL/WASTE HAULING	1,278.14
105 INGRAM	BOOKS	4,842.77
106 JACKS UNIFORM & EQPT	UNIFORMS	1,352.70
107 JAYMAR	SUPPLIES	697.50

108 JOHN A CONKLING DIST.	MERCHANDISE	6,880.00
109 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	16,191.67
110 JOHNSON ELECTRIC	INSTALL LOAD CONTROLLERS	200.00
111 JONES ACE HARDWARE	SUPPLIES	944.00
112 JONES FOOD CENTER	SUPPLIES	1,188.79
113 KAIROI, INC	WEBSITE HOSTING	577.50
114 KALINS INDOOR COMFORT	REPAIRS	115.13
115 KARIAN PETERSON CONTRACTING	MAINTENANCE	2,099.16
116 KARSTEN MFG CORP	MERCHANDISE	693.36
117 KDLT-TV	ADVERTISING	50.00
118 KNOLOGY	911 CIRCUIT	1,365.50
119 KUSTOM SIGNALS, INC	REPAIRS	469.55
120 LAKESIDE EQUIPMENT	SUPPLIES	555.00
121 LARGE PRINT OVERSTOCKS	BOOKS	12.86
122 LARRYS HOME REPAIR	REPAIRS	52.69
123 LAWSON PRODUCTS INC	SUPPLIES	188.78
124 LAYNES WORLD	RETIREMENT PLAQUE	40.00
125 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	4,001.09
126 LESSMAN ELEC. SUPPLY CO	SUPPLIES	1,206.00
127 LINCOLN MUTUAL LIFE	INSURANCE	508.09
128 LINDA CALLEJA	MILEAGE REIMBURSEMENT	102.12
129 LIV WEST	UNIFORM REIMBURSEMENT	12.00
130 LOCATORS AND SUPPLIES, INC	PARTS	138.93
131 LONGS PROPANE INC	PROPANE	25.00
132 LUDEY'S READY MIX	CRUSHED CONCRETE	377.00
133 MARK MILBRODT	SAFETY GLASSES REIMBURSEMENT	150.00
134 MARKS LAWN CARE	MOWING/SPRAYING	317.50
135 MARKS MACHINERY	PARTS	224.46
136 MART AUTO BODY	TOWING	936.00
137 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	19.20
138 MATT TAGGART CONSTRUCTION	REPAIRS	250.00
139 MC2, INC	REPAIRS	716.20
140 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,072.00
141 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	167.42
142 MICHELLE KOLLER	MILEAGE REIMBURSEMENT	126.98
143 MIDWEST ALARM CO	FIRE ALARM MONITORING	120.00
144 MIDWEST BUILDING MAINTENANCE	MAT SVC	814.10
145 MIDWEST READY MIX	SUPPLIES	1,586.45
146 MIDWEST TURF & IRRIGATION	PARTS	93.10
147 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,550.38
148 MOORE WELDING & MFG	PARTS	43.00
149 MUSCO SPORTS LIGHTING, LLC	REPAIRS	2,523.66
150 N B GOLF LLC	GOLF CAR LEASE	3,741.60
151 NCL OF WISCONSIN, INC	CHEMICALS	841.91
152 NETSYS+	PROFESSIONAL SERVICES	222.50
153 NEW YORK LIFE	INSURANCE	95.00
154 NORTHERN BALANCE & SCALE	SERVICE & CALIBRATION	300.00
155 OFFICE SYSTEMS CO	COPIER CONTRACT	268.71
156 OLSON MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	180.00
157 OXMOOR HOUSE	BOOKS	36.91
158 PAULS PLUMBING	PARTS	134.97
159 PETE LIEN & SONS, INC	CHEMICALS	3,871.62
160 PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	78,595.00
161 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
162 POLLMAN EXCAVATION	CRUSHED GRAVEL	4,947.92

163 PRAIRIE BERRY WINERY	MERCHANDISE	1,953.00
164 PRESSING MATTERS	SUPPLIES	445.00
165 PRESTO-X-COMPANY	INSPECTION/TREATMENT	40.95
166 PRINT SOURCE	SUPPLIES	427.00
167 PUMP N PAK	FUEL	2,418.98
168 QT TECHNOLOGIES	SERVICE AGREEMENT	595.00
169 QUEEN CITY WHOLESALE	MERCHANDISE	1,099.74
170 QUILL	SUPPLIES	1,327.23
171 QWEST	TELEPHONE	733.23
172 RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
173 RANDOM HOUSE, INC	BOOKS	209.25
174 RANDY VOSS	REPAIRS	170.00
175 RASMUSSEN MOTORS, INC	REPAIRS	215.43
176 RECORDED BOOKS, INC	BOOKS	606.25
177 REINHART FOODSERVICE, LLC	SUPPLIES	1,887.40
178 REPUBLIC NATIONAL DIST.	MERCHANDISE	12,594.94
179 ROTOLOK VALVES INC	PARTS	408.72
180 ROYAL CAR WASH	CAR WASHES	100.00
181 S & S WORLDWIDE, INC	SUPPLIES	21.18
182 SCHAEFFER MFG. CO	SUPPLIES	937.88
183 SCHOLASTIC LIBRARY PUBLISHING	SUBSCRIPTION	542.00
184 SD ONE CALL	LOCATES	489.30
185 SD RETIREMENT SYSTEM	CONTRIBUTIONS	44,078.37
186 SDWWA	REGISTRATION	300.00
187 SERVALL TOWEL & LINEN	SHOP TOWELS	44.10
188 SIOUX FALLS TWO WAY RADIO	REPAIRS	77.08
189 SIOUXLAND HUMANE SOCIETY	FEES	74.00
190 SMITH & LOVELESS, INC	PARTS	230.02
191 STATE RADIO COMMUNICATION	TELETYPE SERVICE	3,000.00
192 STATE STEEL	SUPPLIES	7.15
193 STEVE'S HEATING & A/C INC	REPAIRS	60.05
194 STEWART OIL-TIRE CO	TIRES/REPAIRS	209.95
195 STRYKER SALES CORPORATION	AMBULANCE COT	5,909.60
196 STUART C. IRBY CO.	SUPPLIES	29,030.92
197 STURDEVANTS AUTO PARTS	PARTS	1,790.15
198 TAYLOR MADE	MERCHANDISE	298.47
199 TESTAMERICA LABORATORIES	TESTING	3,664.40
200 THATCHER COMPANY	SODA ASH	6,886.00
201 THE EQUALIZER	ADVERTISING	72.00
202 THE NEW SIOUX CITY IRON CO	PARTS	284.71
203 TITLEIST DRAWER CS	MERCHANDISE	2,552.26
204 TOMAHAWK LIVE TRAP COMPANY	TRAPS	198.15
205 TOP HAT EMBROIDERY	LIFEGUARD SUITS	240.00
206 TRI TECH EMERGENCY MEDICAL	SOFTWARE TRAINING	199.00
207 TRUE VALUE	SUPPLIES	237.18
208 TURNER PLUMBING	PARTS	90.62
209 UNITED LABORTORIES	SUPPLIES	254.00
210 UNITED WAY	CONTRIBUTIONS	270.00
211 UNIVERSITY BOOK STORE	SUPPLES	29.98
212 UPSTART	SUPPLIES	63.25
213 US POSTAL SERVICE	ENVELOPES	543.50
214 USA BLUEBOOK	SUPPLIES	698.22
215 VALIANT VINEYARDS	MERCHANDISE	372.40
216 VAN DIEST SUPPLY CO	SUPPLIES	824.00
217 VERMILLION CHAMBER OF COMMERCE	CONTRIBUTION-TOUR DE KOTA	534.23

218 VERMILLION DEVELOPMENT CO	CONTRIBUTION	46,350.00
219 VERMILLION FORD	PARTS	576.93
220 VERMILLION ROTARY CLUB	DUES/MEALS	153.75
221 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	3,848.41
222 WADE MOUNT	SAFETY BOOT REIMBURSEMENT	84.79
223 WAL-MART COMMUNITY	SUPPLIES	1,435.86
224 WALKER CONSTRUCTION	CONCRETE WORK	1,727.37
225 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	193.00
226 WESCO DISTRIBUTION, INC	SUPPLIES	6,866.32
227 WEST GROUP PAYMENT CENTER	SUBSCRIPTION	348.00
228 WESTERN OFFICE TECHNOLOGIES	SUPPLIES	87.32
229 WILLIAMS & CO.	2010 AUDIT	2,500.00
230 YANKTON FIRE & SAFETY	REPAIRS	32.50
231 YANKTON JANITORIAL SUPPLY	SUPPLIES	735.63
232 ZEE MEDICAL SERVICE	SUPPLIES	111.65
233 ZEP SALES & SERVICE	SUPPLIES	224.75
234 ZIMCO SUPPLY CO	CHEMICALS	5,255.20
235 ZUERCHER TECHNOLOGIES LLC	SUBSCRIPTION	24,255.00
236 BOB IVERSON	BRIGH ENERGY REBATE	10.00
237 HUGH BRITTEN	BRIGH ENERGY REBATE	100.00
	GRAND TOTAL	\$547,476.66