



Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting
Monday, August 4, 2014
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Public art sculpture project – Dr. Larry Schou, USD College of Fine Arts**
3. **Proposed Fire Inspector position – Shannon Draper, Fire Chief.**
4. **Briefing on the August 4, 2014 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, August 4, 2014
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. July 21, 2014 Special Session; July 21, 2014 Regular Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

- a. Proclamation-National Night Out

6. Public Hearings

- a. Special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 8 and 9, 2014 at the Clay County Fairgrounds.
- b. Special daily malt beverage and wine license for the University of South Dakota Foundation on or about October 10, 2014 at the USD Muenster Center.
- c. Resolution of Necessity for installation of street lighting along North Norbeck Street from Roosevelt Street to E. Cherry Street.

7. Old Business

- a. Second Reading of Ordinance 1317 – Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Block 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Block 1 Urup's Addition.

8. New Business

- a. Request to close a portion of Rose Street from the southern corner of Coyote Village to the Dakota Dome parking lot for USD Tailgate Nation on September 6, September 20 and October 25, 2014 from 8:00 am to 4:00 pm; October 11, 2014 from 9:00 am to 5:00 pm; November 8, 2014 from 10 am to 6:00 pm; and November 15, 2014 from 7:00 am to 3:00 pm. The request also includes the dedication of parking stalls along the east side of N. Dakota Street immediately south of the Dakota Dome service entrance for the parking of up to three visitor busses on the same days.
- b. Request to close a portion of N. Pine Street from E. Cedar Street to E. National Street for Alpha Phi Bid Day on Thursday, August 21, 2014 from 11:00 am to Midnight.
- c. Resolution authorizing a General Obligation Bond for Prentis Park Master Plan Improvements.
- d. Request to close High Street as it abuts the Fairgrounds immediately south of W. Cherry Street on Thursday, August 7 to August 10, 2014 from 7:00 am to 5:00 pm for Clay County Fair.
- e. Amendment to the Landfill baler building engineering services agreement.
- f. Presentation of the proposed 2015 budget.

g. Combined Election agreement for November General Election.

9. Bid Openings

a. Fuel Quotes.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

13. Adjourn

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

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

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

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
July 21, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 21, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Holland, Clarene Meins, Holly Meins, Price, Willson, Mayor Powell

Absent: Erickson, Ward

2. Education Session - Liquor Store Management Agreement

John Prescott, City Manager, reported that the current liquor store management contract expires the end of this year and the building lease expires February 28, 2015. John provided background on the management contract as well as the building lease. John reported that over the last couple of years both Hy-Vee and Wal-Mart have expressed interest in the municipal license to sell liquor in their store. John stated that staff is seeking direction from the City Council on how to move forward with the management contract and store lease. John reviewed four possible options for the contract listing pro's and con's of each. He noted that there may be more and different combinations of options. The four options were: A) Negotiate with the current Manager to run the operation at the current location, B) Negotiate management agreement with current Manager for a different location, C) Have interested parties submit proposals to manage operations in current location, D) Open up Manager and location process completely. Discussion followed on the options with the consensus to request proposals for both the management and location for future Council consideration.

3. Briefing on the July 21, 2014 City Council Regular Meeting

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

5. Adjourn

237-14

Alderman Clarene Meins moved to adjourn the Council special session at 1:04 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of July, 2014.

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 21, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on July 21, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 7, 2014 Special Session; July 7, 2014 Regular Session; July 8, 2014 Special Session.

238-14

Alderman Clarene Meins moved approval of the July 7, 2014 Special Session, July 7, 2014 Regular Session and July 8, 2014 Special Session minutes. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

John Prescott, City Manager, reported that for 6. Public Hearings F, G & H and 8. New Business C, D, E, F, G & H the events will be on Kidder Street from Court Street west to the east side of the alley not the full block from Court Street to Market Street.

239-14

Alderman Willson moved approval of the agenda with the corrections to the items listed above by the City Manager. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Sharon Gray, 32 East Bloomingdale, stated that she represents a group of citizens interested in saving the Market Street water tower. She stated that following editorial by Dave Lias she created a face book page that has many likes. She requested that the City Council postpone the demolition for up to a year to allow the group time to work with an engineer to save the historic structure. She reviewed options to repurpose the water tower. Sharon closed with a request for the City Council to delay the demolition.

John Prescott, City Manager, upon request of the City Council, reported that contracting for the demolition of the Market Street tower has not been done and is not anticipated until the new tower is completed and in service later this year.

6. Public Hearings

A. Request for variance submitted by Brookings Municipal Utilities d/b/a Swiftel Communications to construct a Telecommunications Tower at (approximately) 604 High Street, Vermillion, Clay County, South Dakota.

Andy Colvin, Assistant to the City Manager, reported that Swiftel Communications currently leases space on the Market Street Water tower for their wireless communications antennas. Andy noted that, with the City's plan to abandon and demolish the Market Street Tower, Swiftel contacted City staff to find a new location for a tower. Andy reported Swiftel first inquired about constructing a new tower in the location of the Market Street water tower site however the location is too close to residential uses to reasonably obtain a variance and towers are not a permitted use in residential districts. Andy noted that after a site visit the best location appears to be within the fairgrounds which is owned by the City and leased to the County, who then leases the property to the Fair Board. Andy reported that notices were sent to the County and Fair Board about the proposed project and hearings. Andy reported that the proposed monopole tower is 140 feet tall and will

look similar to the tower northwest of the Best Western Vermillion Inn on W. Cherry Street. Andy reported that the application packet submitted by Swiftel provides a number of exhibits to give an idea of what the tower will look like. Andy stated that it should be noted that the proposed location would be suitable for some type of lighting since it would be in proximity to the softball fields south of the demolition derby arena. Swiftel has expressed willingness to allow the City to utilize the tower for lighting or similar purposes as part of the lease agreement, so there could be a public benefit in having the tower in the proposed location.

Andy reported that Swiftel submitted an application for a conditional use permit and a variance to construct the tower. Andy noted that new towers may only be built via a conditional use permit, which was approved on July 14th by the Planning Commission. A variance is necessary due to the proposed tower's proximity to an existing wireless tower and height. The City Council acts as the Board of Adjustment to consider variance requests. Andy stated that ordinance requires a minimum of ½ mile from an existing tower, 300 feet from a residential district and no more than 100 feet in height. The tower meets the required distance from residential uses, but is proposed to be 140 feet in height and is just over a quarter mile away from another tower. The City Council is able to vary height and distance at a public hearing. The height would make it more attractive for other companies to co-locate on the tower, which may reduce the number of future towers in the community. Andy stated the Planning Commission felt that the proposed location is the best option available to allow Swiftel to provide an adequate level of wireless service in the community.

Curt Kabris, Technical & Network Operations Manager with Swiftel, reviewed the process used for possible tower locations that would provide the needed coverage for the community. He stated that they had reviewed the option of locating on the Verizon tower on West Cherry but it was too far north as is the new water tower. Curt answered questions of the City Council. Curt requested approval of the variance requested for a tower not to exceed 140 feet in height and built less than the ½ mile from an existing tower.

240-14

Alderman Willson moved approval of the variance request from Swiftel for a telecommunications tower not to exceed 140 feet in height and built less than the ½ mile from an existing tower for a telecommunications tower to be located at approximately 604 High Street on the fairgrounds. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance 1317 - Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Blk 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Blk 1 Urup's Addition

Farrel Christensen, Building Official, reported that in the summer of 2013 Harlowe Hatle, the owner of 225 Sycamore Avenue, came to the City with a request to covert the existing laundry attached to the apartment building at 225 Sycamore Avenue into an additional rental unit. Farrel stated that after reviewing the request it was noted that the existing structure was located in the R-1 zoning district, which does not permit multiple-family rental units as an allowed use. Farrel noted that the apartment buildings were constructed in the early sixties (pre-1965). Farrel stated that the first official zoning ordinance that the City adopted was not until 1966 and as early as 1974 the properties were zoned R-1 single family, which prohibited multi-family dwellings. Farrel noted that the 1982 City Zoning Map also reflected R-1 zoning for the Sycamore Avenue apartments, which also made them non-conforming. Farrel noted that the properties have been zoned single-family residential and thus non-conforming since at least 1974, and from that time until now no additional units could be added. It also means that if any of the existing structures should be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not be allowed to continue. Farrel stated that after being denied a permit to convert the existing laundry, the owners started collecting signatures to petition the City Council for a zone change to R-2, which permits multi-family dwellings up to 4 units (4-plex). Farrel reported that ordinance requires applicants to file the written consent of the owners of 45% of the aggregate area having the right of protest against the change. Farrel stated that the applicants have filed property owner consent forms in excess of the minimum required and are now eligible to proceed with the zone change request.

Farrel noted that even though the laundry cannot be converted and not all buildings are totally conforming under the proposed district regulations, it does allow current and future owners to rebuild should structures be damaged or destroyed. Farrel noted that this is a very important consideration when applying for insurance, financing or property transfers. He stated many of the buildings do have the ability to become conforming structures if lot lines were re-platted to separate buildings on individual lots and parking increased. Farrel stated that the 8, 12 and 24-plex will still be nonconforming since the R-2 districts limits density to no more than 4 dwelling units. Farrel stated that there were concerns about building height and that the R-1 and R-2 zones both limit building heights to 35 feet. Farrel stated that a letter opposing the rezone was included in the packet. Farrel

stated that the Planning Commission recommended approval of the zone change request.

Valarie Hower, resident of 12 S Walker, stated that she was opposed to the zone change as she did not want more units with more vehicles, traffic and noise in the neighborhood. She stated that she would like to preserve the single family neighborhood.

Jolinda Gray, resident of 100 Catalina, stated that she would like to see the property stay as it is now and that if more units are added would increase traffic in the area.

Chad Grunewaldt, 100 N Yale, stated that he has redeveloped properties in the community noting that it is an expensive process to remove an existing building and rebuild. Chad stated that he was in favor of the zone change.

Wayne Knutson, resident of 1153 Valley View and owner of one of the 4-plexes to be rezoned, stated that he purchased the unit over fifty years ago and the use has not changed. He stated that the owners have collected the signatures from the neighborhood to request the rezone. He noted that the zoning should have been with the property since it was built.

Discussion followed on the height limit again noting that R-1 and R-2 zones are both limited to 35 feet in height and that R-2 zone limits the number of units per lot to 4.

241-14

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1317 entitled An Ordinance amending title 15, Chapter 155, Section 155.026 of the official zoning map for the of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21st day of July, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a 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. Special Permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on October 8, 2014 from 4:00 p.m. to 11:00 p.m. for the Dakota Days Committee for an event that will include a band

Mike Carlson, Finance Officer, reported that Nathan Hofer, on behalf of the USD Dakota Days Committee, has applied for a special permit to exceed allowable noise levels for a Battle of the Bands event on October 8, 2014 from 8:00 p.m. until 11:00 p.m. on Ratingen Platz. Mike noted that a copy of the application and published notice of the hearing are included in the packet. Mike stated that the application and diagram map indicate that the stage and sound system will be on the Platz and faced toward the east. The Market Street closing request is under new business on this agenda. Mike noted that the City Council will need to determine if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event.

Nathan Hofer, USD Dakota Days Committee, stated that this is a new community wide event as part of the 100th Dakota Days. The noise permit is for the Battle of the Bands to be held on the Ratingen Platz from 8:00 p.m. to 11:00 p.m. Nathan stated that they would clean up after the event. Nathan answered questions of the City Council on the event noting that there is no alcohol being requested for this event.

242-14

Alderman Holland moved approval of the special permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on October 8, 2014 from 4:00 p.m. to 11:00 p.m. for the Dakota Days Committee for an event that will include bands. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Special Permit to exceed permissible sound levels by no more than 50% on W. Main Street between High and Prospect Street on Friday, September 5, 2014 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 6, 2014 between 5:00 p.m. and 1:00 a.m. Sunday for Ribs, Rods & Rock'n Roll for a street dance

Mike Carlson, Finance Officer, reported that Ribs, Rods & Rock'n Roll, Inc. has applied for a special permit to exceed allowable noise levels for several bands and for a street dance on two consecutive dates. Mike stated that the first date is Friday, September 5th beginning at 5:00 p.m. and lasting until midnight and the second occasion begins on Saturday, September 6th at 5:00 p.m. lasting until midnight. Mike noted that a copy of the application and a map of the area are included in the packet. Mike stated that the application and map indicate that the stage and sound system will be on the Platz like last year facing

toward the east. Mike noted that the special daily license is under public hearings and the street closing request is under new business on this agenda. Mike noted that the City Council will need to determine if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Mike noted that representatives from Ribs, Rods & Rock'n Roll are present to answer questions. Discussion followed.

243-14

Alderman Willson moved approval of the special permit to exceed permissible 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 from 5:00 p.m. on Friday, September 5th to midnight and from 5:00 p.m. on Saturday, September 6th to midnight. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll on or about September 5 and 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south

Mike Carlson, Finance Officer, reported that an application has been received for a special daily malt beverage and wine license from Ribs, Rods & Rock'n Roll event on September 5 & 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south. Mike stated that the request from Ribs, Rods, & Rock'n Roll, notice of hearing, Police Chief's report and map of the area are included in the packet. Mike stated that, from the map, the area that alcohol will be allowed has increased. Mike reviewed the different times and locations for where alcohol will be allowed noting that sales will remain in the same location as previous years on Main Street by Market Street. Mike stated that City ordinance allows the City Council to set conditions and restrictions, as it may deem appropriate, in issuing a special license. In the past, these conditions were to require a Release and Indemnification releasing the City from liability for the event (already received), a Certificate of Insurance naming the City as an additional insured (already received), require clear signage at each egress from the area where alcohol is allowed, reimburse the City for overtime wages of the Police Department up to a maximum of \$1,000, provide six security personnel, require a

cleanup plan and provide restroom facilities. As to hours, the request is to start at 5:00 p.m. on Friday until midnight and a start time of 11:00 a.m. on Saturday until midnight. Upon request, Jenny French, representing Ribs, Rods & Rock'n Roll, stated that not all individuals that check ID's are TAM certified but that they also have the electronic ID checking machine. Chad Grunewaldt, 100 N Yale, asked about the fencing and control of people walking out of current licensed businesses. Scott Henderson, representing Ribs, Rods & Rock'n Roll, explained the location of the car show on Saturday. Alderman Willson stated that a business reported to him some damage to their building from port-a-pots and noted that they may need to adjust the location this year to prevent any more damage. Discussion followed.

244-14

Alderman Holland moved approval of the special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 5 & 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south, contingent upon the following: 1) The applicant provides a Release and Indemnification releasing the City from liability for the event; 2) The applicant provide a Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability, for the event; 3) The applicant provide clear signage at each egress from the area where alcohol is; 4) The Organization provide a minimum of 6 personnel that are at least age 21 to serve as security for the street dance. The individuals shall be wearing shirts that state "Event Security" on the back; 5) The Organization agrees to reimburse the City of Vermillion for the overtime for police officers assigned to the event limited to \$1,000 or actual costs, whichever is lower; 6) The Organization shall have a plan for clean up and provide adequate restroom facilities; 7) The hours authorized for malt beverage and wine sales are 5:00 p.m. Friday to midnight and Saturday 11:00 a.m. Saturday until midnight in the areas as outlined in the map included with the application. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from 12:00 p.m. (Noon) on July 26, 2014 to 1:00 a.m. on July 27, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting Make-A-Wish to include a band

Mike Carlson, Finance Officer, reported that the Old Lumber Company Grill and Bar has applied for a special permit to exceed permissible

sound levels for a fundraising event to include a live band on Saturday, July 26, 2014 on Kidder Street from Court Street west to the east side of the alley from noon on July 26, 2014 until 1:00 a.m. on July 27, 2014. A copy of the application and a map of the area are included in the packet. Mike reported that the street closing request and permit for consumption are under new business later on the agenda. Mike stated that the application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west and the event will also include a motorcycle ride. Mike stated that the Old Lumber Company hosted the Make-A-Wish event last year that consisted of motorcycle ride with the street closing and consumption on Kidder Street where the motorcycles were parked. A letter from Make-A-Wish, explaining the event and Police Chief's letter are also included in the packet. Mike stated that the City Council will need to determine if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event.

Chad Grunewaldt, owner of Old Lumber Company, stated that the band will be on the stage on Kidder Street facing west. Chad stated the area will be fenced from Court Street west to the east side of the alley with six foot tall metal fence. Chad stated that there will be a gate on the west side that is monitored and that all entrance will be through the bar. Chad stated that after the event they will clean up the area.

Jim Brady, 511 Mickelson, stated that this will be the 8th year that Make-A-Wish has conducted an event in Vermillion. He stated that, due to the size, the event was moved to the Old Lumber Company last year with over 225 in attendance that raised over \$25,000. Jim reviewed the activities planned for this year's event. Jim answered questions of the City Council on the timing stating that ending at midnight would be fine with him instead of 1:00 a.m. and that the band would be better attended outside rather than upstairs as the event allows motorcycle riders to drive through the building to park out back.

245-14

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from noon until midnight on July 26, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting Make-A-Wish to include a band. Alderman Price seconded the motion. Discussion followed on the time change to midnight vs. 1:00 a.m. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from 12:00 p.m. (Noon) to midnight on August 23, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veteran's Motorcycle Club of South Dakota to include a band

Mike Carlson, Finance Officer, reported that the Old Lumber Company Grill and Bar has applied for a special permit to exceed permissible sound levels for a fundraising event to include a live band on Saturday, August 23, 2014 on Kidder Street from Court west to the east side of the alley from noon to midnight. A copy of the application and a map of the area are included in the packet. Mike reported that the street closing request and permit for consumption are under new business later on the agenda. Mike stated that the application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west and the event will also include a Poker Run. Mike stated that a letter from Adam Twedt, Vice President, of U.S. Veteran's Motorcycle Club of South Dakota, explaining the event and Police Chief's letter are also included in the packet. Mike noted that this is USD move in weekend and, as such, will have more traffic in town. Mike stated that the City Council will need to determine if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event.

Chad Grunewaldt, owner of Old Lumber Company, stated that the event will be fenced and monitored just like the Make-A-Wish event. All entrance will be through the bar, the exit gate on the west will be monitored and they will clean up after the event. Chad answered questions of the City Council on the event noting that having the event outside is a way to draw more people to downtown.

246-14

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from noon to midnight on August 23, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veteran's Motorcycle Club of South Dakota to include a band. Alderman Holland seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

H. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street west to the east side of the alley from 5:00 p.m. to midnight on October 10, 2014 and from 12:00 p.m. (Noon) to midnight on October 11, 2014 for the Old Lumber Company

Grill and Bar, LLC for a fundraising event benefiting the US Veteran's Motorcycle Club of South Dakota to include a band.

Mike Carlson, Finance Officer, reported that the Old Lumber Company Grill and Bar has applied for a special permit to exceed permissible sound levels for a fundraising event to include a live band on Kidder Street from Court Street west to the east side of the alley from 5:00 p.m. p.m. to midnight on October 10, 2014 and from noon to midnight on October 11, 2014. A copy of the application and a map of the area are included in the packet. Mike reported that the street closing request and permit for consumption are under new business later on the agenda. Mike stated that the application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west. Mike stated that a letter from Adam Twedt, Vice President, of U.S. Veteran's Motorcycle Club of South Dakota, explaining the event and Police Chief's letter are also included in the packet. Mike noted that the event is on Dakota Days weekend and that the Police Chief's letter recommends denial of the event. Mike stated that the City Council will need to determine if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event.

Chad Grunewaldt, owner of Old Lumber Company, stated that the event will be fenced with a six foot metal fence like what was stated for the previous two events with entrance through the building, the exit gate on the west side of the fenced area will be monitored and clean up will be done after the event. Chad stated that the event is a fundraiser for the US Veteran's Motorcycle Club of South Dakota. Chad stated that the Veterans have given a lot to our country and this is a way to give back to them.

Travis Kendt, President of the U.S. Veteran's Motorcycle Club of South Dakota, stated that last year they provided over \$5,000 of assists to veterans and they are trying to make the events grow to raise more funds to be used for veteran's assistance.

Discussion followed noting that the City Council has restricted alcohol sales for sidewalk restaurant sales on Dakota Days weekend as well as other special events.

Matt Betzen, Police Chief, reported that Dakota Days weekend is the busiest weekend of the year for the department. Matt reported that officers from other cities and state agencies are requested to help during the weekend. Matt was concerned about an outdoor band with a beer garden in the downtown area at a time that is already expected to be very busy and suggested the applicant consider another weekend for

the event. Matt stated that he commends the idea for raising funds for veterans but suggested that the event be scheduled for some other date.

Travis Kendt, answered questions of the City Council noting that there was no motorcycle ride planned for this weekend event but that the cover charge to enter is donated to the club.

Discussion followed on the noise permit request.

247-14

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street from Court Street west to the east side of the alley from 5:00 p.m. to midnight on October 10, 2014 and from 12:00 p.m. (Noon) to midnight on October 11, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the US Veterans Motorcycle Club of South Dakota to include a band. Alderman Holland seconded the motion. Discussion followed on the special permit requested. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Erickson-Y, Holland-Y, Clarene Meins-N, Holly Meins-Y, Price-Y, Willson -N, Mayor Powell-N. Motion carried 5 to 3. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Request to close Market Street from W. Main Street to Kidder Street from 2:00 p.m. to 12:00 a.m. on Wednesday, October 8, 2014 for the Vermtown Bash

John Prescott, City Manager, reported that the Dakota Days Committee is sponsoring a community wide event associated with the 100th Dakota Days on Wednesday, October 8, 2014. He stated that activities are planned for Market Street from Main Street to Kidder Street including using the Ratingen Platz. John reported that the event will include inflatables and activities from 4:00 p.m. to 7:00 p.m. and then a Battle of the Bands from 8:00 p.m. to 11:00 p.m. John reported that all activities are open to the public and will be alcohol free. He stated that the special permit to exceed permissible sounds levels was approved earlier on the agenda. John stated that Nathan Hofer, representing the Dakota Days Committee, has requested the closing of Market Street from Main Street to Market Street on Wednesday, October 8, 2014 from 2:00 p.m. to midnight. John noted that Police, Fire and EMS departments have been notified of the closure request.

Nathan Hofer, representing the USD Dakota Days Committee, reported that the group will clean up during and after the event. He stated that they would use generators for power to the inflatables and the bands will use the power available at the platz. Nathan answered questions of the City Council noting that they would provide access to Total Flooring and that they want to work with the local businesses.

248-14

Alderman Collier-Wise moved approval of the request to close Market Street from Main Street to Kidder Street from 2:00 p.m. to 12:00 a.m. on Wednesday, October 8, 2014 for the Vermtown Bash. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Request to close portions of Austin, Court, Main, Market, Center and Kidder Streets on September 5 and 6, 2014 for Ribs, Rods & Rock 'n Roll

John Prescott, City Manager, reported that Ribs, Rods, & Rock'n Roll, Inc. organization is requesting a temporary street closing to host their Ribs, Rods, & Rock'n Roll State BBQ Championship, Music Festival, basketball tournament and Car Show on September 5 and 6, 2014. John stated that the request is broken down into three sections as follows: First Section - closed from 7:00 a.m. on Friday, September 5th to noon on Sunday, September 7th. This is Main Street from Austin Street to Prospect Street, Austin Street from Main Street to Kidder Street, Market Street from Main Street to Bloomingdale Street and Kidder Street from Austin Street to one-half block east of Market Street. This closing would include the Ratingen Platz and city parking lot at the corner of Market and Kidder; Second Section - closed from 2:00 p.m. on Friday, September 5th to 5:00 p.m. on Saturday, September 6th. This is Main Street from Prospect Street to Center Street; Third Section - closed from 7:00 a.m. to 5:00 p.m. on Saturday, September 6th. This is two sections consisting of Main Street from Washington Street to High Street and Court Street to Church Street and Court Street half block south of Main Street. John reported the street closing request and a map of the requested street closings are both included in the packet. He noted that the noise permit and special daily malt beverage and wine license were approved earlier on the agenda. The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns. Discussion followed.

249-14

Alderman Holland moved approval of street closing request of Ribs, Rods & Rock'n Roll for portions of Austin, Court, Main, Market, Center and Kidder Streets on September 5 and 6, 2014 as included in the request. Alderman Clarene Meins seconded the motion. Discussion followed on the need to clean up after the event. Jenny French, representing the

organization, stated that they would have a power washer on site for clean up. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Request to close Kidder Street from Court Street west to the east side of the alley from 1:00 a.m. on Saturday, July 26, 2014 to 4:00 a.m. on Sunday, July 27, 2014 for Make-A-Wish event

John Prescott, City Manager, reported that a request was received from Chad Grunewaldt with the Old Lumber Company to close Kidder Street from Court Street west to the east side of the alley from 1:00 a.m. on Saturday, July 26, 2014 to 4:00 a.m. on Sunday, July 27, 2014 for a live band concert, parking of motorcycles and a beer garden. The permit to exceed noise levels was approved earlier on the agenda and the permit for consumption but not sale is later on the agenda. John noted that Kidder Street is no parking from 2:00 a.m. to 6:00 a.m. and suggested that the start of the request could be pushed back from 1:00 a.m. to 2:00 a.m. to coincide with the normal no parking restrictions.

Chad Grunewaldt stated that with the 1:00 a.m. request they can get started with setup if there are no cars in the area but could wait until 2:00 a.m.

250-14

Alderman Collier-Wise moved approval of the closing of Kidder Street from Court Street west to the east side of the alley from 2:00 a.m. on Saturday, July 26, 2014 to 4:00 a.m. on Sunday, July 27, 2014 for Make-A-Wish event. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Request to close Kidder Street from Court Street west to the east side of the alley from midnight on Friday, August 22, 2014 to 4:00 a.m. on Sunday, August 24, 2014 for fundraising event benefiting the US Veterans Motorcycle Club of South Dakota

John Prescott, City Manager, reported that a request was received from Chad Grunewaldt with the Old Lumber Company to close Kidder Street from Court Street west to the east side of the alley from midnight on Friday, August 22, 2014 to 4:00 a.m. on Sunday, August 24, 2014 for fundraising event benefiting the US Veterans Motorcycle Club of South Dakota. The permit to exceed noise levels was approved earlier on the agenda and the permit for consumption but not sale is later on the agenda. John noted that Kidder Street is no parking from 2:00 a.m. to 6:00 a.m. and suggested that the start of the request could be pushed back from midnight to 2:00 a.m. to coincide with the normal no parking. Discussion followed.

251-14

Alderman Collier-Wise moved approval of the request from Chad Grunewaldt with the Old Lumber Company to close Kidder Street from Court Street west to the east side of the alley from 2:00 a.m. on Saturday, August 23, 2014 to 4:00 a.m. on Sunday, August 24, 2014 for fundraising event benefiting the US Veterans Motorcycle Club of South Dakota. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Request to close Kidder Street from Court Street west to the east side of the alley from noon on Friday, October 10, 2014 to 4:00 a.m. on Sunday, October 12, 2014 for fundraising event benefiting the SD Veterans Motorcycle Club of South Dakota

John Prescott, City Manager, reported that a request was received from Chad Grunewaldt with the Old Lumber Company to close Kidder Street from Court Street west to the east side of the alley from noon on Friday, October 10, 2014 to 4:00 a.m. on Sunday, October 12, 2014 for fundraising event benefiting the US Veterans Motorcycle Club of South Dakota. The permit to exceed noise levels was approved earlier on the agenda and the permit for consumption but not sale is later on the agenda.

Tiffany Hrdlcka, 110 N Yale, stated that she likes the community with the events downtown like Ribs, Rods & Rock'n Roll, and Thursdays' on the Platz that generate activity for the downtown area. She stated that the event proposed at the Old Lumber Company is an example of thinking outside the box that will generate more activity in the community. Another individual stated that having the band in a fenced area will be a controlled environment.

Discussion followed on the event noting that the street closing for what may be the two busiest days in the downtown may cause confusion for drivers. It was also noted that the City restricts alcohol sales for sidewalk restaurant sales on Dakota Days weekend as well as other special events.

252-14

Alderman Holland moved to deny the Kidder Street closing request from Old Lumber Company for October 10-12, 2014. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

F. Permit for Consumption on portion of Kidder Street from 12:00 p.m. (Noon) on July 26th to 1:00 a.m. on July 27th for Old Lumber Company, LLC for a fundraising event benefiting Make-A-Wish.

Mike Carlson, Finance Officer, reported that Chad Grunewaldt plans to host an event for Make-A-Wish at the Old Lumber Company on July 26th and 27th. Mike stated that previously on the agenda the Council approved the permit to exceed allowable sound levels and the closing of a portion of Kidder Street for the event. Mike stated that State statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. Mike stated that the City Council can attach special conditions to the request with some of those conditions being as follows: a) Require a Release and Indemnification to hold the City harmless from claims; b) Certificate of insurance naming the City as an additional insured for the event; c) Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event; d) Require a plan for the cleanup and disposal of materials after the event; e) The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is from 2:00 a.m. on July 26th to 4:00 a.m. on July 27th and the permit to exceed permissible sound levels is from noon to midnight on July 26th. Mike stated that it should be noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company that they were restricted to the interior of the building on the location. If the permit is approved, the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Chad Grunewaldt, owner of Old Lumber Company, stated that the band will end at midnight but requested that consumption be allowed until 2:00 a.m. to allow the patrons to remain outside until normal closing time. Chad stated that the 1:00 a.m. end time was the same as the permit to exceed allowable sound levels. Chad noted that this will be in the fenced area and they will not be selling. Discussion followed.

253-14

Alderman Collier-Wise moved approval of suspension of the restriction of the requirement for consumption only on the interior of the structure for this event and authorizes the permit for consumption of alcohol on Kidder Street from Court Street west to the east side of the alley from noon on July 26th to 1:00 a.m. on July 27, 2014 for Old Lumber Company, Inc. if the owner complies with the conditions: a) That a Release and Indemnification to hold the City harmless from claims during the event be provided, b) Certificate of insurance naming the

City as an additional insured for the event, c) the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event and d) Require a plan for the cleanup and disposal of materials after the event. Alderman Willson seconded the motion. Discussion followed on the ending time noting 2:00 a.m. will comply with the normal closing time

254-14

Alderman Erickson moved to amend the motion to allow the permit for consumption but not sales until 2:00 a.m. on July 27th instead of the 1:00 a.m. Alderman Holland seconded the amendment. Discussion followed on the amendment. A roll call vote of the Governing Body was as follows: Collier-Wise-N, Erickson-Y, Holland-Y, Clarene Meins-N, Holly Meins-Y, Price-Y, Willson-N, Mayor Powell-N. Amendment tied 4 to 4. Mayor Powell declared the amendment failed. The vote on the original motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Permit for Consumption on portion of Kidder Street from 12:00 p.m. (Noon) to midnight on August 23 for Old Lumber Company, LLC for a fundraising event benefiting the US Veterans Motorcycle Club of South Dakota

Mike Carlson, Finance Officer, reported that Chad Grunewaldt plans to host an event with the US Veterans Motorcycle Club of SD at the Old Lumber Company on August 23rd. Mike stated that previously on the agenda the Council approved the permit to exceed allowable sound levels and the closing of a portion of Kidder Street for the event. Mike stated that State statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. Mike stated that the City Council can attached special conditions to the request with some of those conditions being as follows: a) Require a Release and Indemnification to hold the City harmless from claims; b) Certificate of insurance naming the City as an additional insured for the event; c) Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event; d) Require a plan for the cleanup and disposal of materials after the event; e) The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is

from 2:00 a.m. on August 23rd to 4:00 a.m. on August 24th and the permit to exceed permissible sound levels is from noon to midnight on August 23rd. Mike stated that it should be noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company that they were restricted to the interior of the building on the location. If the permit is approved, the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Chad Grunewaldt, owner of Old Lumber Company, stated that the band will end at midnight but requested that consumption be allowed until 2:00 a.m. to allow the patrons to remain outside until closing time. Chad stated that the midnight end was the same as the permit to exceed allowable sound levels. Chad noted that this will be in the fenced area and they will not be selling. Discussion followed.

255-14

Alderman Holland moved approval of suspension of the restriction of the requirement for consumption only on the interior of the structure for this event and authorizes the permit for consumption of alcohol on Kidder Street from Court Street west to the east side of the alley from noon on August 23 to 2:00 a.m. on August 24, 2014 for Old Lumber Company, Inc. if the owner complies with the conditions: a) That a Release and Indemnification to hold the City harmless from claims during the event be provided, b) Certificate of insurance naming the City as an additional insured for the event, c) the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event and d) Require a plan for the cleanup and disposal of materials after the event. Alderman Erickson seconded the motion. Discussion followed. Motion carried 6 to 2. Mayor Powell declared the motion adopted.

H. Permit for Consumption on portion of Kidder Street from 5:00 p.m. to midnight on October 10th and from 12:00 p.m. (Noon) to midnight on October 11th for Old Lumber Company, LLC for a fundraising event benefiting the US Veterans Motorcycle Club of South Dakota

Mike Carlson, Finance Officer, reported that Chad Grunewaldt plans to host an event with the US Veterans Motorcycle Club of SD at the Old Lumber Company on October 10 & 11, 2014. Mike stated that previously on the agenda the Council approved the permit to exceed allowable sound levels and denied closing of a portion of Kidder Street for the event. Mike stated that State statute 35-1-5.5 provides that the Governing Body of a municipality may permit the consumption, but not sale, of any

alcoholic beverage on property owned by the public. Mike stated that the City Council can attached special conditions to the request with some of those conditions being as follows: a) Require a Release and Indemnification to hold the City harmless from claims; b) Certificate of insurance naming the City as an additional insured for the event; c) Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are not allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event; d) Require a plan for the cleanup and disposal of materials after the event; e) The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing was denied and the permit to exceed permissible sound levels is from 5:00 p.m. to midnight on October 10 and noon to midnight on October 11, 2014. Mike stated that it should be noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company they were restricted to the interior of the building on the location. If the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Chad Grunewaldt, owner of Old Lumber Company, questioned the City Council on denying the street closing for the event noting that if they want to see the community grow they need to think outside the box for these special events. Chad asked the City Council to look at the big picture and do what is best for the community and the veterans who have done so much for the country. Chad stated that this is a way for the community to give back to the veterans.

Mayor Powell stated that denying the street closing had nothing to do with his support of local veterans groups and challenged the statements that the City Council did not support our veterans.

Discussion followed.

256-14

Alderman Holland moved to deny the permit for consumption on portion of Kidder Street from 5:00 p.m. to midnight on October 10th and from noon to midnight on October 11th for Old Lumber Company, LLC for a fundraising event benefiting the US Veterans Motorcycle Club of South Dakota. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

I. Resolution authorizing professional services for preparation of documents necessary for a General Obligation Bond for Prentis Park Improvements

John Prescott, City Manager, reported that over the last year several steps have been taking place with regard to replacing the Prentis Park pool and upgrading Prentis Park. John stated that a Master Plan was developed and adopted by the City Council. John reported that in May City staff presented ideas on funding Prentis Park improvements. John stated that, in addition to using \$2 million of reserves, a General Obligation bond was proposed. John reported that a General Obligation bond which nets \$3 million for improvements has been proposed. John noted that public presentations are being made to gather public feedback on the proposed funding plan with the next public meeting scheduled for July 22nd. John reported that a General Obligation bond requires 60% voter approval. He stated that, if the City Council wants to move the bond question forward to the voters as part of the November 2014 election, a resolution adopting the bond and the related documents need to be developed and approved by the City Council in August. John reported that the City Council would be asked to consider adopting the General Obligation bond documents at the August 4, 2014 meeting. John recommended adopting the Resolution to engage Dorsey & Whitney, LLP as bond counsel and disclosure counsel and Dougherty & Company, LLC as underwriting for the General Obligation bond documents for the Prentis Park improvement project.

257-14

Alderman Willson moved approval of the resolution authorizing the firm of Dorsey & Whitney, LLP as bond counsel and disclosure counsel and Dougherty & Company, LLC as underwriting for the General Obligation bond documents for the Prentis Park Improvements. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

J. Resolution authorizing the purchase of a turf sweeper for the Parks Department

Jose Dominguez, City Engineer, reported that the 2000 Goosen Versa Vac was scheduled for replacement in the 2014 equipment replacement fund. Jose noted that staff proposes to purchase from a National Intergovernmental Purchasing Alliance a 2014 Versa Vac turf sweeper. The local distributor, Midwest Turf & Irrigation of Omaha has agreed to honor the purchasing alliance price. Jose recommended adoption of the resolution to purchase the equipment for \$23,998.00. Jose noted that the old vac has been declared surplus without any bid but now there is an offer of \$3,500. Discussion followed.

258-14

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

RESOLUTION
AUTHORIZING THE PURCHASE OF
A TURF SWEEPER

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the National Intergovernmental Purchasing Alliance (National IPA), in conjunction with the City of Tucson, Arizona, for a turf sweeper from Toro Company's participating distributor, Midwest Turf & Irrigation, for the total amount of \$23,998.00 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Midwest Turf & Irrigation and they have agreed to allow the City to purchase a turf sweeper for the contract price and terms as awarded by the National IPA/City of Tucson, Arizona.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the City Finance Officer is hereby authorized to purchase a new 2014 Versa Vac turf sweeper from Midwest Turf & Irrigation of Omaha, Nebraska at the above stated price and under the same terms as the City of Tucson, Arizona.

Dated at Vermillion, South Dakota this 21st day of July, 2014.

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 Clarene Meins. 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.

K. Certification and Approval of the Vermillion Area Urban Boundary Map

Jose Dominguez, City Engineer, reported that the DOT, in conjunction with the Federal Highway Administration (FHWA), requires each city to review their urban boundary maps. The urban boundary map is a document that they will use to delineate areas that may affect funding for City transportation projects. Jose stated that the previous boundary map was adopted by the Council in 2002. Jose stated that the map will allow the City to possibly change the amount of City streets that may be funded by Federal funds. Jose stated that the first step is to approve this map. Jose stated that, following adoption by the City, the map will then be reviewed and, hopefully, adopted by the County. Jose noted that after the City and County approve the map it will have to be approved by FHWA. Jose noted that the City will then work with the DOT to modify the functional classification of streets, which will then affect the amount of money that the City receives and which streets qualify for the funding. Jose answered questions of the City Council on the map. Jose recommended approval of the map.

259-14

Alderman Willson moved approval of the Vermillion Area Urban Boundary Map as presented and authorized the Mayor to execute on behalf of the City. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

L. Vermillion Planning Commission appointment

Mayor Powell reported that five individuals have completed the expression of interest forms that were included in the Council packet. Mayor Powell recommended the appointment of Valarie Hower to fill the Planning Commission position vacated by Rich Holland that expires in 2017.

260-14

Alderman Willson moved approval of the appointment of Valarie Hower to fill the Planning Commission position vacated by Rich Holland that expires in 2017. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

M. Professional Service Agreement with Burbach Aquatics for pool replacement

John Prescott, City Manager, provided background on the Prentis Park pool replacement that is part of the master plan for Prentis Park. John stated that staff invited input from multiple aquatic design companies and felt most comfortable with Burbach Aquatics, Inc. as to

pool design, probable construction costs and detailed information on yearly operation costs. John stated that the detailed contract is included in the packet with the cost being \$2,500. John recommended approval of the professional services contract with Burbach Aquatics, Inc for the pool design and other pertinent pool information. Discussion followed on the proposal.

261-14

Alderman Willson moved approval of the professional services contract with Burbach Aquatics, Inc in the amount of \$2,500 for pool design and other pertinent pool information. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

N. Request for temporary parking stall closure at 10 East Main Street for Coyote Twin Theatre from 7:00 a.m. to 5:00 p.m. on Thursday, July 31, 2014

Andy Colvin, Assistant to the City Manager, reported that a request was received to close four parking stalls in front of Coyote Twin Theatre at 10 & 12 E. Main Street on Thursday, July 31, 2014 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.

262-14

Alderman Clarene Meins 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 31, 2014. Alderman Holland seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

A. Miscellaneous Concrete Projects

Jose Dominguez, City Engineer, reported that bids were opened on July 16, 2014 for miscellaneous concrete projects for this year. Jose stated that information was sent to five contractors with two bids received. Jose stated the low bid was from Walker Construction for \$55,137.43.

Bids: Walker Construction \$55,137.43, Masonry Components \$67,831.50

263-14

Alderman Willson moved approval of the low bid of Walker Construction of \$55,137.43 for the miscellaneous concrete projects for the City.

Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reminded citizens that Market Street will be closed from Main Street south a half a block on Thursday, July 24th from 5:00 p.m. to 8:00 p.m. for the Thursdays on the Platz event.

B. John invited citizens to the public informational meeting on the proposed plan to fund the Prentis Park improvements on Tuesday, July 22nd at 7:00 p.m. in the Kozak meeting room of the Library.

C. John reported on the approval of the following two raffle notifications:

Clay County Flyers will be selling tickets at \$5.00 each or 5 for \$20.00. The prize is a pair of Zeiss binoculars valued at \$450. The tickets will be sold from July 20 to August 9, 2014. Proceeds from the raffle go to the Clay County Flyers 4-H Club for club needs.

IOOF will be selling tickets at \$2.00 each or 3 for \$5.00. Two tvs are available as raffle prizes. One is valued at \$179.99 while the other is valued at \$129.99. The tickets will be sold from July 12 to August 9, 2014. Proceeds from the raffle go to the IOOF to be used as funding for their charitable contributions in the community and state.

D. John reported that budget meetings will likely be the week of August 11-15 and requested Council members to notify him of their availability for evening meetings on those days.

PAYROLL ADDITIONS AND CHANGES

Planning Commission: Laura Jones \$15.00/meeting; Recreation: Colin Olson \$7.75/hr; Golf Clubhouse: Tim Ellison \$7.25/hr; Golf Maintenance: Oliver Thomas \$7.25/hr; Curbside Recycling: Ca;;e Sorensen \$15.10/hr

11. Invoices Payable

264-14

Alderman Willson moved approval of the following invoices:

ACE REFRIGERATION CO	ICE MACHINE	2,090.25
BROADCASTER PRESS	ADVERTISING	1,404.38
BRUNICKS SERVICE INC	FUEL	9,391.20
BUREAU OF ADMINISTRATION	TELEPHONE	209.57
BUTLER MACHINERY CO.	WHEEL LOADER	92,395.00

CAMPBELL SUPPLY	SUPPLIES	39.95
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,516.77
CITY OF VERMILLION	LANDFILL VOUCHERS	672.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	683.69
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,248.87
GCSAA	MEMBERSHIP DUES	365.00
GREGG PETERS	MANAGERS PROFIT	24,904.39
INDEPENDENCE WASTE	WASTE HAULING	18.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MASABA INC	PARTS	1,219.31
MATHESON TRI-GAS, INC	SUPPLIES	276.19
MIDAMERICAN	GAS USAGE	3,485.66
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
PEDERSEN MACHINE INC	PARTS	77.35
PRECISION MECHANICAL	COURTHOUSE HVAC FINAL	13,683.56
REPUBLIC NATIONAL DIST.	MERCHANDISE	7,473.52
RESERVE ACCOUNT	POSTAGE FOR METER	850.00
RICHARD HUSBY	REFUND SERV FEES/DEPOSIT	40.60
SANFORD HEALTH PLAN	PARTICIPATION FEES	66.00
SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	234.00
STERN OIL CO.	FUEL	15,363.66
SUE FRENCH	MICKELSON STREET CONS	15,970.61
TREASURER-STATE	UNCLAIMED PROPERTY	795.16
UNITED PARCEL SERVICE	SHIPPING	24.54
US POSTMASTER	POSTAGE FOR UTIL BILLS	800.00
VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	228.54
VERMILLION CHAMBER OF COMMERCE	BLISS POINTE GRANT	448,103.52
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	335.97
WESCO DISTRIBUTION, INC	SUPPLIES	1,776.00
WOW! BUSINESS	DIAL UP SERVICE	49.95
BLAINE'S BODY SHOP	BRIGHT ENERGY REBATE	940.00

Alderman Clarene 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 4, 2014 for a special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 8 and 9, 2014 at the Clay County Fairgrounds

B. Set a public hearing date of August 4, 2014 for a special daily malt beverage and wine license for the University of South Dakota Foundation on or about October 10, 2014 at the USD Muenster Center

C. Set a bid opening date of August 13, 2014 for the Solid Waste Department's annual supply of propane

265-14

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

13. Adjourn

266-14

Alderman Willson moved to adjourn the Council Meeting at 9:15 p.m. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of July, 2014.

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 _____.

Proclamation National Night Out 2014

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 5, 2014 entitled “National Night Out”; and

WHEREAS, the “31st Annual National Night Out” provides a unique opportunity for Vermillion to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, Vermillion plays a vital role in assisting the Vermillion Police Department through joint crime, drug and violence prevention efforts in Vermillion and is supporting “National Night Out 2014” locally; and

WHEREAS, it is essential that all citizens of Vermillion be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Vermillion; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program.

NOW, THEREFORE, BE IT RESOLVED, we the Governing Body of the City of Vermillion, South Dakota, do hereby call upon all citizens of Vermillion to join the Vermillion Police Department, the National Association of Town Watch in supporting “31st Annual National Night Out” on August 5, 2014.

FURTHER, BE IT RESOLVED, we the Governing Body of the City of Vermillion, South Dakota, do hereby proclaim Tuesday, August 5, 2014 as “National Night Out” in Vermillion.

Dated in Vermillion, South Dakota this 4th day of August, 2014.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 4, 2014

Subject: Special Daily Malt Beverage and Wine License for the Clay County Agricultural Fair Association, Inc. on or about August 8 and 9, 2014 at the Clay County Fair Grounds

Presenter: Mike Carlson

Background: The Clay County Agricultural Fair Association, Inc. has submitted an application for a special daily malt beverage and wine license for the Clay County Fair on August 8 and 9, 2014. There will be a beer garden in the arena for the Demolition Derby on Friday, August 8 and the Ranch Rodeo on Saturday, August 9.

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

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

State Statute for the special daily licenses is as follows:

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

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;

6. Public Hearing; item a

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

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

Discussion: The notice of public hearing and the report from the Police Chief are attached.

Financial Consideration: The City has received the \$15 per day licensing fee 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 8 and 9, 2014 unless additional information is provided at the public hearing.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4th day of August, 2014 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:

Clay County Agricultural Fair Association, Inc on or about August 8 & 9, 2014 at the 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 18th day of July, 2014.

Michael D. Carlson, Finance Officer

Publish: July 25, 2014

Published once at the approximate cost of _____.

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



To: Vermillion City Council

Date: 07/29/2014

From: Matthew Betzen
Chief of Police

A handwritten signature in blue ink, appearing to read "M. Betzen", is written over the printed name and title.

Subject: Clay County Agricultural Fair Assoc., Clay County Fair Alcohol License

I have reviewed the application for the "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by the Clay County Agricultural Fair Association, Inc. for service at the Clay County Fair on August 8th and 9th of this year.

A check of department records does not reveal any felonies for the applicants. Additionally, this is an annual event and there are no records regarding behavior in the past that would cause me hesitation in supporting this application.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 4, 2014

Subject: Special Daily Malt Beverage and Wine License for the USD Foundation on or about October 10 at the USD Muenster University Center

Presenter: Mike Carlson

Background: The USD Foundation has submitted an application for a special daily malt beverage and wine license for their Onward: The Campaign for South Dakota, public launch event on October 10, 2014 at the USD Muenster University Center. The registration fee for the 6:00 pm event is \$50 per person which covers food and beverage. As such the Department of Revenue considers this to be a sale of alcoholic beverages and a special license is required.

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

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

State Statute for the special daily licenses is as follows:

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

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or

any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;

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

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

Michelle Green, USD Foundation Director of Marketing & Strategic Communications, indicated she would be present to answer questions on the event.

Discussion: The notice of public hearing is attached and the report from the Police Chief is also attached.

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

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage and wine license for October 10, 2014 unless additional information is provided at the public hearing.

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



To: Vermillion City Council

Date: 07/29/2014

From: Matthew Betzen
Chief of Police

A handwritten signature in blue ink, appearing to be "M. Betzen", written over a circular blue stamp or mark.

Subject: University of South Dakota Foundation Fundraiser Event

I have reviewed the application for the "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by the University of South Dakota Foundation for a fundraiser event to occur on October 10, 2014, in the Muenster University Center.

A check of department records does not reveal any felonies for the applicants. This event has not occurred for several years, so there are no records regarding any issues with previous events.

I have consulted with Director Pete Jensen of the University Police and his department will be coordinating with Foundation members to insure adequate security and alcohol control measures will be in place.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4th day of August, 2014 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:

University of South Dakota Foundation on or about October 10, 2014 at the Muenster University Center first floor.

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 18th day of July, 2014.

Michael D. Carlson, Finance Officer

Publish: July 25, 2014

Published once at the approximate cost of _____.

University of South Dakota Foundation

To: Vermillion City Council
From: University of South Dakota Foundation
CC: Mike Carlson
Date: 7/15/2014
Re: *Onward: The Campaign for South Dakota*, Public Launch Event

Comments: The event will serve as the public launch of *Onward: The Campaign for South Dakota*, which USD Foundation staff will host from 6-10 p.m. (times approximate) at the Muenster University Center on Friday, October 10, 2014. A \$50 per person registration fee will be charged.

Event Objectives

This public phase of the capital campaign markets the University's philanthropic agenda to constituents. It builds the donor base and creates a sense of connection among USD's various entities. The launch, which illustrates momentum, enthusiasm and confidence, will showcase the University community's willingness to assist in educating the next generation of state and world leaders.

\$ Registration will help offset beverage, food, and venue costs

Council Agenda Memo

From: Jason Anderson, Asst. City Engineer

Meeting: August 4, 2014

Subject: Resolution Adopting Resolution of Necessity for Installation of Street Lighting along North Norbeck Street from Roosevelt Street to East Cherry Street

Presenter: Jason Anderson

Background: North Norbeck Street has been designated as a collector street since the Comprehensive Plan was adopted by the City in 2000. A collector street, as per the Comprehensive Plan, is a street that carries traffic between the local street networks to the arterial streets. Collector streets tend to be two lanes of through traffic with turn lanes at major intersections. Currently there are several single family houses fronting this street; however, multiple apartment buildings will be constructed along the street to the south of this stretch. These apartments will increase the amount of traffic (vehicular, pedestrian and bicycle) along the street.

The street lighting along North Norbeck Street south of Roosevelt Street to E. Clark Street will be installed either as a part of the current street assessment, or as a collective project by the affected property owners.

At the July 7, 2014 meeting, the City Council passed a Resolution of Necessity and Notice of Hearing setting the public hearing for August 4, 2014 at the regularly scheduled City Council meeting.

Discussion: The property owners were notified by mail and the notice of hearing has been published once in the Plain Talk.

Following the completion of the project by the City-hired contractor, the City Council will adopt a resolution approving the special assessment roll with any added adjustment in the amounts.

Financial Consideration: The City has not budgeted for this improvement. The budget will need to be revised during budget sessions.

The estimated cost for the project is \$9,622.80. This figure includes the eight percent (8%) administrative fee. The assessment would be placed on the tax rolls and the property owner will be given ten (10) years at ten percent (10%) interest to pay for their portion of the project. Each property owner will also have the option to pay the entire assessment before it is placed on the tax rolls, without any interest being accrued.

Conclusion/Recommendations: Administration recommends adoption of the resolution of necessity for installation of street lighting along North Norbeck Street from Roosevelt Street to East Cherry Street.

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR INSTALLATION OF STREET LIGHTING ALONG NORTH NORBECK STREET FROM ROOSEVELT STREET TO EAST CHERRY STREET

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 4th day of August, 2014, that the necessity has arisen for the construction of street lighting along the parcels of land hereinafter named, viz:

AFFECTED ADDRESS	AFFECTED LEGAL DESCRIPTION	AFFECTED PARCEL NUMBER
1325 E. CHERRY	E 173.2' OF LOT 17, BLK 1, EXC S 90' & EXC LOT H1, OUELLETES ADDN.	15540-00100-170-02
612 N. NORBECK	S 90' OF E 173.2' OF LOT 17, BLK 1, OUELLETES ADDN.	15540-00100-170-03
1326 LINCOLN	LOT 16, BLK 1, OUELLETES ADDN.	15540-00100-160-00
516 N. NORBECK	LOT 3, BLK 2, OUELLETES ADDN.	15540-00200-030-00
1324 ROOSEVELT	LOT 4, BLK 2, OUELLETES ADDN.	15540-00200-040-00
1407 E. CHERRY	LOT 12, BLK 1, MEISENHOLDER EAST ADDN.	15450-00100-120-00
603 N. NORBECK	LOT 13, BLK 1, MEISENHOLDER EAST ADDN.	15450-00100-130-00
515 N. NORBECK	LOT 1, BLK 1, WASHINGTON SQUARE ADDN.	15830-00100-010-00
503 N. NORBECK	LOT 2, BLK 1, WASHINGTON SQUARE ADDN.	15830-00100-020-00

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 7th day of July 2014 is approved and that the Engineer shall proceed with the work in the manner provided by law.

Dated at Vermillion, South Dakota this 4th day of August, 2014.

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: Andy Colvin, Assistant City Manager

Meeting: August 4, 2014

Subject: Second Reading of Ordinance 1317 – Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Block 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Block 1 Urup's Addition

Presenter: Andy Colvin

Background: In the summer of 2013 Harlowe Hatle, the owner of 225 Sycamore Avenue came to the City with a request to convert the existing laundry attached to the apartment building at 225 Sycamore Avenue into an additional rental unit. After reviewing the request it was noted that the existing structure was located in the R-1 zoning district, which does not permit multiple-family rental units as an allowed use. The 4-plexes and other multi-family structures in this area are currently non-conforming (grandfathered); therefore, no significant improvements can be made except those that will bring the property into compliance. It was initially suggested that the comprehensive rezoning of the City in 2008 changed the zoning district, boundaries and regulations for the Sycamore Street apartments. However, this is not the case.

The apartment buildings were constructed in the early sixties (pre-1965). The first official zoning ordinance the City adopted wasn't until 1966. As early as 1974, the properties were zoned R-1 single family, which prohibited multi-family dwellings. The 1982 City Zoning Map also reflected R-1 zoning for the Sycamore Avenue apartments, which also made them non-conforming. In other words, the properties have been zoned single-family residential and thus non-conforming since at least 1974, and from that time until now no additional units could be added. It also means that if any of the existing structures should be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not be allowed to continue. The Hatle family purchased the Sycamore Avenue apartments as early as 1993.

After being denied a permit to convert the existing laundry, the owners started collecting signatures to petition the City Council for a zone change to R-2, which permits multi-family dwellings up to 4 units (4-plex). When requesting a change of zoning, ordinance requires applicants to file the written consent of the owners of 45% of the aggregate area

having the right of protest against the change. The applicants have filed property owner consent forms in excess of the minimum required. The City Council approved first reading of the Ordinance to rezone at the July 21, 2014 meeting.

Discussion: Due to the size and nature of the proposed area, and the area's proximity to existing R-2 districts, spot zoning is not an issue. Spot zoning is where a zoning change request singles out and reclassifies a relatively small tract of land owned by a single person and surrounded by a much larger area uniformly zoned in another, less-compatible category. If approved, the zone change would have little impact on the existing structures or the neighborhood without significant changes to the buildings and/or lots. The proposed R-2 zoning district limits multiple-family units to no more than one building per lot and 4 units per building. Ordinance also requires one parking space per bedroom.

Many of the existing buildings will remain non-conforming due to the arrangement of buildings on the lots and the lack of off street parking, but if destroyed or significantly damaged would be allowed to be rebuilt. The zone change would not allow the laundry to be converted to an additional dwelling unit due to the limit of one structure and 4 units per lot. Even though the laundry can't be converted and not all buildings are totally conforming under the proposed district regulations, it does allow current and future owners to rebuild should structures be damaged or destroyed. This is a very important consideration when applying for insurance, financing or property transfers. Many of the buildings do have the ability to become conforming structures if lot lines were re-platted to separate buildings on individual lots and parking increased.

Current Arrangement of Sycamore Avenue Apartments

West side of Sycamore

Address	Owner	Units	# of Buildings	Legal	Width/Area
15 Sycamore	Wayne Knutson	4 Units	1 Single Story building	Lot 4 & S 29' of 3 Blk 1 Russos	75/150 14,850 sq ft
25 Sycamore	Hatle Investments	4 Units	1 Single Story building	Lot 8 Blk 1 Russos	75 wide 11,250 sq ft
35 Sycamore	Hatle Investments	4 Units	1 Single Story building	Lot 9 & N 40 of Lot 10 Blk1 Russos	115 wide 17,250 sq ft
115 Sycamore	Hatle Investments	4 Units	1 Single Story building	S 35' of Lot 10 Blk 1 Russo & N 44' of Lot 1 Blk 1 Urups	79 wide 11,850 sq ft
125 Sycamore	Ralph & Marian Ferry	4 Units	1 Single Story building	S 26' of Lot 1 & all of Lot 2 & N 11 of lot 3 Blk 1 Urups	107 wide 16,050 sq ft
155 Sycamore	Ralph & Marian Ferry	4 Units	1 Single Story building	S 59' of Lot 3 Blk 1 Urups	59 wide 8,850 sq ft

7. Old Business; item a

225 Sycamore	Hatle Investments	8 Units	2 two Story buildings	Lot 4,5 &6 Blk 1 Urups	210 wide 31,500 sq ft
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East Side of Sycamore

Address	Owner	Units	# of Buildings	Legal	Width/Area
120 Sycamore	Ralph & Marian Ferry	24 Units	3 single story buildings	Lots 9,10 & N 20' of Lot 12 Urups	260 wide 39,000 sq ft
220 Sycamore	Douglas Ferry Etal	12 Units	2 two Story buildings	S 60' of 12 & all of Lots 13 & 14 Blk 1 Urups	200 Wide 30,000 sq ft



Financial Consideration: Publication costs for the required hearings. The applicant paid the \$150 fee for a zone change.

Conclusion/Recommendations: Because the petitioners obtained the required number of signatures it appears that there is neighborhood support for the proposed change. Additionally, it does not appear that the current uses will change except to come into compliance with the R-2 District, making future impacts to the neighborhood consistent with what exists presently. It should be noted that the 8, 12 and 24-plex will still be nonconforming since the R-2 districts limits density to no more than 4 dwelling units. The Planning Commission recommended approval of the zone change request.

As this is the second reading, a roll call vote is required.

ORDINANCE NO. 1317

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTION 155.026, OFFICIAL ZONING MAP FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY REZONING CERTAIN REAL PROPERTY FROM THE R-1 RESIDENTIAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT.

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Section 155.026 is hereby amended as follows:

That the following parcel is hereby rezoned from the R-1 Residential District to the R-2 Residential District and the official zoning map referred to in Section 155.026 of the 2008 Revised Ordinances of the City of Vermillion is amended to include such land in the R-2 Residential District:

The S 49' of Lot 3 and all of Lots 4,8,9 & 10 Block 1 Russo 1st Addition and Lots 1,2,3,4,5,6,9,10,11,12,13 & 14 Block 1 Urup's Addition.

Dated at Vermillion, South Dakota this 4th day of August 2014.

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 21, 2014
Second Reading: August 4, 2014
Publication: August 15, 2014
Effective Date: September 5, 2014

July 9, 2014

Planning Committee

City Council Members

Re: Sycamore Street Rezoning

I am writing to express my opposition to the rezoning of apartments on Sycamore Street. The neighborhood currently has enough congestion with the hospital and park as well as rental units.

The hospital has parking lots but still there are many employees and visitors who park on streets around the hospital. I would assume this will only get worse as they remodel/re-build. (Not to mention the many vehicles that congregate in the area when a helicopter is present!)

Prentis Park currently has parking along streets adjacent to this area. There are a few events that really increase the parking requirements in that area. I am not sure what the end result of the changes to the swimming pool will mean for parking in that area in the future also.

I really have nothing against the current apartments. They are fine as they are. However – I do not want a two or three story building being built instead of what is currently there. More units would increase the parking, noise, etc.

Furthermore, I wonder if the letters that came out last year about this confused some people in the neighborhood. I know that I had one neighbor ask about it as the letters were on City letterhead. I believe this made them think that the City wanted the rezoning. (Basically, I'm not sure that all who signed the petition fully understood that there could be larger apartments built in the place of the existing ones. I felt this was down-played in letters from the owners.)

We have had an issue recently with renters from down the block walking home from the bar and literally walking over our car. A neighbor had an item stolen from their yard that resulted from a party in the area. *When you are transient to a neighborhood you have less invested in being a good neighbor.*

Sincerely,



Valarie Hower

12 S. Walker Street

PRICE'S 1 2 3
4 ADDN.
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NELSON'S ADDITION
KAHLS ADDITION
5.78± Ac.

HOSPITAL
1
2
3
4
R-2
9.23± Acres

RUSSO'S 1 2 3
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SYCAMORE AVE.
Zone Change Area

PARKVIEW 1 2 3 4 5 6 7 8 9 10
ACRES 1
ADDN.
SUNSET DR.
1 2 3 4 5 6 7 8 9 10
PARKVIEW 1 2 3 4 5 6 7 8 9 10
ACRES 1
ADDN.
CATALINA AVE.
1 2 3 4 5 6 7 8 9 10
PARKVIEW 1 2 3 4 5 6 7 8 9 10
ACRES 1
ADDN.
EAST 1 2 3 4 5
ASH ST.
1 2 3 4 5 6 7 8 9 10
LOT X

HIGH SCHOOL
ADDITION

10 3 3
9 8 7
6 5 4

PARK

SAM 4 5
BURTON'S 4 5
1 ADDN 1 2

5 6 7 8
4 3 2 1
7.1

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 4, 2014

Subject: Request for Temporary Street Closing – USD Coyote Tailgate Nation

Presenter: James Bandy, Sr. Associate Director of Athletics and Internal Operations

Background: For the last couple of years, USD has requested the closure of a portion of Rose Street during USD football games. To facilitate Coyote Tailgate Nation, USD would like to temporarily close a portion of Rose Street on six separate Saturdays: September 6, September 20, October 11, October 25, November 8, and November 15 for tailgating associated with Coyote football games. The closings are requested from 8:00 a.m. to 4:00 p.m. on September 6, September 20 and October 25; from 9:00 a.m. to 5:00 p.m. on October 11; from 10:00 a.m. to 6:00 p.m. on November 8; and from 7:00 a.m. to 3:00 p.m. on November 15.

Discussion: This request has been made for the last four years to accommodate the previous location for tailgating. Staff is not aware of any problems from the last four years of street closings. In past years, the time of the closing has varied based on the start time for the football games

With the construction of the arena, tailgating will be shifting to the lots east of the Dakota Dome. The west side of Rose Street will be part of the construction area which limits the space for pedestrians to travel as they enter and exit the Dome. With tailgating moving to the lots east of the Dome, the parking lot between N. Dakota Street and Rose Street will be heavily used during Coyote football games. Closing Rose Street will provide a larger, safer area for large groups of fans to access the arena.

With the construction of the arena parking for visitor team buses is limited. A second part of the USD request is to reserve up to three parking stalls for buses on N. Dakota Street. The area requested for the bus parking is on the street immediately south of the NW service entrance to the Dome.

With both requests, USD will provide, set up and remove the barricades as they have done in past years. They will also handle signage indicating the areas that are closed.

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

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the temporary closing of Rose Street on September 6, September 20, October 11, October 25, November 8, and November 15. Administration also recommends the designating of three bus parking stalls on N. Dakota Street on the same days.

Request to Close Public Street

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

**REQUEST TO CLOSE STREET
CITY OF VERMILLION**

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

Organization Requesting: University of South Dakota
Contact Person: James Bandy Phone: 605.677.3111
Contact Person Address: 1110 North Dakota Street, Vermillion, SD 57069
Event: Coyote Tailgate Nation
Dates of Event: Saturday, September 6, 2014
Saturday, September 20, 2014
Saturday, October 11, 2014
Saturday, October 25, 2014
Saturday, November 8, 2014
Saturday, November 15, 2014

Street(s) requesting to be closed (Include map if needed): See map attached.

Street(s): Rose Street from Coyote Village to DakotaDome parking lot.

Street(s) Closing Times: September 6 and 20 and October 25 8 a.m. - 4 p.m.
October 11 9 a.m. - 5 p.m.
November 8 10 a.m. - 6 p.m.
November 15 7 a.m. - 3 p.m.

If the street closing requested would affect other residents or businesses, have they been notified of the request?
Yes.

Have arrangements been made for clean up after the event and other facilities? Please describe. *The University will provide personnel to clean up the area in conjunction with the department of athletics and student services. Trash cans will be set up throughout the tailgating area and will be picked up after each game by athletics department staff.*

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

Signature of applicant James Bandy

Date July 30, 2014

This year, the DOA has designated the DakotaDome service entrance as the new visiting team drop-off and pick-up point. To make the drop-off and pick-up process more efficient for visiting teams, the DOA requests permission to block off a portion of the east side N. Dakota Street just south of the DakotaDome service entrance for visiting team bus parking (maximum of three buses).

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "James Bandy". The signature is written in a cursive style with a large, prominent initial "J".

James Bandy

Sr. Associate Athletics Director for Internal Operations

[O] 605.677.3111

[C] 317.508.0645

[E] James.Bandy@usd.edu



July 30, 2014

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

Dear John:

The University of South Dakota (USD) Department of Athletics (DOA) requests permission to (1) close Rose Street from Coyote Village to the DakotaDome parking lot on 2014 home football game days (see schedule below), and (2) block off a portion of the east side of N. Dakota Street just south of the service entrance to the DakotaDome (see attached map) for visiting team bus parking (maximum of three buses).

Closure of Rose Street on the following 2014 home football game days

Saturday, September 6, 2014	USD vs. William Penn	8 a.m. – 4 p.m.
Saturday, September 20, 2014	USD vs. Northern Arizona	8 a.m. – 4 p.m.
Saturday, October 11, 2014	USD vs. Northern Iowa	9 a.m. – 5 p.m.
Saturday, October 25, 2014	USD vs. North Dakota State	8 a.m. – 4 p.m.
Saturday, November 8, 2014	USD vs. Western Illinois	10 a.m. – 6 p.m.
Saturday, November 15, 2014	USD vs. Illinois State	7 a.m. – 3 p.m.

The times above reflect the DOA's need to close Rose Street six (6) hours prior to kick-off and two (2) hours after kick-off. Alcohol will be permitted (but not sold) in the Coyote Tailgate Nation (TGN) area in DakotaDome parking lot 20 A, B, C and D. Entrance to TGN will be from N. Dakota Street and Taylor Drive. (see attached map).

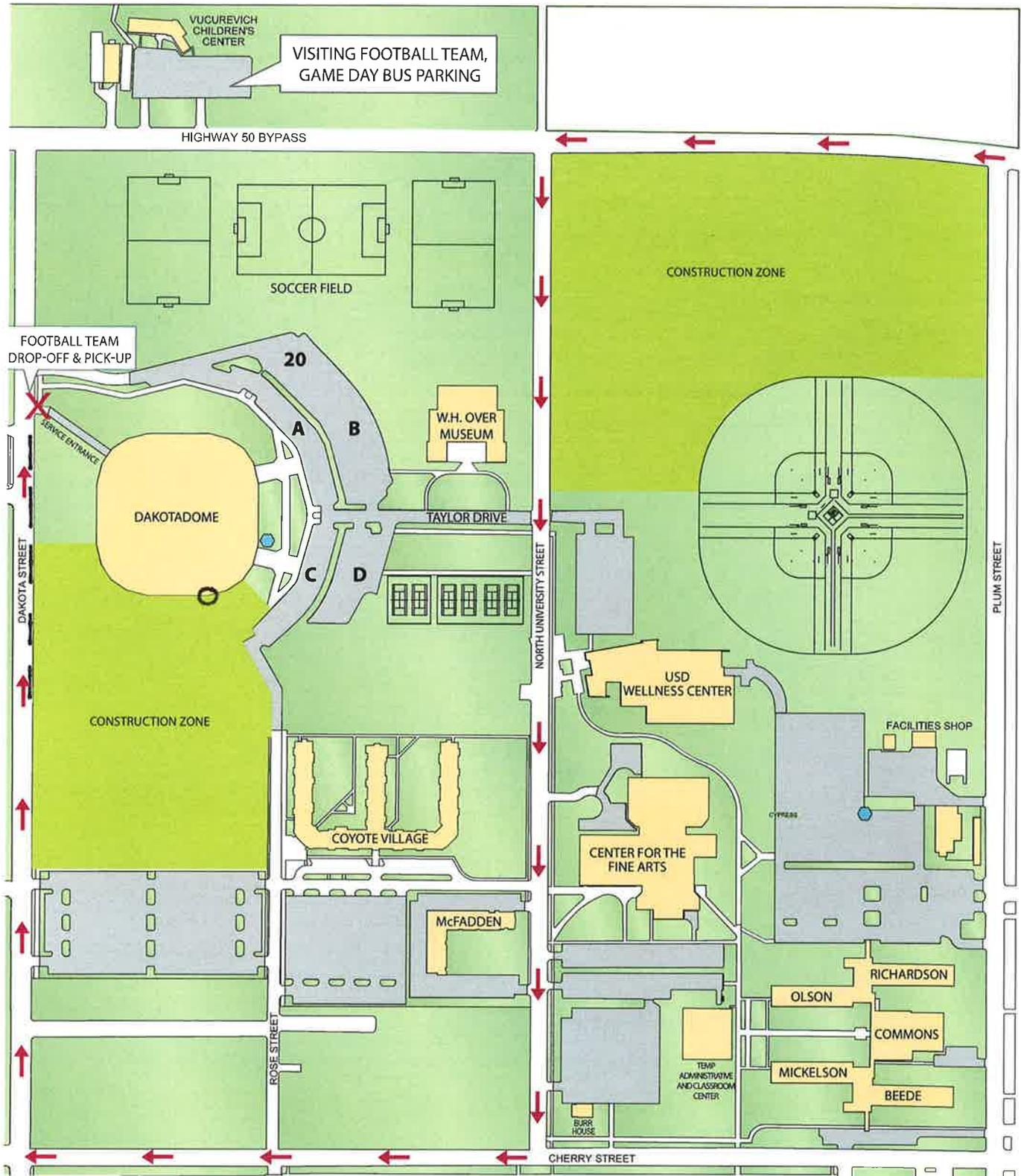
USD campus security personnel and staff members from the DOA and the Office of Student Services (OSS) will monitor TGN. Closing Rose Street as previously described will allow the DOA to better control the area(s) leading to the DakotaDome on game days.

Blocking off a portion of the east side of N. Dakota Street

Construction of USD's new athletics facilities to the south and northeast of the DakotaDome will require the establishment of two (2) construction zones, both of which will be enclosed by an 8-foot fence. One zone will be located south of the DakotaDome; the other zone will be located northeast of the DakotaDome (see attached map). Both construction zones will be closed to public access throughout the construction process.

One result of the "south" construction zone will be the elimination of the visiting team entrance at the southeastern of the DakotaDome (see attached map). In previous years, visiting teams dropped off and picked up players at this entrance, and drivers parked buses in the Vucurevich Children's Center parking lot.





Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 4, 2014

Subject: Street Closure Request –Pine Street from E. Cedar Street to E. National Street on August 21, 2014 from 11:00 a.m. to midnight for Alpha Phi Bid Day

Presenter: John Prescott

Background: The Alpha Phi sorority is planning a bid day with the attendance of 125 women at their house on Thursday, August 21, 2014 from 11:00 am until midnight. They have requested the closing of Pine Street to accommodate the event. This event is being sponsored by Alpha Phi sorority.

Discussion: The group requests to have Pine Street from E. Cedar Street to E. National Street closed from 11:00 a.m. to midnight on August 21. The street closure request application indicates that neighboring properties have been notified. Volunteers from the Alpha Phi sorority will clean up the area after the event.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council approve the closure of Pine Street from E. Cedar Street to E. National Street on Thursday, August 21 from 11:00 a.m. to midnight for Alpha Phi Bid Day.

Request to Close Public Street

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

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

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

Organization Requesting Alpha Phi Psi Chapter

Contact Person Sara Mangan Phone 605-290-4630

Contact Person Address 707 E. Cedar Street

Event Alpha Phi Bid Day Date(s) of Event Aug. 21st, 2014

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

Street N. Pine from E. Cedar to E. National

Street Closing Times 11:00AM to Midnight

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

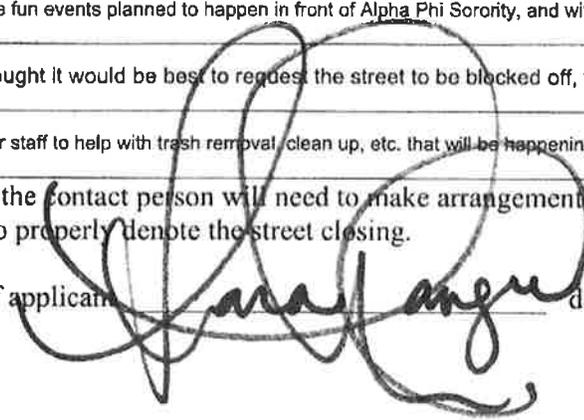
Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes, we do have fun events planned to happen in front of Alpha Phi Sorority, and with the attendance reaching 125

women we thought it would be best to request the street to be blocked off, with that being said we do

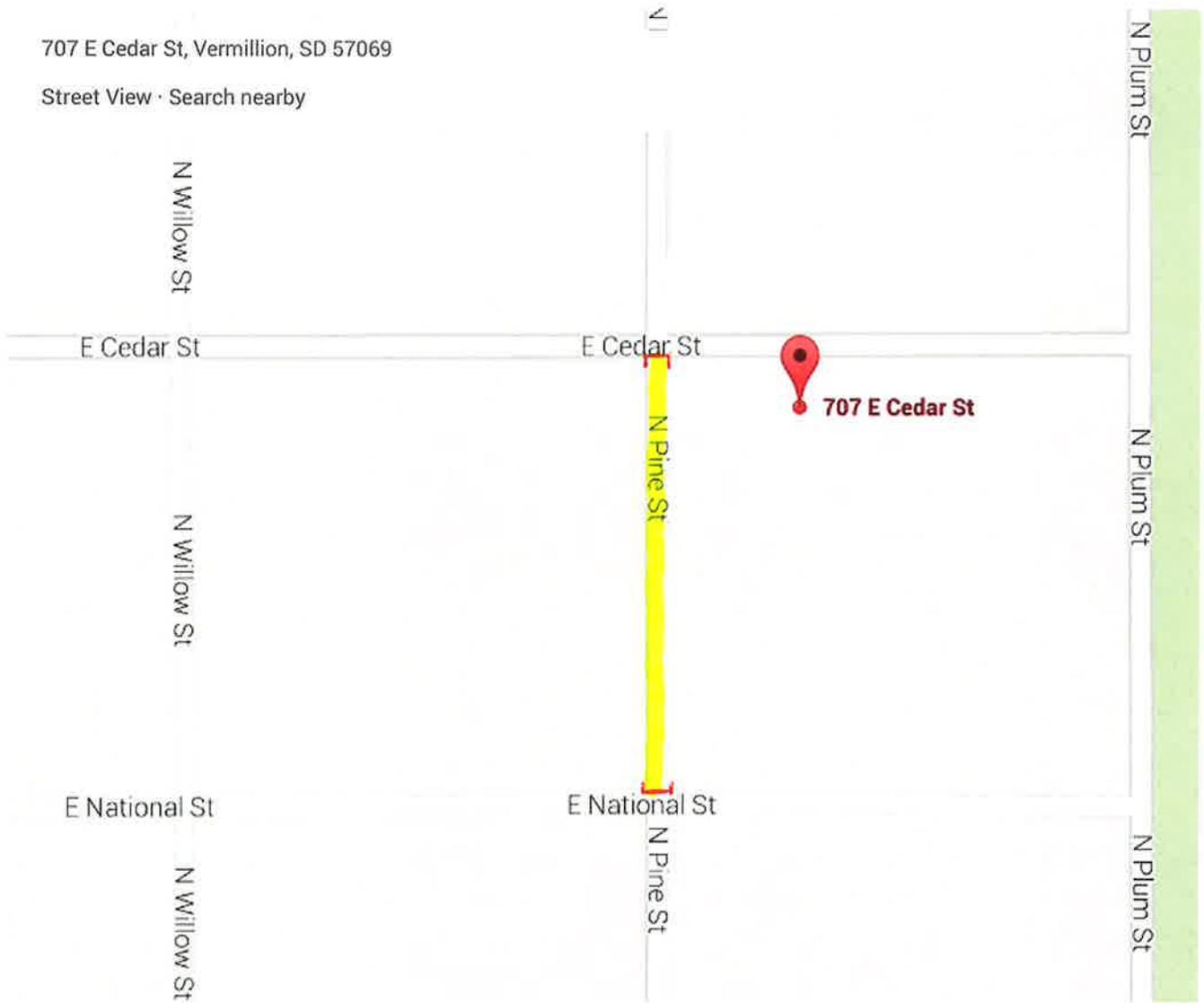
have a volunteer staff to help with trash removal, clean up, etc. that will be happening the entire day of the event.

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

Signature of applicant  date 07-29-14

707 E Cedar St, Vermillion, SD 57069

Street View · Search nearby



Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 4, 2014

Subject: Resolution authorizing issuing a General Obligation bond and submitting the question of issuing bonds to the voters for Prentis park improvements

Presenter: John Prescott

Background: Over the last year several steps have been taking place with regard to replacing the Prentis Park pool and upgrading Prentis Park. A Master Plan was developed and adopted by the City Council in January. Staff has been developing ideas to fund completion of the projects.

Discussion: In May, City staff presented ideas on funding Prentis Park improvements. In addition to using \$2 million of reserves, a General Obligation bond was proposed. A General Obligation bond which nets \$3 million for improvements has been proposed. A 20 year General Obligation bond at 3.72% average interest rate will have an average annual debt service of \$222,127. Two public informational meetings were conducted as well as a presentation at a Rotary Club meeting and at the alcohol license holders meeting were made to gather public feedback on the proposed funding plan.

A General Obligation bond requires 60% voter approval. For the City Council to move the bond question forward to the voters as part of the November 2014 election, the following resolution will need to be approved by the City Council. After receiving direction from the City Council at the July 21 meeting, staff requested Bond Counsel prepare the attached resolution. The City Attorney has also reviewed the resolution.

Financial Consideration: The estimated cost to prepare the General Obligation bond documents was \$8,000 - \$10,000. The cost of the election will be \$2,600.

Conclusion/Recommendations: Administration recommends adopting the Resolution authorizing issuing a General Obligation bond and submitting the question of issuing bonds for Prentis Park improvements to the voters.

RESOLUTION DECLARING NECESSITY AND EXPEDIENCY
OF ISSUING BONDS AND SUBMITTING THE QUESTION OF
ISSUING BONDS TO THE VOTERS

BE IT RESOLVED, by the City Council of the City of Vermillion, South Dakota (the City), as follows:

1. It is hereby found, determined and declared that it is necessary and expedient for the City to issue and sell general obligation bonds in an aggregate principal amount not to exceed \$3,100,000, for the purpose of financing the acquisition and construction of Prentis Park Improvements to consist of a new swimming pool to replace the existing pool, parking lot, basketball courts and related improvements.
2. The question of issuing the bonds for the purpose set forth in Section 1 shall be submitted to the qualified City electors at the State of South Dakota general election, to be held on Tuesday, November 4, 2014, between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M.
3. The Finance Officer is hereby authorized to cause an official ballot to be prepared for the election in a quantity sufficient for use by absentee voters, for instructional purposes and for use by all voters. The official ballot shall be in substantially the following form, with such changes as Clay County (the "County") may deem necessary in order to conform with current rules applicable to forms of ballots:

OFFICIAL BALLOT

BOND ELECTION

CITY OF VERMILLION, SOUTH DAKOTA

November 4, 2014

Shall the City of Vermillion, South Dakota, issue its general obligation bonds in an aggregate principal amount not to exceed \$3,100,000, for the purpose of financing the acquisition and construction of Prentis Park Improvements to consist of a new swimming pool to replace the existing pool, parking lot, basketball courts and related improvements?

INSTRUCTIONS TO VOTERS: To vote on a ballot question **FILL IN** the oval (●) next to "Yes" or "No." A vote "Yes" is in favor of issuing the bonds and a vote "No" is against the issuing of bonds.

YES

NO

SHALL THE ABOVE PROPOSITION BE
APPROVED AND THE BONDS ISSUED?

4. The Finance Officer is hereby authorized and directed to publish the notice of election in all official newspapers of the City, once a week for two consecutive weeks prior to the date of the election, the second publication being not less than four nor more than 10 days prior to the election. The notice of election shall be in substantially the following form:

NOTICE OF BOND ELECTION
CITY OF VERMILLION, SOUTH DAKOTA

NOTICE IS HEREBY GIVEN, that a special municipal election called by the City of Vermillion, South Dakota, will be held in conjunction with the State of South Dakota general election on Tuesday, November 4, 2014, between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M. at the following precincts and polling places:

Vermillion City: All Precincts ----- National Guard Armory
603 Princeton St., Vermillion

NOTICE IS FURTHER GIVEN, that at the special election the following proposition shall be submitted to the electors of the City:

Shall the City of Vermillion, South Dakota, issue its general obligation bonds in an aggregate principal amount not to exceed \$3,100,000, for the purpose of financing the acquisition and construction of Prentis Park Improvements to consist of a new swimming pool to replace the existing pool, parking lot, basketball courts and related improvements?

Shall the above proposition be approved and the bonds issued?

All duly qualified electors residing within the City are entitled to vote at said election at the polling places described above.

Dated: _____, 2014.

BY ORDER OF THE CITY COUNCIL

/s/ Michael D. Carlson
Finance Officer

5. The Finance Officer is hereby authorized and directed to comply with the requirements of South Dakota law relating to said election, including, without limitation, the applicable provisions of Chapter 9-13, South Dakota Codified Laws.

6. The Finance Officer shall distribute or provide for the distribution to the election officials at each polling place all necessary and suitable supplies for conducting the said election.

7. The polling places set forth in the form of notice contained in paragraph 4 of this resolution are hereby designated as the polling places for said election as fully as though set forth and

resolved herein, and the Finance Officer is hereby directed to designate or cause to be designated judges and clerks of election for said precincts and polling places.

8. The Finance Officer shall provide for or cause to be provided the registration of voters, including by notice pursuant to South Dakota Codified Laws, Section 12-4-5.2. The County Auditor of Clay County (the "County") is expected to prepare registration lists for the City, in accordance with South Dakota Codified Laws, Sections 12-4-10 and 12-4-24.

9. The election shall be conducted and the votes cast thereat shall be counted, certified and canvassed in the manner required by law, and this Council shall meet within 7 days after the date of the election for the purpose of making such canvass and taking such further action with reference to the bonds as shall then be deemed necessary and expedient.

10. Pursuant to South Dakota Codified Laws, Section 12-2-6, the City may, by agreement with the County, cause to be carried out any of the provisions hereof.

Upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon the resolution was declared duly passed and adopted, and was signed by the Mayor and attested by the Finance Officer.

Dated at Vermillion, South Dakota this 4th day of August, 2014.

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

(seal)

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Adopted: August 4, 2014
Published: August 15, 2014
Effective: September 5, 2014

Public Meeting
Prentis Park Improvements Funding Plan
July 22, 2014

Public Comments:

- Excellent presentation very clear and easy to understand, I was disappointed discussions got focused on "The Layout Plan" vs. Funding. You guys handled it well. Feel sorry for the committee that asked for the feedback months ago.
- Sanford could build an aquatic center open 12 months a year that could be used by all community members; also it would become part of K-12 PE so that each child learns to swim. Before crossing off any USD involvement as mentioned by someone in the audience, if there is interest in it, I recommend talking to Jim Abbott.
- Parking lot cost \$350,000
- Extravagant, too much for Vermillion
- Keep kiddie pool free
- People who do not qualify for free and reduced lunches will pay more
- Staffing lazy river, will require more staffing
- Keep pool open to mid September
- No 50 M pool is negative
- 28-33% poverty rate in town now, taking away something free (baby pool)
- Rapidly aging population, maybe need a City run nursing home
- USD can fund their own basketball courts-don't need at park for USD
- Parking all the way around the park lot, use only 3 months out of the year
- Does not meet the needs for next 50 years
- Go out of town to pools and parks; do not have a lot of recreation activities in Vermillion.
- Vermillion to become a destination do not scale back plan
- Take plan back to Council; parking lot on wrong side of park, students pay 50% and pool is not open, when they are here, wholesale tax, increased sales tax
- Need to update the facilities, parking lot, safety for kids, USD participate and improve the facility in the community
- Onida, SD., population 700 fundraising for the entire pool, small portion is fundraising here
- Cost of family pass is concern; or chip program doesn't count for assistance, \$100 would be too expensive
- Goes to a lot of water parks, two pools for contamination, other indoor facilities
- Pool open 89 days, scale back plan

- Active age group at Eagle Creek-need amenities
- How big is lazy river?, not a destination, making the pool more what it needs to be, no problem with funding, keep baby pool
- Need evidence based decisions, drop by 10% in under 25 age, flat line under 4, older age, plan for who is going to be there
- 30 years lived here and always need for more recreational facilities
- 60% vote required, use of reserves, what is left in reserves?
- Defeat poverty, go forward, need recreational activities
- Indoor pool, year round in Pierre and Belle Fourche-why not here?
- Great idea on pool and funding
- Do without the lazy river
- Need to keep the free baby pool
- More feedback, no brainer for funding at end of 20 yrs, more funds for recreation bike path
- Spend too much on pool, possibility for Wellness Center, indoor pool

July 22, 2014

Dear City of Vermillion Pool Committee,

Thank you for your willingness to serve our community and striving to make it better. Due to a baby in the hospital, I am unable to attend the July 22nd meeting and was unable to attend the previous meeting. I understand you are seeking input for the new pool. I attended one of the very first meetings when the first design came out and have been following the updates in the newspaper as far as May 30th.

I think the new design is an improvement over our current pool with its zero depth entry. I think many will find it fun and enjoy the upgraded facility. I fully agree that we need a new pool based on what has been said about its leaks and upkeep. I have some concerns too.

From the initial meetings, I have understood that part of the goal is to make the new pool an "attraction" type facility to draw people in from other communities. While that would be great and generate revenue for Vermillion businesses aside from the pool, I wonder how just how many people we will attract. My thoughts are that we won't draw that many. Sioux Falls has their own attractions; Yankton has Lewis and Clark Lake plus their own indoor pool. Sioux City has multiple pools and aquatic attractions. Other than the communities smaller than Vermillion, I don't see a ton of people to attract but then I haven't done the research. If those other people live closer to the places I mentioned, why would they come to Vermillion? As I mentioned, this will bring in money for other area businesses but it also means higher costs for our community users in several ways. Admission fees will undoubtedly go up at some point. This concerns me as I hear many people commenting about the current fee being high for a family pass. Many young families are at that in between place where they don't qualify for assistance programs but have a hard time affording a pool pass. Increased fees will put the pool out of reach for those families. I believe we will lose the free toddler area in the new design so some will lose out there too. You are having the funding meeting to discuss how to fund it so there may be more cost to individual Vermillion resident independent of their pool usage. If people come, will it make up for the additional costs to community members? We need a new pool and we have to spend money to do it, but do we need such an elaborate one to fix the problem? Will the \$1 million or so it costs for the Lazy River be worth it?

I also wonder about staffing. I am concerned about the hiring and retention problem at the end of the season that was mentioned in previous meetings independent of the facilities. What is the plan to overcome that? I understand the city already offers bonuses to those who finish out the season. Will a better facility really overcome our student lifeguards' desires to have some time off before they return to school? Even if we lengthen the season by a few weeks, will they stay if they need to return to school? Additionally, this design will probably take more lifeguards and compound that problem.

Personally, I would love to see an indoor facility, perhaps one like the Aquatic Center facility located in Pierre. It looks very much like the outdoor version you have planned. I believe it would be a better choice for the entire community. I find it hard to justify so much money on a new facility that will only serve us part of the year. I believe we have an unmet need for it for the general population. The USD students and "swimmers" can use the USD pool, when and if it is available. However, people who want to splash around and play as they would in our current outdoor pool don't have a place to do so during the winter. And we have more "winter" than summer in South Dakota. If there was a child friendly indoor facility, I know I would be there multiple times a week with my children, just like I was when my family used the Aquatic Center in Pierre before we moved to Vermillion. Such a facility would indeed serve the members of our community especially with a zero depth entrance that could serve both the very young and those with mobility issues- year round. Such a facility does not currently exist in our community and if there are plans to add one to the USD Wellness Center, they are only speculative rumor to most of the community. I also believe this would improve the hiring and lifeguard retention issue. It would be a year-round job and depending on the scope of the services provided, add jobs to our community. It could provide employment beyond the summer season and that alone could encourage job loyalty. Additionally, there is year-round revenue potential to attract people from other communities for fun indoor winter swimming as well as the potential for aquatic fitness classes. There could also be a partnership with the clinics in town to provide aquatic physical therapy. I feel strongly that an indoor pool would positively benefit far more of our community than a strictly "fun" pool designed to attract revenue.

My last concern is about the rules. In the new pool, will there different rules regarding the use of pool noodles and kick boards? Currently these items are banned. I feel this does a disservice to younger swimmers who are trying to gain confidence in the water and hope the new pool will have different rules. We have seen our son go from terrified to be in a "big" pool to completely fine in the water (with floatation devices) after only two times as the Sanford Wellness Center Pool. The only difference was that he was allowed to utilize pool noodles, kick boards and a floatation vest during their open swim sessions. He cannot however translate that confidence and skill into the existing pool due to the rules that ban his use of such items.

Thank you so much for your time and for your work on the plans. It looks like a lot of fun. It will be nice to have something like that in the community but as I stated before, I wonder if there might be a different solution.

Dear City of Vermillion

July 22, 2014

It has come to my attention that there are parts of the current park renovations that are not funded and plans for funding are non-existent. While I believe the pool could use an overhaul and the park in general some renovations, I do not believe it is fiscally wise to spend so much on an outdoor pool that can only be used 3 months of the year. I believe there are parts of the pool plan that could be cut back, such as the lazy river. The purpose of the lazy river is to lay back and tan - something that could be done poolside or in a standard pool. A lazy river requires a lot of cement - expensive!

Please consider the primary users of the pool - lap swimmers and children/families. Lap swimmers of course need a good size pool with adequate lanes. Children want slides and activities - (floating islands, hoops, VB net)

Maybe if this much is spent - an indoor option should be considered to make the pool accessible year round - thus increasing traffic and even jobs and definitely revenue. Look at Yankton's Summit Center as an example. Even Sioux Falls is ^{considering} putting up an indoor park to help support the outdoor pools.

We would like to see in this project

- A) better parking as parking on the street can be dangerous with small children
- B) Lap pool
- C) Childrens pool with more activities/interactive things
- D) The slides is great - ~~more~~ Kids' favorite need at least one like it
- E) Indoor (year-round swimming lessons would be nice)

There was talk a while back to have an indoor pool that would be in conjunction with the USD Wellness Center. Is this still in the talking stages?

Perhaps USD is looking to add a separate swim space for students/general public so that ~~the~~ swim team can solely use the current dome pool. Could the City of Vermillion partner with USD on this project.

I am sorry I couldn't stay for the whole meeting, but it is a busy week with the Oliver production rehearsals. My family looks forward to seeing the park improvements.

If you would like to discuss my ideas further or have questions for me, feel free to contact me by phone.

I appreciate your time and attention in considering the communities thoughts on this important improvement project.

Rotary Club Meeting
Tuesday, July 1, 2014
Prentis Park Improvements Funding Plan Presentation

Written Feedback Comments:

- I don't feel that a discriminatory tax such as a malt and beverage tax is constitutional nor is it a good idea. If it were to be placed on the ballot it would be limited in duration.
- I would highly recommend a 50 meter, six lane expansion to attract economic benefit for quality swim meets. Agree malt mark-up to 5%.
- Funding avenues presented seem fair. Suggest fees/tax have end date on when bonds repaid if fees/tax continues on, will stop. Reconsider 50 meter pool-cost/benefit long term-should consider.
- I support the funding mechanisms presented today, I do also ask to reconsider the longer swim lanes for local swimmers in the community. Not an easy decision and I know you can't please all.
- This looks like a very reasonable method of funding this important project. We are currently repaying for City Hall bonds, you might want to discuss what the City's total debt will be and how our level of debt compares to state averages.
- I support the proposed funding plan, it makes clear sense. Make sure you include new bathrooms for the ball field, they need to be replaced.
- Good plan, don't leave any stone unturned. Is this something the BID board can contribute to?
- A lap pool would be a great amenity to the adult population. The pool is otherwise for kids, be great for swim team. Keep price so all kids can go to the pool, toys in pool and diving boards.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: August 4, 2014
Subject: High Street Closing – August 7 - 10, 2014
Presenter: Mike Carlson

Background: The Clay County Agricultural Fair Association is hosting the annual Clay County Fair from August 7–9, 2014. The group is requesting the temporary closure of a portion of High Street. The group also requests permission to park vehicles in and around the ditches to accommodate parking and the removal of a section of fence between Lions Park and the Open Arena.

Discussion: The Clay County Agricultural Fair Association is requesting that High Street be closed, along the fairgrounds, from 7:00 a.m. on Thursday, August 7, 2014 until 5:00 p.m. on Sunday, August 10, 2014. The August 10, 2014 street closure is for clean-up activities once the fair has concluded.

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

Financial Consideration: None

Conclusion/Recommendations: Administration recommends authorizing the closure of High Street from 7:00 a.m. on Thursday, August 7, 2014 until 5:00 p.m. on Sunday, August 10, 2014 to accommodate the Clay County Fair. Administration also recommends the granting of permission to park in and around the ditches and the removal of a section of fence.

Clay County Agricultural Fair Association

515 High Street ▪ Vermillion, SD 57069
(605) 677-7111 ▪ www.claycountyfair.net

July 18th, 2014

City of Vermillion
Honorable Mayor Powell
& City Council Members
25 Center Street
Vermillion, SD 57069

Dear Mayor Powell,

The Clay County Fair is August 7-9, 2014. We are requesting that High Street (fairgrounds) be blocked to through-traffic from 7:00 AM on Thursday, August 7 through 5:00 PM Sunday, August 10, for the Clay County Fair and Achievement Days.

In addition, we would like to ask permission to park vehicles near and in the ditches, as we have in the past. We would also appreciate it if a section of the fence between Lions Park and the Open Arena grass could be removed for through traffic of trucks and trailers.

Thank you for your continued support of the Clay County Fair Association. We hope that you all can attend this year's fair. Should you have any questions, regarding this letter please do not hesitate to call our office at (605) 677-7111.

Respectfully,



Jessica Kennedy
Clay County Agricultural Fair Manager
Clay County Fair Board

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 4, 2014

Subject: Landfill baler building engineering services agreement amendment

Presenter: John Prescott

Background: In February 2013, the City entered into an agreement with HDR Engineering to design and perform professional engineering services for the new Landfill baler building. The previous building was destroyed by a fire in October 2012. HDR was working with the City on the Landfill Master Plan at that time and had completed other landfill projects for Joint Powers.

Discussion: Replacement of the landfill baler building has had several complications. When it was time to replace the building, it was noted that a larger building was needed to better complete the operations. The original design concept proved to be too expensive when design specs were being developed. The first attempt at bidding resulted in two responses that were more expensive than the available funding. Five bids were received with the second bidding attempt. The bid was awarded in October 2013.

Construction has also not gone as smoothly as anticipated. There have been four change orders and additional time requested by the contractor for completion of the work. The cold winter caused additional inspections to make sure construction was meeting specifications. The contractor has also had additional pay submittals due to the length of construction as well additional submittals for review. HDR Engineering is requesting additional compensation for the extra work they have performed on the project. The amendment does not provide for payment for all of the additional work they have performed.

Financial Consideration: HDR is requesting an amendment to provide an additional \$9,056 in compensation. The original engineering agreement for services was for \$138,781. The funding would come from the Joint Powers budget.

Conclusion/Recommendations: Administration recommends approval of Amendment #2 to the HDR Engineering Services agreement for Landfill baler building design and construction review work.

AMENDMENT NO. 2 TO AGREEMENT
FOR
ENGINEERING SERVICES

WHEREAS:

HDR ENGINEERING, INC. ("HDR") entered into an Agreement on February 22, 2013 to perform engineering services for the Baler Building Design;

The City of Vermillion ("City") desires to amend this Agreement in order for HDR to perform services beyond those previously contemplated;

HDR is willing to amend the agreement and perform the additional engineering services.

NOW, THEREFORE, HDR and the City of Vermillion do hereby agree:

The Agreement and the terms and conditions therein shall remain unchanged other than those sections and exhibits listed below;

Exhibit A and Amendment No. 1 shall be supplemented with the following Task Series.

TASK SERIES 700 - PROVIDE SUPPLEMENTAL CONSTRUCTION ENGINEERING SUPPORT

HDR will complete the following engineering services as part of the construction of the new Baler Building which is being completed by Daniels Residential, Inc.:

- Review of four change orders including time extensions.
- Review eight additional contractor submittals and requests for information and their conformance to the contract plans and specifications.
- Review three additional contractor pay applications.
- Provide engineering support for construction deficiencies regarding soil compaction and foundation construction.

The total additional contract amount for completion of Task Series 700 is \$9,056. The new total contract amount to perform engineering services for the Baler Building Design is \$138,781.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year written below:

HDR ENGINEERING, INC. ("HDR")

By: [Signature]

Its: JP

Date: 7/18/14

City of Vermillion ("City")

By: _____

Its: _____

Date: _____

Council Agenda Memo

From: John Prescott, City Manager
Meeting: August 4, 2014
Subject: Presentation of the 2015 Proposed Budget
Presenter John Prescott

Background: Each year, the City staff prepares a proposed budget for the next fiscal year. The proposed budget documents for 2015 will be presented at the meeting on Monday night (August 4, 2014). The actual discussion and presentation of the respective departmental budgets will take place on August 11 and 14, 2014 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 2015. The first penny of sales tax, along with the General Fund, is utilized primarily for operating costs while the second penny funds capital expenses per the locally adopted ordinance. The proposed budget does not include funding for Prentis Park improvements identified by the Master Plan at this point. Earlier on this Council agenda is the opportunity for the Council to send a portion of the funding plan to the voters for approval. The GO bond is a large portion of the funding plan. A considerable amount of the proposed 2014 budget reflects the same level of expenditures as the 2013 budget year with inflationary increases.

A series of proposed budget review sessions are being planned starting with Monday, August 11, 2014 at 5:15 p.m. in the large conference room on the second floor of City Hall. City departments will be presenting their proposed budget during both meetings. Outside agencies, if requested, will present their budget requests during the session scheduled for August 14. The budget was prepared with the assistance of all Departments. Mike Carlson and Andy Colvin were instrumental in the development of the proposed 2015 budget.

Financial Consideration: The budget that the City Council ultimately adopts will determine the revenue streams and expenditures for 2015.

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 2015 in September.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 4, 2014

Subject: Combined Election Agreement

Presenter: Mike Carlson

Background: Earlier on the agenda, the City Council considered a Resolution authorizing a General Obligation Bond that would be submitted to the voters. If that resolution is adopted, it would be advantageous to combine the City election with the general election set for November 4, 2014.

Discussion: State Statute provides for combining elections and encourages entities to enter into agreements as to the duties and responsibilities of each. Earlier this year the City entered into a joint election agreement with the County to combine the City election with the State's primary election. The cost for the city election combined with the primary in June was \$2,600. In 2012, the cost was \$2,500. If the City were to hold its own election using the county equipment, the cost would be considerably higher due to the programming of the equipment and ordering ballots. The cost for the electric transmission line referendum in January 2009 where paper ballots were used was \$2,868.

Attached is the proposed combined election agreement for the November General Election for the General Obligation Bond question. Combining the City election with the County should increase voter turnout.

Financial Consideration: The combined election would cost the City \$2,600, which is less than conducting a separate election. Historically, there has been a better voter turnout with combined elections and voters do not need to go the polls for only one issue.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Combined Election Agreement for the November 2014 General Obligation bond election.

**COMBINED ELECTION AGREEMENT
For November, 2014**

This agreement is entered into between Clay County and the City of Vermillion; political subdivisions of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 9-13-37 and 12-2-5.

EFFECTIVE DATE: This agreement shall become effective on the date that all parties have signed the agreement.

PURPOSE: It is the purpose of this agreement for the parties to conduct their individually required election in one combined election. The combined elections will be held on November 4, 2014. Elections are being combined to save tax dollars on the cost of individually conducted elections and to encourage a better voter turnout for all entities.

COST SHARING: The parties to this agreement shall share the costs of the combined election as set forth herein.

The City of Vermillion shall publish its required notices not covered by the general election requirements.

The City Finance Officer will certify the ballot language to the County Auditor by 5:00 P.M. on August 22, 2014.

The cost for a combined election will be \$2,600 for the City of Vermillion. These costs include joint legal notices, election worker salaries, election materials such as ballots, poll books, programming costs and all other related expenses.

If the City of Vermillion is not required to have an election, the only cost to be paid by the city will be the notice publication.

Clay County will pay all costs associated with the election and the city agrees to reimburse the county for its share of the costs as determined in this agreement.

ABSENTEE BALLOTS: Absentee ballots shall be available at the office of the county auditor for voters who wish to vote absentee.

CANVASSING OF THE VOTE: Each entity shall canvass the votes of their election at the next meeting following the election or by November 9th, whichever comes first. Poll books will be opened by the County Canvassing Board, canvassed, resealed and passed on to the city. Poll books will be returned to County Auditor when the City has completed their canvass.

The Clay County Auditor and the City Finance Officer are hereby empowered and directed to cooperate in any manner that will accomplish the purpose and intent of this agreement in order to facilitate this election in the most efficient and economical manner.

ATTEST:

Carri R. Crum, Clay County Auditor
Date:_____

Raymond Passick, Chairman
Clay County Commissioners

Michael D. Carlson, Finance Officer
Date:_____

Jack E. Powell, Mayor
City of Vermillion

CITY OF VERMILLION
 INVOICES PAYABLE-AUGUST 4, 2014

1 JOHN POWELL	MEAL/MILEAGE REIMBURSEMENT	122.00
2 ACTION ELECTRIC CO.	I-29 LIGHT POLE	4,955.00
3 ADAPCO, INC	SUPPLIES	1,246.90
4 AMERICAN BUS CORP.	OUT & ABOUT ADVENTURES	917.38
5 APPEARA	SUPPLIES	54.27
6 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	220.00
7 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
8 AVERA QUEEN OF PEACE HEALTH	TESTING	569.40
9 AWWA	MEMBERSHIP DUES	174.00
10 BAKER & TAYLOR BOOKS	BOOKS	1,179.15
11 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICE	12,238.62
12 BARRY BRATTEN	SAFETY BOOTS REIMBURSEMENT	40.00
13 BCBS OF ILLINOIS	REFUND AMBULANCE PAYMENT	124.62
14 BIRSCHBACH EQPT & SUPPLY	SUPPLIES	620.70
15 BLACKSTONE AUDIO INC	BOOKS	300.00
16 BORDER STATES ELEC SUPPLY	PARTS	581.20
17 BOUND TREE MEDICAL, LLC	SUPPLIES	1,727.73
18 BRANDON HANSEN	REIMBURSE SUPPLIES	14.13
19 BROADCASTER PRESS	ADVERTISING	75.00
20 BROCK WHITE CO	SUPPLIES	7,513.00
21 BRUNICKS SERVICE INC	PROPANE	180.00
22 BUTCH'S PROPANE INC	REPAIRS	260.00
23 BUTLER MACHINERY CO.	PARTS	1,080.69
24 CAM COMMERCE	PRINTER	572.62
25 CAMPBELL SUPPLY	SUPPLIES	2,150.79
26 CASK & CORK	MERCHANDISE	972.83
27 CENTER POINT LARGE PRINT	BOOKS	178.99
28 CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
29 CENTURY BUSINESS PRODUCTS	COPIES	111.01
30 CENTURYLINK	TELEPHONE	741.48
31 CHEMCO, INC	SUPPLIES	361.80
32 CHERRY STREET GRILLE	ROLLS	21.00
33 CHESTERMAN CO	SUPPLIES	2,204.62
34 CITY OF VERMILLION	COPIES/POSTAGE	1,750.68
35 CITY OF VERMILLION	UTILITY BILLS	38,615.33
36 CLAY RURAL WATER SYSTEM	WATER USAGE/PVC PIPE	139.80
37 COFFEE KING, INC	SUPPLIES	57.75
38 COLONIAL LIFE ACC INS.	INSURANCE	3,347.65
39 COMMERCIAL LIGHTING	SUPPLIES	180.57
40 CONCRETE MATERIALS	GOLF SAND	881.69
41 CONTINENTAL RESEARCH CORP	CHEMICALS	1,765.19
42 COYOTE CONVENIENCE	FUEL	15.68
43 CULLIGAN WATER	BOTTLED WATER	76.00
44 DAKOTA BEVERAGE	MERCHANDISE	7,855.33
45 DAKOTA PC WAREHOUSE	PROFESSIONAL SERVICES	376.93
46 DAKOTA SUPPLY GROUP	PARTS	243.89
47 DANIELS RESIDENTIAL INC	BALER BUILDING	126,225.00
48 DANKO EMERGENCY EQUIPMENT	SUPPLIES	895.88
49 DEAR READER.COM	SUBSCRIPTION	550.00
50 DELTA DENTAL PLAN	INSURANCE	6,446.48
51 DEMCO	SUPPLIES	109.31
52 DENNIS MARTENS	MAINTENANCE	833.34

53	DEPT OF PUBLIC SAFETY	TELETYPE SERVICE	3,090.00
54	DEPT OF REVENUE	TESTING	182.00
55	DEREK RONNING	FITNESS MEMBERSHIP	175.00
56	DGR ENGINEERING	PROFESSIONAL SERVICES	6,572.44
57	DIAMOND VOGEL PAINTS	TRAFFIC PAINT	5,185.60
58	DUST TEX	MATS	80.00
59	E.A SWEEN COMPANY	SUPPLIES	78.70
60	EARTHGRAINS BAKING CO'S INC	SUPPLIES	189.66
61	ECHO ELECTRIC SUPPLY	SUPPLIES	939.74
62	ELECTRONIC ENGINEERING	PARTS	768.40
63	FARMER BROTHERS CO.	SUPPLIES	56.90
64	FASTENAL COMPANY	PARTS	16.45
65	FEDEX.	SHIPPING	22.94
66	FOOT-JOY	MERCHANDISE	132.15
67	FOREMAN MEDIA	COUNCIL MTG	100.00
68	FOUR WINDS INTERACTIVE	ANNUAL MAINTENANCE	381.00
69	GALE	BOOKS	268.74
70	GALLS INCORPORATED	POLICE UNIFORMS	1,336.80
71	GEOTEK ENGINEERING	TESTING	600.00
72	GRAYMONT CAPITAL INC	CHEMICALS	3,766.56
73	GREGG PETERS	FREIGHT	1,238.25
74	GREGG PETERS	RENT	937.50
75	GUARANTEE OIL CO INC	OIL	835.80
76	HACH CO	SUPPLIES	427.40
77	HANDER INC. PLMG & HTG	WASTEWATER BOILER	24,464.25
78	HARTINGTON TREE LLC	STUMP GRINDING	3,135.00
79	HAUGER YARD/SNOW SERVICE	MOWING	128.00
80	HAWKINS INC	CHEMICALS	3,795.48
81	HD SUPPLY WATERWORKS	SUPPLIES	11,809.08
82	HDR ENGINEERING, INC	PROFESSIONAL SERVICES	6,082.70
83	HENDERSONS ULTIMATE CAR WASH	CAR WASH CARD	100.00
84	HERREN-SCHEMPP BUILDING	REPAIRS	35.55
85	HY VEE FOOD STORE	SUPPLIES	232.29
86	INDEPENDENCE WASTE	WASTE HAULING/PORTABLE TOILET RENTAL	1,758.40
87	INGRAM	BOOKS	2,322.72
88	INTELLI TRACK	ANNUAL SUPPORT	495.00
89	INTERNATIONAL CODE COUNCIL	PUBLICATION	151.01
90	JACKS UNIFORM & EQPT	SUPPLIES	1,224.00
91	JERRY SANDY	GOLF FEES REFUND	181.00
92	JOE GLENN	GOLF FEES REFUND	1,084.37
93	JOHN A CONKLING DIST.	MERCHANDISE	7,026.85
94	JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	13,613.35
95	JOHNSON CONTROLS	MAINTENANCE/REPAIRS	950.13
96	JONES FOOD CENTER	SUPPLIES	770.75
97	JONES FOOD CENTER	OUT & ABOUT ADVENTURES	247.05
98	KALINS INDOOR COMFORT	REPAIRS	959.25
99	KARSTEN MFG CORP	MERCHANDISE	169.63
100	LAYNES WORLD	SUPPLIES	540.00
101	LESSARD CONTRACTING	LANDFILL CELL 5	231,688.80
102	LINCOLN REPUBLIC INSURANCE	INSURANCE	477.58
103	LINDA CALLEJA	MILEAGE REIMBURSEMENT	70.67
104	LOCATORS AND SUPPLIES, INC	SUPPLIES	147.90
105	LOIS HALVERSON	VANILLA BODY SPRAY	16.74
106	LSC ENVIRONMENTAL PRODUCTS	EQUIPMENT RENTAL	2,200.00
107	MAGUIRE IRON, INC	WATER STORAGE IMP	88,455.18
108	MART AUTO BODY	TOWING	225.00

109	MARTY GILBERTSON	REPAIRS	280.50
110	MATHESON TRI-GAS, INC	SUPPLIES	123.26
111	MATTHEW R. FAIRHOLM, PH.D	PROFESSIONAL SERVICES	250.00
112	MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,056.00
113	MEAD LUMBER	SUPPLIES	183.35
114	MENARDS	SUPPLIES	524.65
115	MERRICK INDUSTRIES	PARTS	3,245.90
116	MICHELLE KOLLER	MILEAGE REIMBURSEMENT	105.00
117	MICRO MARKETING LLC	BOOKS	54.99
118	MIDWEST ALARM CO	ALARM MONITORING	126.00
119	MIDWEST BUILDING MAINTENANCE	MAT SVC	396.70
120	MIDWEST TURF & IRRIGATION	PARTS	563.56
121	MIDWEST WHEEL COMPANIES	PARTS	234.33
122	MINN MUNICIPAL UTILITY ASSOC	3RD QTR SAFETY MGMT PROGRAM	5,770.00
123	MISSOURI VALLEY MAINTENANCE	REPAIRS	1,628.00
124	MOTION PICTURE LICENSING CO.	LICENSE	169.34
125	MSC INDUSTRIAL SUPPLY CO	SUPPLIES	208.80
126	MURPHS APPLIANCE & TV INC	DISHWASHER	374.00
127	NATIONAL MUSIC MUSEUM	CONTRIBUTION	15,000.00
128	NCL OF WISCONSIN, INC	SUPPLIES	311.40
129	NETSYS+	PROFESSIONAL SERVICES/REPAIRS	4,222.89
130	NEW YORK LIFE	INSURANCE	84.02
131	NEWMAN TRAFFIC SIGNS	SUPPLIES	676.02
132	NIKE INC	MERCHANDISE	2,258.55
133	OASIS INN	LODGING	367.96
134	OFFICE OF WEIGHTS & MEASURES	TESTING	92.00
135	OFFICE SYSTEMS CO	COPIER CONTRACT/COPIES	703.81
136	OPTIC FUEL CLEAN, INC	PROFESSIONAL SERVICES	1,361.25
137	PAT WINGEN	REFUND FEES	189.00
138	PCC, INC	COMMISSION	689.40
139	PEDERSEN MACHINE INC	PARTS	304.59
140	PITNEY BOWES, INC	SUPPLIES	61.19
141	PRECISION LAWN CARE	MOWING	175.00
142	PRESSING MATTERS	SUPPLIES	430.50
143	PRESTO-X-COMPANY	INSPECTION/TREATMENT	94.60
144	PRINT SOURCE	ADVERTISING	911.65
145	PUMP N PAK	FUEL	75.73
146	QUALITY MOTORS	REPAIRS	77.25
147	QUEEN CITY WHOLESALE	MERCHANDISE	980.92
148	QUILL	SUPPLIES	1,833.04
149	RACOM CORPORATION	ANTENNA/REPEATER INSTALLATION	4,057.43
150	RANDOM HOUSE, INC	BOOKS	117.75
151	RANDY VOSS	PROFESSIONAL SERVICES	610.00
152	RASMUSSEN MOTORS, INC	PARTS	146.70
153	RAWLINS MUNICIPAL LIBRARY	BOOKS	11.99
154	RECORDED BOOKS, INC	BOOKS	396.00
155	RECREATION SUPPLY CO.	SUPPLIES	229.80
156	REINHART FOODSERVICE, LLC	SUPPLIES	1,914.03
157	REPUBLIC NATIONAL DIST	MERCHANDISE	19,169.45
158	RIBS, RODS & ROCK N' ROLL	SPONSORSHIP	5,000.00
159	RUNGE ENTERPRISES, INC	NORBECK STREET IMPROVEMENTS	184,632.81
160	SANFORD PATIENT FINANCIAL	SUPPLIES	244.42
161	SANITATION PRODUCTS	PARTS	3,963.65

162	SCHAEFFER MFG. CO	SUPPLIES	638.40
163	SD LIBRARY ASSOCIATION	REGISTRATION	380.00
164	SD ONE CALL	LOCATES	495.60
165	SD RETIREMENT SYSTEM	CONTRIBUTIONS	51,410.67
166	SD SOLID WASTE MANAGEMENT	DUES/REGISTRATION	760.00
167	SDN COMMUNICATIONS	COMMUNICATION EQUIPMENT	1,019.24
168	SERVALL TOWEL & LINEN	TOWELS	16.80
169	SPECIAL T'S AND MORE	LOGO/NAME	24.00
170	STANDARD READY MIX CONCRETE	PEA ROCK	151.11
171	STERN OIL CO.	OIL	1,261.04
172	STEWART OIL-TIRE CO	REPAIRS	477.95
173	STRACHAN SALES, INC	REPAIRS	278.17
174	STUART C. IRBY CO.	SUPPLIES	1,641.00
175	STURDEVANTS AUTO PARTS	PARTS	723.18
176	SUE FRENCH	MICKELSON STREET CONSTRUCTION	30,822.54
177	TAPCO	SUPPLIES	673.00
178	TAYLOR MADE	MERCHANDISE	2,697.36
179	TESTAMERICA LABORATORIES	PROFESSIONAL SERVICES	4,016.13
180	THATCHER COMPANY	SODA ASH	13,574.88
181	THE ACTIVE NETWORK, INC	SETUP SITE	1,200.00
182	TITLEIST DRAWER CS	MERCHANDISE	2,179.69
183	TOPKOTE INC	CHIP SEALING	64,266.39
184	TRUE VALUE	SUPPLIES	501.02
185	TSP, INC	PROFESSIONAL SERVICES	5,394.22
186	TURNER PLUMBING	COTTAGE STREET WTR MAIN REPLACEMENT	38,059.75
187	TWIN CITY HARDWARE	LOCK SUPPLIES	205.54
188	UNITED WAY	CONTRIBUTIONS	458.46
189	UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	30.00
190	USA BLUEBOOK	SUPPLIES	623.04
191	VAN DIEST SUPPLY CO	SUPPLIES	4,262.00
192	VERIZON WIRELESS	CELL PHONES	1,606.59
193	VERMILLION ACE HARDWARE	SUPPLIES	2,185.56
194	VERMILLION ROTARY CLUB	DUES/MEALS	153.75
195	VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	3,699.79
196	WAL-MART COMMUNITY	SUPPLIES	1,122.82
197	WALT'S HOMESTYLE FOODS, INC	SUPPLIES	222.20
198	WESCO DISTRIBUTION, INC	METERS/SUPPLIES	13,962.44
199	WEST GROUP PAYMENT CENTER	SUBSCRIPTION	184.75
200	WESTERN IOWA TECH	REGISTRATION	75.00
201	WESTERN OFFICE TECHNOLOGIES	REPAIRS	124.95
202	WILLSON FLORIST	FLORAL ARRANGEMENT	52.95
203	WITTEK	MERCHANDISE	983.24
204	WOW! BUSINESS	911 CIRCUIT	1,415.45
205	YANKTON FIRE & SAFETY	EXTINGUISHERS	190.00
206	YANKTON JANITORIAL SUPPLY	SUPPLIES	569.65
207	YANKTON WINNELSON CO	SUPPLIES	214.45
208	ZEE MEDICAL SERVICE	SUPPLIES	226.65
209	ZIMCO SUPPLY CO	SUPPLIES	191.00
210	ZOLL MEDICAL CORPORATION	REPAIRS	1,122.02
211	MARGARET BIERLE	BRIGHT ENERGY REBATE	10.00
212	OMPRAKASH THANGAVELU	BRIGHT ENERGY REBATE	100.00
213	KEITH PEARSON	BRIGHT ENERGY REBATE	400.00
214	DAVE STAMMER	BRIGHT ENERGY REBATE	275.00
215	TODD BREVIK	BRIGHT ENERGY REBATE	275.00
		GRAND TOTAL	\$1,188,295.06