



**Special Meeting Agenda
City Council**

12:00 p.m. (noon) Special Meeting
Monday, December 2, 2013
Large Conference Room
City Hall-25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Banking Tax Awareness – Lynn Peterson Cor Trust Bank.**
3. **Educational Session – Texting ban ordinance – Matt Betzen.**
4. **Briefing on the December 2, 2013 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, December 2, 2013

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069



1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. November 18, 2013 Special Session; November 18, 2013 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Annual liquor and wine license renewals.
 - b. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs in the City of Vermillion (southwest quadrant).
7. **Old Business**
8. **New Business**
 - a. 2014 Bluffs Golf Course rates.
 - b. First Reading of Ordinance 1308 - 2013 Supplemental Budget Appropriations Ordinance.
 - c. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing along the North to South Alley in Block 68, Bigelow's Addition from East Clark Street to East Cedar Street.
 - d. Agreement with Owner of Lot 1, Block 1, Madison Park Addition and Owner of Outlot B, Block 2, Dakota Addition regarding construction of North Norbeck Street.
 - e. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing and other improvements along North Norbeck Street from Roosevelt Street to East Clark Street.
 - f. Appointment of a Director to the Business Improvement District #1.
 - g. Right-of-Way and Utilities Certification Forms for the Shared Used Path along SD Hwy. 19 from SD Hwy. 50 to West Cherry Street.
 - h. Final Plat of Lots 12A and 13A, Addition, Rolling Hills Estates in the SW ¼ of Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota.
 - i. Resolution dissolving Tax Incremental District number four.
 - j. Declaration of Surplus Street Department Wheel Loader.
9. **Bid Openings**
 - a. Fuel quotes.
10. **City Manager's Report**

11. Invoices Payable

12. Consensus Agenda

- a. Set bid opening of Wednesday, February 12, 2014 at 2:00 p.m. for sale of wheel loader.

13. Adjourn

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

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

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

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

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
November 18, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 18, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson (arrived at 12:02 p.m.), Meins, Osborne, Ward (arrived at 12:05 p.m.), Willson, Zimmerman, Mayor Powell

2. Informational Session - Draft of the Prentis Park Master Plan - Jim Goblirsch

Jim Goblirsch, Director of Parks and Recreation, stated that in September the City Council approved contracting with the firm of TSP to develop a master plan for Prentis Park. The master plan was to review all the uses of the park including a new swimming pool and develop a plan to revitalize the uses of the park. Jim stated that the information being presented is a draft to obtain City Council comments before the public meeting on November 25th. Jim introduced Paul Boerboom, Architect with TSP, to review the master plan option.

Alderman Grayson arrived at 12:02 p.m. and Alderman Ward arrived at 12:05 p.m.

Paul Boerboom reviewed the existing park facilities noting that the water tower, water main, baseball park and band shell are items that will need to be worked around. Paul stated that Prentis Park is on the National Register of Historic Places and a number of items are considered contributing features of the park. He noted that a discussion will be needed with Historic Preservation before making any changes to these items. Paul provided preliminary concept "A" & "B" designs that he reviewed with the City Council. Discussion followed on the two preliminary designs. Paul reviewed the estimated cost for concept "B" noting that some of the items would be done by the City and the balance would be contracted. The cost to be contracted was just under \$6.5 million which included a large contingency as there has been no final engineering. Paul and Jim answered questions of the City Council on the preliminary plans noting that the public meeting is November 25th at 7:00 p.m. in the City Council Chambers.

3. Briefing on the November 18th City Council Regular Meeting

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

4. Adjourn

338-13

Alderman Osborne moved to adjourn the Council special session at 1:01 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of November, 2013.

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
November 18, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, November 18, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of November 4, 2013 Special Session; November 4, 2013 Regular Session

339-13

Alderman Willson moved approval of the November 4, 2013 Special Session and November 4, 2013 Regular Session minutes. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

340-13

Alderman Willson moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings - None

7. Old Business - None

8. New Business

A. Request by Haan Development to reduce building permit and tap fees for a tax credit, income qualified apartment complex proposed for Lot 1, Block 1, Madison Park Addition

John Prescott, City Manager, reported that, earlier this year, Haan Development contacted the City indicating that they were interested in developing a 40 unit apartment complex in Vermillion. The plan provided for the 40 unit complex is to have five buildings with eight units per building. Apartment units would be rented to qualifying individuals having an income between 30% and 60% of the adjusted median income for Clay County with the rent not exceeding 30% of the household income. John stated that part of the funding for construction of the complex is federal tax credits. Haan Development submitted an application to the South Dakota Housing Development Authority seeking the award of a portion of the State's share of federal tax credits for the project. The awarding of tax credits is a competitive process. The applications are evaluated on a 1000 point scale. An application can receive 25 points through the demonstration of local financial support for the project. At that time, Haan Development requested a reduction in the building permit fees, along with reduction in water and wastewater tapping fees. In February 2013, the City Council approved the reduction in the building permit and tapping fees not to exceed \$14,500 with the building permit to be issued prior to December 31, 2013.

Haan Development notified the City that it was not approved for any of the tax credits for 2013 and is now refreshing the application for

requesting consideration in 2014. John stated that a copy of the email making the request and a copy of the 2013 letter were included in the Council packet.

John reported that, over the last couple of years, the City Council members, business leaders and VCDC officials have expressed the need for additional housing of all types. The market study completed by Haan Development for their tax credit application, as well as the housing study completed by the City and VCDC in 2012, indicated a need for additional affordable housing units. To assist in helping the project earn tax credits, the City is again being asked to reduce building and tap fees.

Discussion followed on the project, qualifying individuals, life of the project and amount of the fee reduction. John stated that he was told that the project application is being made for a 40 year life with the income and qualifying individuals needing to comply with the housing authority requirements.

341-13

Alderman Willson moved approval of the reduction of the building permit fees, water tapping fees and sanitary sewer tapping fees for the Haan Development Madison Park Apartment project in an amount not to exceed \$14,500 contingent upon the project being awarded tax credit by the South Dakota Housing Development Authority and that the request for building permit is received prior to December 31, 2014; and to authorize the City Manager to submit the letter of support for the tax credit application. Alderman Grayson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Annual write off of old accounts receivable

Mike Carlson, Finance Officer, reported that annually the City Council needs to remove the old accounts receivable from the accounting records with collection efforts to continue on these accounts. Mike stated that the request is to remove 161 utility accounts totaling \$45,166.11, 5 general accounts receivable totaling \$319.89, 1 return check totaling \$100.00 and 252 ambulance accounts totaling \$135,815.92 from the accounting records. Mike noted that ambulance accounts are up this year as no accounts were written off last year as the billing was moved to a third party in July 2012 and they were still reviewing the old accounts. Discussion followed.

342-13

Alderman Davies moved approval of the removal from the accounting records of utility accounts totaling \$45,166.11, general accounts

totaling \$319.89, return check totaling \$100.00 and ambulance accounts totaling \$135,815.92. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Declaration of surplus Street Department Motor Grader

Jason Anderson, Assistant City Engineer, reported that the new motor grader is expected to be delivered soon and, as such, the old motor grader will need to be declared surplus and sold. Jason requested that the 1998 Caterpillar 120H be declared surplus and appraised by the Surplus Property Appraisal Committee to be sold by sealed bids.

343-13

Alderman Grayson moved to declare the 1998 Caterpillar 120H motor grader as surplus to be appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Declaration of surplus Fire Department pumper truck

Jason Anderson, Assistant City Engineer, reported that the new pumper truck has been delivered and the old truck will need to be declared surplus and sold. Jason requested that the 1992 Smeal Charger C-801 pumper truck be declared surplus and appraised by the Surplus Property Appraisal Committee to be sold by sealed bids.

344-13

Alderman Grayson moved to declare the 1992 Smeal Charger C-801 pumper truck as surplus to be appraised by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Appointment of non-voting City representative to Business Improvement District #1 Board

Mayor Powell stated that the Business Improvement District (BID) #1 by-laws adopted by the City Council provide that the City Council and the Vermillion Chamber and Development Company each can appoint one ex-officio, nonvoting member to the BID #1 Board. Mayor Powell recommended the appointment of Mike Carlson, Finance Officer, to serve as the City Council representative to the BID #1 Board.

345-13

Alderman Davies moved approval of the appointment of Mike Carlson, Finance Officer, as the City Council ex-officio representative to the Business Improvement District #1 Board. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Surplus Skid Steer Loader

Jason Anderson, Assistant City Engineer, reported that the City Council declared the 2010 skid steer loader as surplus at the October 7, 2013 meeting. The Surplus Property Appraisal Committee appraised the value at \$17,500 and the equipment was advertized for sale by sealed bids. Jason noted that specifications were sent to four potential bidders and one bid was received. The only bid was for \$17,900.50 from Andrew DeVries which Jason recommended accepting as it exceeded the appraised value.

346-13

Alderman Zimmerman moved approval of the sale of the surplus 2010 Bobcat S205 skid steer loader to the only bidder Andrew DeVries for \$17,900.50. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that City offices will be closed on Thursday, November 28th for the Thanksgiving Day holiday.

B. John reported that the curbside recycling pickup on Thursday, November 28th will be on Monday, December 2nd because of the holiday.

C. John reported that there were two raffle requests included the packet:

The USD Law School Class of 2015 is selling tickets for \$3 each or 2 for \$5 from November 19 to December 13, 2013 to raise funds for their hooding ceremony. They are raffling a Keurig coffee brewer.

The USD Student Government Association is selling raffle tickets for a chance to win a baby calf to be born in the spring of 2014. Tickets are \$10 with the proceeds going to the Ranchers Relief Fund.

D. John reported that the presentation of the Prentis Park Master Plan is scheduled for Monday, November 25th at 7:00 p.m. in the City Council Chambers. The consultant will be presenting two conceptual designs and requesting public feedback.

PAYROLL ADDITIONS AND CHANGES

Code: Jim Balleweg \$18.22/hr; Recreation: Tyler Trageser \$14.59/hr;
 Landfill: Dan Goeden \$18.31/hr

11. Invoices Payable

347-13

Alderman Davies moved approval of the following invoices:

ANGELA JACKSON	SIDEWALK ASSESSMENT REFUND	328.51
ARCHITECTURE INC.	PROFESSIONAL SERVICES	400.20
BOUND TREE MEDICAL, LLC	SUPPLIES	338.79
BRUNICKS SERVICE INC	FUEL	3,361.50
BUREAU OF ADMINISTRATION	TELEPHONE	286.00
BUTLER MACHINERY CO.	PARTS	2,950.37
CALLE SORENSEN	SAFETY BOOTS REIMBURSEMENT	100.00
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,485.99
CITY OF VERMILLION	LANDFILL VOUCHERS	360.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	521.55
DEPT OF ENVIRONMENT & NAT RES	LOAN PAYMENT	66,031.51
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,042.36
FIRST NATIONAL BANK	TIF 4 FINAL PAYMENT	320,966.67
GREGG PETERS	MANAGERS FEE	5,375.00
INDEPENDENCE WASTE	WASTE HAULING	1,116.00
LEO TAGGART	UNDERGROUND REIMBURSEMENT	385.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
METRO FIRE	FIRE DEPT EQUIPMENT	1,006.18
MIDAMERICAN	GAS USAGE	9.55
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.55
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SMEAL FIRE APPARATUS INC	FIRE PUMPER TRUCK FINAL	169,568.00
SPRINT	WIRELESS DATA CARDS	87.41
STERN OIL CO.	FUEL	19,265.23
THE EQUALIZER	ADVERTISING	284.75
TITAN ACCESS ACCOUNT	PARTS	5,064.86
UNITED PARCEL SERVICE	SHIPPING	161.19

US POSTMASTER	POSTAGE FOR UTILITY BILLS	850.00
VEOLIA ENVIRONMENTAL SERVICE	HHHW COLLECTION	26,070.40
WOW! BUSINESS	DIALUP SERVICE	49.95
EDITH HEER	BRIGHT ENERGY REBATE	175.00

Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of December 2, 2013 for annual liquor and wine license renewals

B. Set bid opening of Wednesday, December 11, 2013 at 2:00 p.m. for new 5 year golf cart lease

C. Set bid opening of Tuesday, January 14, 2014 at 2:00 p.m. for sale of Fire Department pumper truck

D. Set bid opening of Wednesday, January 15, 2014 at 2:00 p.m. for sale of motor grader

348-13

Alderman Osborne moved approval of the consensus agenda. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

349-13

Alderman Osborne moved to adjourn the Council Meeting at 7:22 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 18th day of November, 2013.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 2, 2013
Subject: Public Hearing for Alcoholic Beverage License Renewals
Presenter: Mike Carlson

Background: The Police Chief has prepared a report indicating the performance of each of the establishments during 2013. The report notes compliance checks and other activity for each of the establishments. In the letter sent to all license holders with the renewal application, the applicants were encouraged to attend the public hearing or have someone represent the business. City ordinance requires a written management plan upon reapplication for a licensee convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

112.04 UNLAWFUL TO VIOLATE LIQUOR LAWS; REAPPLICATION UPON CONVICTION.

(A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

The only management plan needed for this renewal period is from Hy-Vee (May 31, 2013) which is included in the packet. The date of the report indicates the date a compliance check was not passed.

Discussion: The City Council has the ability to renew a license on basically two criteria: suitable person and suitable location. With respect to the location criteria, licenses have previously been approved for all of the locations. A South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest

in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not renew a license. If an application is denied, the motion must state the reasoning for denial. A denial of a liquor license would mean the loss of a liquor license to the city, as the city is now two licenses over the number provided by state statute. As to the denial of a wine license, the applicant cannot reapply for this type of license for one year.

The liquor license for the Old Lumber Company, Inc was transferred from John Grunewaldt to the Old Lumber Company, Inc in April 2012. For the transfer as well as the previous renewals the license had the following condition “interior of the building, at said location, as inactive pending final inspection of the building as being suitable to be occupied for this type of business”. Farrel completed the inspection of the main floor and second floor and has issued an occupancy permit. The City Council will need to consider if it wants to continue to restrict the license to the interior of the building.

Financial Consideration: The City receives \$1,500 for each on-off retailer liquor license, \$500 for a retailer wine license, \$150 for package farm winery license and \$500 for the off-sale municipal package license. For those businesses with video lottery machines, the fee is \$50 per machine, unless this fee was paid with their malt beverage license renewal in June.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the renewal of the liquor and wine licenses. On the renewals, the City Council might want to break it down into these separate actions:

1. The first action would be to consider the reissuance of the retail on-sale liquor license for the Fraternal Order of Eagles for Eagles Club 2421 at 114 W Main separately to allow Alderman Osborne to participate in the discussion on the remainder of the licenses.
2. The second action would be to consider the renewal of the retail on-sale liquor license for the Old Lumber Company, Inc for the Old Lumber Company at 15 Court Street. When the license was transferred from John Grunewaldt to the Old Lumber Company, Inc., on April 2, 2012 along with subsequent renewals, the motion to approve included the following condition “approval of the transfer of the on-sale liquor license to the Old Lumber Company, Inc. for the Old Lumber Company, at 15 Court Street for the interior of the building, at said location, as inactive pending final inspection of the building as being suitable to be occupied

for this type of business”. As stated above Farrel has issued an occupancy permit for the premises. At the current time Farrel has not received a building permit with supporting plans for anything on the roof. The City Council will need to determine if it wants to include the “interior of the structure” condition on the license as has been done with the liquor license and malt beverage license renewals.

3. The third action would be to consider the renewal of the balance of the on-sale retail liquor licenses, on-off sale wine licenses, package wine (Farm Winery) license and municipal package off sale license.



Management

Plan Form

25 Center Street
Vermillion SD 57069

City ordinance section 112.04 requires a written management plan with reapplication if convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

A) Violation of liquor laws unlawful. It is unlawful for any licensee under the provisions of the SDCL Title 35, and this chapter, or other person to violate any of the provisions of such laws or of this chapter or to fail to comply therewith within the city limits.

(B) Reapplication after conviction. Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

To assist in the preparation of the management plan please provide answers to each of the following questions. The City Council will take into consideration the management plan during the license renewal public hearing. If more space is needed please attached extra sheets. You can also provide any extra material that is needed to explain your management plan. Please type or print legibly. (Businesses are encouraged to attend the public hearing to answer questions on the violations and/or management plan.)

License Holder Name: Hy-Vee, Inc

Local Business Name: Hy-Vee

Local Business Address: 525 West Cherry St.

Contact Name: Steve Parker Phone: 605-624-5574

Title: Store Director

Please describe the violation(s) since the last renewal and why management believes the compliance check was failed:

A teenage clerk asked for I.D. But failed to recognize purchaser was not of legal age to buy. Clerk also failed to follow procedure as shown to enter into register the purchaser's birthdate, thereby bypass the Fail-Safe Register Feature.

What changes to management plan policies have been **implemented** since the violation(s) listed above?

A policy has been implemented by which all transactions involving both alcohol & tobacco are now done only by employees with assistant manager titles or above.

Have any changes in management plan policies been **discontinued** from current use? (Please include a copy of changes to policies)

Attached!

How have the changes addressed the defect(s) that resulted in the violation?

Besides the empowerment, a tighter policy taking all responsibility away from clerks and placing it on key managers.

Please list what the management plan policy has for consequences for an employee making illegal alcohol sales?

TERMINATION.

How are management plan policies communicated to employees to allow them to understand the policies and procedures for selling alcohol?

A copy of policy was given and returned signed to all store employees and placed in their permanent files.

If the employee(s) who committed the violation(s) are still with the license holder, please provide information on the specific training provided to the individual(s) after the violation occurred to ensure they are familiar with proper alcohol sale techniques.

Employee has been terminated because they left for school.

If the employee(s) who committed the violation(s) are no longer employed with the license holder, please provide the date of termination, and if the termination was voluntary or involuntary.

Voluntary quit as they went off to college.

List failed alcohol compliance checks, with dates, for license holder for the past five years.

Not available

Attach a copy of your written employee management plan regarding selling alcohol to minors and checking IDs.

Other Comments:

I have personally written a new policy and have disabled clerks from being allowed to sell using register system. I have invited clerk to the store to show new policy and also show him how our register system will not allow any clerk to sell without intervention of a manager. He was satisfied w/ changes.

Submitted by Signature: Steve P. Prater Phone: 605-674-5574

Print name: Steven A. Prater Date: 10/25/2013

When all information has been prepared, please submit the information with your license renewal to:

Finance Office
City of Vermillion
25 Center Street
Vermillion, SD 57069

Vermillion Hy-Vee—Alcohol/Tobacco Cashier Selling Policy

- The legal age to purchase tobacco is 18 years of age.
- The legal age to purchase alcohol is 21 years of age.
- As a cashier, if you are below 21 years of age, your register screen will automatically prompt you for a manager override.
- As a cashier, if you are 21 years of age or older, you must ask for proof of age if there is any question the customer is not of legal age to make the purchase.
 - If you ask the customer to see their I.D., you are required to manually punch the birthdate of the customer at the birthdate prompt on the register screen.
- Hy-Vee tries not to sell or dispense liquor, wine or beer to anyone who is intoxicated or appears to be intoxicated.
- If you believe the customer is intoxicated, you should refuse service and call for your supervisor.

Violation of any rule, policy or procedure will result in disciplinary action up and including termination. Where criminal laws are violated, termination and prosecution may occur.

By signing below I acknowledge that I have read and understand the above store policy.

(Print Employee name)

(Employee Signature)

(Supervisor Signature)

Date

Location

NEW ALCOHOL AND TOBACCO POLICY!

ALL CASHIERS MUST HAVE MANAGER
APPROVAL FOR ALL ALCOHOL AND TOBACCO
SALES!

PLEASE CALL ONE OF THE FOLLOWING PEOPLE
TO YOUR REGISTER BY PAGING

“ 21 ON REGISTER #?”

ALYSSA DAY

BRITNEY STROSCHEIN

BRYCE ABBINK

DUSTIN BAKER

KAY MILLER

MARY GAUER

JACOB DAVIS

HEIDI YOUNG

ANDREW MACK

STEVE PARKER

Mr. Parker,

Per your request, I did visit your store following the failed compliance check in May of 2013. You explained that you have created a system that required a management level employee to check identification for alcohol and tobacco sales. Further, the manager checking the id had to enter several information items from the patrons identification to complete the purchase. It is my opinion that these efforts if continued will reduce the chance of sales to underage persons. It is clear that HyVee is taking significant steps to address the failed compliance check. Additionally, the Vermillion HyVee store passed a follow up compliance check on 9/11/13.

Let me know if you need anything else,

Sincerely,

Matt Betzen
Chief of Police
Vermillion SD

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 2nd day of December 2013 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following applications for an alcoholic beverage license to operate within the municipality for the January 1, 2014 through December 31, 2014 licensing period, which have been presented to the City Council and filed in the Finance Officer's Office:

Re-issuance of On-Sale-Retailer Liquor:

Bebee Street II, LLC.	Careys Bar at 18 West Main
Charcoal Lounge, Inc.	Charcoal Lounge at 6 & 8 East Main
Leo's Sports Bar & Grill, LLC	Leo's Lounge at 11 South Market
Fraternal Order of Eagles	Eagles Club 2421 at 114 West Main
Bunyans, LLC	Bunyans at 1201 West Main
Main Street Pub, Inc.	Main Street Pub at 11 West Main
City of Vermillion	The Bluff's Golf Course at 2021 East Main
Maya Jane's, Inc.	Maya Jane's at 9 W Main
J.N.J. Management, Inc.	The Road House at 911 East Cherry
Red Steakhouse, Inc	Red Steakhouse at 1 East Main Street
Old Lumber Company, Inc.	Old Lumber Company Bar & Grill at 15 Court St
Augustus Management, LLC	Howler's Bar & Grill at 912 North Dakota

Re-issuance of Retail On-Off Sale Wine:

Spanrex, Inc.	Chae's at 8 West Main
Mexico Viejo, Inc	Mexico Viejo Mexican Restaurant 432 E Cherry
Blue Inc	Little Italy's at 831 East Cherry
Bonnie K. Rowland	Raziel's at 13 West Main Street
HyVee Food Stores Inc	HyVee at 525 West Cherry Street
Silk Road Café, Inc	Silk Road Café at 12 West Main Street
Wal-Mart Stores, Inc.	Wal-Mart #3734 at 1207 Princeton Street
Café Brule, Inc	Café Brule at 24 West Main
Red Steakhouse, Inc	Red Steakhouse at 1 East Main Street
Sunset Oil, Inc	Pump N Pak Casino at 629 Stanford St Suite C

Re-issuance of Package Wine (Farm Winery):

Valiant Vineyards, Inc	Valiant Vineyards at 1500 West Main
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Re-issuance of Municipal Off-Sale Package Liquor:

City of Vermillion	Municipal Liquor Store at 826 Cottage
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NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application.

Dated at Vermillion, South Dakota this 15th day of November, 2013.

Michael D. Carlson, Finance Officer

Publish: November 22, 2013

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



November 22, 2013

To: Vermillion City Council

From: Matt Betzen, Chief of Police

Subject: Alcohol License Renewals/Jan. 2014 – Dec. 2014

So far in 2013, the Vermillion Police Department has conducted 30 compliance checks on businesses that sell alcohol. Vendors failed seven of those compliance checks, but were successful in 23 of the checks. So, as of November 20th of 2013 the pass rate for compliance checks is 76.6%. For comparison, at this time last year (2012) we had conducted 27 compliance checks with 12 failures for a pass rate of 55.55%. Hopefully, the upcoming year will show continued improvement.

Re-issuance of On-Sale-Retailer Liquor:

Bebee Street II, LLC – Careys Bar at 18 West Main Street

- No compliance checks have been done in 2013.
- Officers responded to three assaults, a trespass complaint, a public disturbance, and a medical call caused by over consumption of alcohol.

Charcoal Lounge, Inc, - Charcoal Lounge at 6 & 8 East Main

- On 3/27/13, the Charcoal Lounge passed a compliance check.
- Officers responded to two assaults and one trespass call.
- During bar check officers cited two minors for drinking in the Charcoal Lounge.

Leo's Sports Bar & Grill, LLC – Leo's Lounge at 11 South Market

- No compliance checks have been done in 2013.
- Officers did not respond to any alcohol related events at Leo's Lounge.

Fraternal Order of Eagles – Eagles Club 2421 at 114 West Main

- No compliance checks have been done in 2013.
- Officers did not respond to any alcohol related events at the Eagles.

Bunyans, LLC – Bunyans at 1201 West Main

- No compliance checks have been done in 2013.
- Officers investigated one burglary and one vandalism at Bunyans.

Main Street Pub, Inc. – Main Street Pub at 11 West Main

- No compliance checks have been done in 2013.
- Officers responded to one trespass and one drunken disturbance.

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City of Vermillion – The Bluff’s Golf Course at 2021 East Main

- On 07/24/13, the Bluff’s Golf Course passed a compliance check.
- Officers did not respond to any alcohol related events in 2013.

Maya Jane’s, Inc. – Maya Jane’s at 9 W. Main

- No compliance checks have been done in 2013.
- Officers responded to one assault event at Maya Jane’s.

J.N.J. Management, Inc – The Road House at 911 East Cherry

- No compliance checks have been done in 2013.
- Officers responded to one vandalism call at the Roadhouse.

Red Steakhouse, Inc. – Red Steakhouse at 1 East Main Street

- On 11/19/13, Red Steakhouse passed a compliance check.
- Officers did not respond to any alcohol related events in 2013.

Old Lumber Company, Inc. – Old Lumber Company Bar & Grill at 15 Court Street

- On 3/27/13, the Old Lumber Co. passed a compliance check.
- Officers responded to two theft calls and one assault event.
- During a bar check, Officer found three minors in the Old Lumber Co..
- On one occasion, officer found bar staff were consuming alcohol after closing times.
- Management provided information regarding an underage person using a fake id to attempt a purchase of alcohol, and on two other occasions called and reported underage people attempting to gain entry using ids belonging to other persons.

Augustus Management, LLC – Howler’s Bar and Grill at 912 North Dakota

- On 7/24/13, Howlers passed a compliance check.
- Management called and reported a drunk driver who had left after being cut off.
- Officers did not respond to any other alcohol related events at Howlers.

Re-Issuance of Retail On-Off Sale Wine:

Spanrex, Inc. – Chae’s at 8 West Main

- On 11/19/13, Chae’s passed a compliance check.
- Officers did not respond to any alcohol related events at Chae’s.

Mexico Viejo, Inc. – Mexico Viejo Mexican Restaurant 432 E. Cherry

- On 6/18/13, Mexico Viejo passed a compliance check.
- Officers did not respond to any alcohol related events at Mexico Viejo.

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Blue Inc. – Little Italy’s at 831 E. Cherry

- On 11/19/13, Little Italy’s passed a compliance check.
- Officers did not respond to any alcohol related events at Little Italy’s.

Bonnie K. Rowland – Raziél’s at 13 West Main Street

- On 03/21/13, Raziél’s passed a compliance check.
- Officers did not respond to any alcohol related events at Raziél’s.

HyVee Food Store Inc. – HyVee at 525 West Cherry Street

- On 5/31/13, HyVee failed a compliance check. On 9/11/13, HyVee passed a compliance check.
- Officers did not respond to any alcohol related events at HyVee.

Silk Road Café, Inc. – Silk Road Café at 12 West Main Street

- On 9/11/13, Silk Road Café passed a compliance check.
- Officers did not respond to any alcohol related events at Silk Road Café.

Wal-Mart Stores, Inc. – Wal-Mart #3734 at 1207 Princeton Street

- On 05/31/13, Wal-Mart passed a compliance check.
- Officers did not respond to any alcohol related events at Wal-Mart.

Café Brule, Inc. – Café Brule at 24 West Main

- On 11/19/13, Café Brule failed a compliance check.
- Officers did not respond to any alcohol related events at Café Brule.

Red Steakhouse, Inc. – Red Steakhouse at 1 East Main Street

- On 11/19/13, Red Steakhouse passed a compliance check.
- Officers did not respond to any alcohol related events in 2013

Sunset Oil, Inc. – Sunset Casino at 629 Stanford Street, Suite C.

- No compliance checks have been done in 2013.
- Officers responded to one assault and one trespass event at Sunset Casino.
- Management called to report two DWI events.

Re-issuance of Package Wine (Farm Winery):

Valiant Vineyards, Inc. – Valiant Vineyards at 1500 West Main

- No compliance checks have been done in 2013.
- Officers did not respond to any alcohol related events in 2013

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Reissuance of Municipal Off-Sale Package Liquor:

City of Vermillion – Municipal Liquor Store at 826 Cottage

- No compliance checks have been done in 2013.
- Management called and reported an underage person using a fake id to attempt a purchase of alcohol.

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: December 2, 2013
Subject: Resolution Adopting a Resolution of Necessity for Sidewalk Repairs
(Southwest Quadrant)
Presenter: Jose Dominguez

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

The new Sidewalk Inspection Program was first presented to the City Council in 2010 and comments and discussion helped create the program used today. The program divided the City into quadrants with the southwest (south of National Street and west of Dakota Street) quadrant being inspected this year. During City inspections, staff looks for a couple of deficiencies; trippers and surface conditions. In addition, sidewalk tiles were inspected more closely to verify that they were functioning as originally constructed. If the panels were found to be deficient, they were also marked for replacement.

On November 4, 2013 the City Council passed a Resolution of Necessity and Notice of Hearing setting the public hearing on the sidewalk repairs for December 2, 2013.

Discussion: The property owners were notified by mail and the notice of hearing has been published in the Plain Talk. An information packet has also been placed on the City's website for public review. This packet was also mailed to several people upon their request.

The property owners will be given until June 30, 2015 to demonstrate they have the work under contract to be completed by the end of 2015. If the property owners do not

demonstrate that they either have the work under contract or that the work has been completed then the work will be completed by the City.

Following the completion of repairs completed by a City hired contractor, the City Council will adopt a resolution approving the special assessment roll with any added adjustments in the amounts. Some property owners have already responded to the notification mailing that they prefer to have the City hire the contractor and assess them for repairs.

Financial Consideration: Costs for the City have included postage and the publication of the notice.

Using 2013 prices, the cost for all of the repairs was estimated at \$102,000. In addition to the construction cost, an administration fee of either eight (8%) percent or \$50.00, whichever is greater, will be added to the project. The assessment would be placed on the tax rolls and the property owner given two years at ten (10%) percent interest to pay the cost. The owner has the option to pay the entire assessment before it's placed on the tax rolls without any interest accrual.

Conclusion/Recommendations: Administration recommends adoption of the resolution adopting a resolution of necessity for sidewalk repairs.

**RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR SIDEWALK
REPAIRS IN THE CITY OF VERMILLION, SD**

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 2nd day of December, 2013, that the necessity has arisen for sidewalk repairs along the parcels of land hereinafter named, viz:

VIOLATION ADDRESS	VIOLATION LEGAL DESCRIPTION	VIOLATION PACEL NUMBER
10 AUSTIN	LOT 3 BLK 7 MEISENHOLDERS 3RD	15530-02900-180-00
15 AUSTIN	LOTS 6 & 7 BLK 30 ORIGINAL TOWN	15530-03000-070-00
102 AUSTIN	N 1/2 OF 13 & ALL OF 14 BLK 22 ORIGINAL TOWN	15530-03000-200-00
110 AUSTIN	LOT 12 & S 1/2 OF 13 BLK 22 ORIGINAL TOWN	15530-02200-140-00
15 BLOOMINGDALE	W 80' OF 1, 2 & W 80' OF N 13.5' LOT 3 BLK 13 ORIGINAL TOWN	15530-02200-130-00
18 BLOOMINGDALE	E 50' OF N 1/2 OF 12 & E 50' OF 13 & 14 BLK 14 ORIGINAL TOWN	15530-01300-030-06
21 BLOOMINGDALE	COMM 80' E OF NW COR LOT 1 THEN S TO 80' E OF SW COR' LOT 3 THEN E 44' THEN N TO N LINE OF LOT 1 THEN W 44' TO POINT OF BEGINNING BLK 13 ORIGINAL TOWN	15530-01400-140-03
22 BLOOMINGDALE	W 100' OF 10, 11, 12, 13 & 14 BLK 14 ORIGINAL TOWN	15530-01300-030-00
32 BLOOMINGDALE	LOTS 6 & 7 EXC W 62' BLK 24 ORIGINAL TOWN	15530-01400-140-00
12 CENTER	N 38.5' OF LOT 25 BLK 35 SNYDERS	15530-02400-070-03
24 CENTER	S 12' OF LOT 2 BLK 35 SNYDERS	15720-03500-250-03
103 CHURCH	LOT 1 BLK 24 ORIGINAL TOWN	15720-03500-020-03
107 CHURCH	LOT 2 & N 15' OF LOT 3 BLK 24 ORIGINAL TOWN	15530-02400-010-00
111 CHURCH	S 29' OF LOT 3 & N 15' OF LOT 4 BLK 24 ORIGINAL TOWN	15530-02400-030-00
7 COURT	S 34' OF LOT 4 & N 14' OF LOT 5 BLK 28 ORIGINAL TOWNSITE OF VERMILLI~ON~	15530-02400-040-00
9 COURT	N 18' OF 6 & S 30' OF 5 BLK 28 ORIGINAL TOWN	15530-02800-040-00
11 COURT	S 20' OF N 38' OF LOT 6 BLK 28 ORIGINAL TOWN	15530-02800-050-00
15 COURT	S 6' OF 6 & ALL OF LOT 7 BLK 28 ORIGINAL TOWN	15530-02800-060-00
16 COURT	LOTS 8,9,10 & 11 BLK 27 ORIGINAL TOWN	15530-02800-070-00
104 COURT	W 93' OF N 1/2 OF LOT 12 & W 93' OF 13 & 14 BLK 24 ORIGINAL TOWN	15530-02700-110-00
		15530-02400-140-00

110 COURT	N 26' OF 11 & S 1/2 OF LOT 12 BLK 24 ORIGINAL TOWN	15530-02400-120-00
111 COURT	LOTS 1, 2, 3 & 4 BLK 23 ORIGINAL TOWN	15530-02300-020-00
116 COURT	N 1/2 OF LOT 10 & S 18' OF LOT 11 BLK 24 ORIGINAL TOWN	15530-02400-110-00
117 COURT	LOT 5 BLK 23 ORIGINAL TOWN	15530-02300-050-00
122 COURT	LOT 9 & S 1/2 OF LOT 10 BLK 24 ORIGINAL TOWN	15530-02400-100-00
124 COURT	LOT 8 BLK 24 ORIGINAL TOWN	15530-02400-080-00
125 COURT	LOT 7 BLK 23 ORIGINAL TOWN	15530-02300-070-00
203 COURT	LOTS 1 & 2 BLK 14 ORIGINAL TOWN	15530-01400-020-00
204 COURT	N 32' OF 13 & ALL OF 14 BLK 13 ORIGINAL TOWN	15530-01300-140-00
	W 1/2 OF VAC COURT ST LOCATED BTWN S 34' OF LOT 5 & ALL LOTS 6 & 7 BL~K 14 & S 34' OF LOT 10 & ALL OF LT 8 & 9 BLK 12	15530-01400-010-00
215 COURT	BLK 14 ORIGINAL~TOWN~	15530-01400-070-00
2 E. MAIN	LOTS 15 & 16 BLK 34 SNYDERS	15720-03400-160-00
6 E. MAIN	LOT 17 BLK 34 SNYDERS	15720-03400-170-00
8 E. MAIN	LOT 18 BLK 34 SNYDERS	15720-03400-180-00
10 E. MAIN	LOT 19 BLK 34 SNYDERS	15720-03400-190-00
12 E. MAIN	LOT 20 BLK 34 SNYDERS	15720-03400-200-00
15 E. MAIN	LOTS 3 THRU 7 & 21 THRU 24 & LOT V1 BLK 27 ORIGINAL TOWN	15530-02700-000-00
14 E. MAIN	LOTS 21 & W 6' OF 22 BLK 34 SNYDERS	15720-03400-220-00
20 E. MAIN	E 47' OF 22 & ALL OF 23 BLK 34 SNYDERS	15720-03400-230-00
100 E. MAIN	W 20.1' OF LOT 15 BLK 33 SNYDERS	15720-03300-150-00
101 E. MAIN	LOTS 15, 16 & 17 BLK 26 REPLAT OF LOTS 13 & 14 ORIGINAL TOWN	15530-02600-170-00
102 E. MAIN	E 9.9' OF LOT 15 & W 10' OF LOT 16 BLK 33 SNYDERS	15720-03300-160-00
104 E. MAIN	E 16' OF LOT 16 & W 4' OF LOT 17 BLK 33 SNYDERS	15720-03300-170-02
106 E. MAIN	E 23' OF LOT 17 BLK 33 SNYDERS	15720-03300-170-00
108 E. MAIN	LOT 18 EXC 18A BLK 33 SNYDERS	15720-03300-180-00
110 E. MAIN	LOT 18A BLK 33 SNYDERS	15720-03300-180-02
112 E. MAIN	LOT 19 & W 11' OF 20 BLK 33 SNYDERS	15720-03300-200-00
113 E. MAIN	W 31' OF LOTS 1, 2, 3 & 4 BLK 26 ORIGINAL TOWN	15530-02600-040-12
115 E. MAIN	E 20' OF W 51' OF LOTS 1, 2, 3 & 4 BLK 26 ORIGINAL TOWN	15530-02600-040-09

117 E. MAIN	E 15' OF W 66' OF LOTS 1, 2, 3 & 4 BLK 26 ORIGINAL TOWN	15530-02600-040-06
121 E. MAIN	LOT 13 BLK 5 SMITH-QUAM	15715-00500-130-00
120 E. MAIN	S90' OF E15' LOT 20 & S90' LOTS 21, 22, 23, 24 & 25 BLK 33 SNYDERS W 41' OF VACATED DAKOTA ST ABUTTING LOT 1 & E 18' OF LOT 1 BLK 26 ORIGINAL TOWN~	15720-03300-250-03
125 E. MAIN	E 48' OF N 20' OF LOT 13 & E 48' OF LOT 14 BLK 33 SNYDERS	15530-02600-010-00
109 E. NATIONAL	LOT 11 BLK 33 SNYDERS	15720-03300-140-03
17 ELM	W 85' OF LOT 14 & W 85' OF N 20' OF LOT 13 BLK 33 SNYDERS~	15720-03300-110-00
23 ELM	LOTS 14, 15, 16 & 17 BLK 29 ORIGINAL TOWN	15720-03300-140-00
121 KIDDER	N 70' OF 18, 19 & 20 BLK 31 ORIGINAL TOWN	15530-02900-170-00
5 LUXEMBURG	S 52' OF 18, 19 & 20 BLK 31 ORIGINAL TOWN	15530-03100-200-00
9 LUXEMBURG	N 23'4 OF S 27' 2 1/2 OF LOT 2 BLK 29 ORIGINAL TOWN	15530-03100-200-03
5 MARKET	LOT 5 & 6 BLK 29 ORIGINAL TOWN	15530-02900-020-03
11 MARKET	LOT 10 & N 20' OF E 50' & S 24' OF LOT 11 BLK 28 ORIGINAL TOWN	15530-02900-050-00
14 MARKET	LOTS 7, 8 & 9 BLK 29 ORIGINAL TOWN	15530-02800-100-00
17 MARKET	LOT 11 BLK 29 ORIGINAL TOWN	15530-02900-070-00
19 MARKET	LOT 11 BLK 29 ORIGINAL TOWN	15530-02900-100-00
21 MARKET	LOT 12 BLK 29 ORIGINAL TOWN	15530-02900-110-00
23 MARKET	LOT 9 BLK 28 ORIGINAL TOWN	15530-02900-120-00
24 MARKET	LOT 8 BLK 28 ORIGINAL TOWN	15530-02800-090-00
26 MARKET	LOTS 10, 11 & 12 BLK 23 ORIGINAL TOWN	15530-02800-080-00
116 MARKET	LOT HD-1 LOT 15 BLK 35 SNYDERS	15530-02300-110-00
5 PROSPECT	LOT 3 BLK 36 SNYDERS	15720-03500-150-03
16 PROSPECT	N 1/2 OF LOT 13 & ALL OF LOT 14 BLK 35 SNYDERS	15720-03600-030-00
25 PROSPECT	LOT 13 BLK 29 ORIGINAL TOWN	15720-03500-140-00
111 W. KIDDER	LOTS 14, 15, 16 & 17 BLK 29 ORIGINAL TOWN	15530-02900-130-00
121 W. KIDDER	S 60.5' OF LOT 25 BLK 35 SNYDERS ADDN	15530-02900-170-00
1 W. MAIN	LOT 25 BLK 28 ORIGINAL TOWN	15720-03500-250-00
2 W. MAIN	LOT 24 BLK 35 SNYDERS	15530-02800-250-00
3 W. MAIN	LOT 24 BLK 28 ORIGINAL TOWN	15720-03500-240-00
4 W. MAIN	LOTS 22 & 23 BLK 35 SNYDERS	15530-02800-240-00
5 W. MAIN		15720-03500-230-00

9 W. MAIN	LOT 21 BLK 35 SNYDERS	15720-03500-210-00
	LOTS 1 & 2 EXC W 10' OF S 84' LOT 2 BLK	
	29 & W 1/2 VACATED WEST ST~VAN	
10 W. MAIN	METERS SUNSET HILL~	15530-02800-210-00
	LOT 20 & ALL VAC ALLEY ADJ TO LOT 20	
12 W. MAIN	BLK 28 ORIGINAL TOWN	15530-02800-200-00
	E 23 1/2' OF LOT 19 BLK 35 & ALL OF VAC	
13 W. MAIN	ALLEY SNYDERS	15720-03500-190-03
	LOT 18 & W 25' OF E 50' OF LOT 12 BLK 28	
16 W. MAIN	ORIGINAL TOWN OF VERMILLION	15530-02800-180-00
	E 5.5' OF LOT 18 & W 12.5' OF LOT 19 BLK	
15 W. MAIN	35 SNYDERS	15720-03500-190-00
	W 25' OF N 20' OF E 75' OF 11 & W 25' OF E	
	75' OF 12 & ALL LOT 17 BL~K 28 ORIGINAL	
18 W. MAIN	TOWN~	15530-02800-170-00
19 W. MAIN	LOT 17 & W 12.5' OF 18 BLK 35 SNYDERS	15720-03500-180-00
23 W. MAIN	E 25' OF LOT 15 BLK 35 SNYDERS	15720-03500-150-06
	W 30' OF LOTS 12 & 15 EXC W 5' & N 10' &	
	N 3.4' OF W 31.4' LOT 11 EXC~W 5' BLK 28	
24 W. MAIN	ORIGINAL TOWN~	15530-02800-150-03
	W 25' OF LOT 15 EXC LOT HD-1 BLK 35	
25 W. MAIN	SNYDERS	15720-03500-150-00
		15720-03600-050-00
101 W. MAIN	LOT 24 BLK 36 SNYDERS ADDN	15720-03600-230-00
108 W. MAIN	LOT B BLK 29 ORIGINAL TOWN	15530-02900-020-00
113 W. MAIN	LOTS 15, 16 & 17 BLK 36 SNYDERS	15720-03600-170-00
114 W. MAIN	LOTS 19 & 20 BLK 29 ORIGINAL TOWN	15530-02900-200-00
120 W. MAIN	N 78' OF LOT 18 BLK 29 ORIGINAL TOWN	15530-02900-180-03
	N 125' OF LOTS 18, 19, 20 BLK 30 ORIGINAL	
200 W. MAIN	TOWN	15530-03000-200-03
211 W. MAIN	LOTS 1 TO 14 BLK 37 SNYDERS	15720-03700-140-00
214 W. MAIN	LOTS 1 TO 14 BLK 37 SNYDERS	15530-03000-170-00
	LOT 15 & W 40' OF 16 BLK 30 ORIGINAL	
222 W. MAIN	TOWN	15530-03000-160-00
	LOT PE-1 A PT OF LOTS 5 & 6 BLK 38	
301 W. MAIN	SNYDERS	15720-03800-000-00
309 W. MAIN	TRACT D-1 BLK 38 SNYDERS	15720-03800-000-06
		15720-03800-110-06
315 W. MAIN	E 100' OF S 24' OF 11 BLK 38 SNYDERS	15720-03800-170-00
	LOT 15 & W 50' OF S 24' OF LOT 11 BLK 38	
317 W. MAIN	SNYDER'S ADDN	15720-03800-150-00
		15530-03100-060-00
	LOTS 4 & 5 & N 1/2 OF 6 BLK 31 ORIGINAL	15530-03100-110-00
320 W. MAIN	TOWN	15530-03100-170-00
14 WASHINGTON	LOT 4 BLK 38 SNYDERS	15720-03800-040-00
16 WASHINGTON	S 1' OF LOT 2 & ALL 3 BLK 38 SNYDERS	15720-03800-030-00

22 WASHINGTON	LOT 1 & N 43' OF LOT 2 BLK 38 SNYDERS	15720-03800-020-00
115 MARKET	LOTS 4, 5, 6 & 7 BLK 22 ORIGINAL TOWN	15530-02200-070-00
7 MARKET	S 3' 10.5" OF LOT 2 & N 19' 10.5" OF LOT 3 BLK 29 ORIGINAL TOWN	15530-02900-030-00

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 4th day of November 2013 is approved and that the Engineer shall proceed with the work in the manner provided by law.

BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be under contract by the 30th day of June 2015 for completion by December 31, 2015.

Dated at Vermillion, South Dakota this 2nd day of December, 2013.

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: Jim Goblirsch, Park and Recreation Director

Meeting: December 2, 2013

Subject: Bluffs Golf Course Fees

Presenter: Jim Goblirsch

Background: In 2007, city staff was given direction to look at smaller, more frequent increases vs. larger percentage increases to the Bluffs Golf Course rates. Most years the golf course rate has been raised around 3% since that time. The golf course had an average year in 2013. The late snow on May 1 hampered getting the season underway. In comparison, 2012 had a mild winter which allowed for an earlier start to the golf season. The weather this year did lead to few outings being cancelled due to rain.

Discussion: During the 2014 budget review process, staff recommended adjusting season pass, green fee, and cart rental rates. The Golf Advisory Board has reviewed the proposed rate schedule and concurred with the recommended rate changes. One concern is that with annual rate increases, the cost of a season pass may be reaching the point where the cost will drive pass holders away.

For the last two years, the course has experimented with Groupon and other similar promotions. These promotions have been helpful in bringing new golfers to the course. Golfers attracted by these promotions tend to be single event players vs. regular or season pass holders. With the new program to computerize recreational offerings in 2014, there will be additional opportunities to promote play, enhancements and offerings to entice play.

The bulk of revenue at the Bluffs comes from three main sources: season passes, outings and green fees. For 2013, a total of 252 memberships were sold (Juniors – 20; University – 57; Adult – 110; Family – 65). This is fewer total memberships in comparison to 2012. Staff continues to work on increasing the number of outings. Overall, the total rounds of golf in 2013 were 19,689 compared to 22,639 rounds in 2012. How early or late the golf season begins impacts the total playable days and the number of rounds.

Financial Consideration: Raising fees is not the only answer to solving the financial challenge at the golf course. Golf course staff and administration continually monitor expenses and operations to help reduce costs without sacrificing the quality of the golf experience.

Conclusion/Recommendations: Administration recommends the adoption of the fee structure as proposed.

The Bluffs Golf Course Fees 2014 Proposed

Season Fees do not include tax

SEASON GOLF PASSES

2 Person Family	\$679(\$689)
(+ one child \$709(\$724)) +2 or more	\$739 (\$754)
Adult	\$519(\$529)
College(full time)or under 25	\$259(\$264)
Junior	\$129(\$129)

SEASON RANGE PASSES

Family	\$269(\$274)
Adult	\$199(\$199)
Junior	\$92(\$94)

PRIVATE CARTS

Cart Storage	\$339(\$349)
Trail Fee (homeowners)	\$169(\$174)

SEASON CART PASSES

2 Person Family	\$659(\$669)
Adult	\$479(\$489)

ALL DAILY RATES INCLUDE TAXES

GREEN FEES

9-hole Monday-Friday	\$17.00 (\$17.50)
18-hole Monday-Friday	\$23.00 (\$23.50)
9-hole Saturday-Sunday & Holidays	\$20.00 (\$20.50)
18-hole Saturday -Sunday & Holidays	\$31.00 (\$31.50)
9-hole punch card (10 rounds)	\$153.00 Mon-Fri (\$157.50)
9-hole punch card (10 rounds)	\$166.50 Anyday (\$181.00)
9-hole punch card (15 rounds)	\$221.00 Mon-Fri (\$227.50)
9-hole punch card (15 rounds)	\$240.50 Anyday (\$247.00)

CART RENTAL

9-hole car rental	\$11.00 (\$11.50)
9-hole car rental punch card (10 rounds)	\$103.50 (103.50)
18-hole car rental (per person)	\$16.00 (\$16.50)

DRIVING RANGE

Bag of balls	\$4.00 (same)
Punch cards (10 bags)	\$36.00 (same)

Corporate Punch Card (18 holes & ½ cart) 30 rounds \$999.00

HANDICAP \$26.00(~~\$27.00 includes tax~~)

The Bluffs Pro Shop 677-7058

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 2, 2013
Subject: First Reading of Ordinance No. 1308 - 2013 Supplemental Appropriations
Presenter: Mike Carlson

Background: The City Council adopted a revised budget for 2013 as part of the budget process in September 2013. Since that time, some expenses have taken place resulting in the need to revise the budget and accounting requirement.

To adjust for these items, the City needs to supplement the budget as provided by statute.

SDCL 9-21-7. Supplemental appropriation ordinance for indispensable functions or discharge of municipal duties. In the event of the failure to provide by the annual appropriation ordinance, sufficient revenue to enable the municipality to conduct the indispensable functions of government, in any department, or to discharge any duty which it is the lawful duty of the municipality to discharge, and which requires the incurring of liabilities or expenditures of funds for a purpose or object for which no provision has been made in the annual appropriation ordinance for such fiscal year and, when any of such occasions arise, the governing body of such municipality may make, approve and adopt a supplemental appropriation ordinance, providing therein for appropriations for any or such purposes in such amounts as said governing body may determine necessary and such supplemental appropriation ordinance shall set out in detail each item for which an appropriation is made and the amount thereof. The adoption of such supplemental appropriation ordinance shall be governed by the same laws pertaining to the adoption of the annual appropriation ordinance.

Discussion: The proposed budget adjustments are as follows:

General Fund Revenues:

Federal Grants through State \$1,280 – The Police Department was awarded a Traffic Safety Grant for 80% of the equipment purchase of \$1,600.

Airport Fuel Revenue increased \$7,800 – Fuel sales are exceeding the revised budget estimate and projected to increase by \$7,800.

Transfer in Capital Projects increased \$6,634 – The fiscal fee for special assessment projects is transferred to the General Fund. The revision is to increase \$6,634 for 2013.

Appropriation from Reserve decreased \$1,734 – The transfer and fuel sales result in a decrease to appropriation from reserve.

General Fund Expenses:

Police Administration – The Other Current Expenses was reduced \$320 and Furniture and Equipment was increased \$1,600 for equipment to be acquired with grant funds.

8. New Business; item b

Airport Fuel for Resale – Additional fuel was needed for the airport fuel system the expense is offset by the revenue from the sale of fuel.

Ambulance Capital Expenditures – This is for the purchase of the ambulance department defibrillator with the grant funds.

Library Utilities – With the new addition the electric utility will need to be increased \$4,000, water utility increased \$400 and gas utility \$900.

Old Library – Increase in building repairs and maintenance for additional repairs.

Second Penny Sales Tax Fund:

Swimming Pool – The increase is for the Prentis Park master plan to be funded by reserves.

Capital Projects Special Assessment Fund:

Transfer to General Fund: The fiscal fee included on special assessments is transferred to the General Fund to cover engineering, postage and other administrative costs with the project.

Curbside Recycling:

Personnel Services – With a turnover in employees the projections for the revised budget did not include the correct hours and increase of \$7,917 including fringe to be funded by reserve.

Debt Service TIF 3 Fund:

Interest – Interest revenue was increased for additional collections.

Refund Fund Balance – The increased collections will be refunded to the other taxing entities when the fund will be closed.

Debt Service TIF 4 Fund:

Interest – Interest revenue was increased for additional collections.

Refund Fund Balance – The increased collections will be refunded to the other taxing entities when the fund will be closed.

Equipment Replacement Fund:

Equipment Replacement – A review of purchases yet to be made this year will require an increase of \$2,000 to be funded from reserve.

Financial Consideration: The General Fund reserve will be increased \$1,734 from what was planned with the budget was adopted. The General Fund reserve balance projected for year-end 2013 is \$1,460,031.

Conclusion/Recommendations: Administration recommends adoption of first reading of Ordinance No. 1308 Supplemental Appropriations Ordinance for 2013.

PROPOSED ORDINANCE NO. 1308
2013 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

An ORDINANCE ADOPTING a 2013 Supplemental Appropriation Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

	<u>2013 Budget</u>	<u>Proposed Budget</u>	<u>Amount of Supplemental Budget</u>
<u>General Fund:</u>			
<u>Revenues:</u>			
Federal Grants through State	1,000	2,280	1,280
Airport Fuel Revenue	55,000	62,800	7,800
Transfer from Capital Project	13,735	20,369	6,634
Appropriation from Reserve	187,785	186,051	(1,734)
 <u>Expenditures:</u>			
Police Administration			
Other Current Expenses	3,000	2,268	(320)
Furniture and Equipment	-0-	1,600	1,600
Airport			
Fuel for Resale	45,000	51,500	6,500
Library			
Electricity	16,000	20,000	4,000
Water	1,300	1,700	400
Gas	4,500	5,400	900
Old Library			
Building Repairs & Maint.	10,000	10,900	900
 <u>Second Penny Sales Tax Fund</u>			
<u>Revenues:</u>			
Appropriation from Reserve	209,682	224,682	15,000
 <u>Expenditures:</u>			
Swimming Pool	-0-	15,000	15,000
 <u>Capital Projects SA Fund</u>			
<u>Expenditures:</u>			
Appropriation to Reserve	26,215	19,581	(6,634)
Transfer to General Fund	13,735	20,369	6,634
 <u>Curbside Recycling</u>			
<u>Revenues:</u>			
Appropriation from Reserve	4,180	12,097	7,917
 <u>Expenditures</u>			
Personnel Services	71,472	79,389	7,917

Debt Service TIF3

Revenues:

Interest	-0-	150	150
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Expenditures:

Refund Fund Balance	43,518	43,668	150
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Debt Service TIF4

Revenues:

Interest	60	120	60
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Expenditures:

Refund Fund Balance	25,712	25,772	60
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Equipment Replacement

Revenues:

Appropriation from Reserve	412,764	414,764	2,000
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Expenditures:

Equipment Replacement	1,056,800	1,058,800	2,000
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Dated at Vermillion, South Dakota this 2nd day of December, 2013.

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: December 2, 2013
Second Reading: December 16, 2013

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 2, 2013

Subject: Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing along the North to South Alley in Block 68, Bigelow's Addition from East Clark Street to East Cedar Street

Presenter: Jose Dominguez

Background: In 2012 Mrs. Teresa Gilbertson approached the City regarding the paving of the alley located in Block 68 of Bigelow's Addition. Mrs. Gilbertson, along with her north and south neighbor, were concerned with the damage to the alley due to the high traffic utilizing the alley. Mrs. Gilbertson was given a petition, with an estimate, to circulate among the fronting property owners.

Mrs. Gilbertson returned the petition with signatures of over 45-percent of the property owners requesting the resolution. The petition was returned to the City the week of November 4th. Mrs. Gilbertson, and her neighbors, would like the alley to be paved during the 2014 construction year.

Discussion: The special assessment process provides that the governing body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on January 6, 2014. Following the hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

The affected property owners will be sent a letter notifying them of the hearing. Also, the hearing will be published on the local paper.

Financial Consideration: The cost will include postage and the publication of the notice. The City has not budgeted for this improvement. The budget will have to be revised during the 2014 budget sessions.

Conclusion/Recommendations: Administration recommends adoption of the resolution that sets the public hearing date for January 6, 2014.

PETITION FOR PUBLIC IMPROVEMENT
TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY
OF VERMILLION, SOUTH DAKOTA

We, the undersigned property owners, do hereby respectfully petition your Honorable Body to adopt a resolution providing for grading, gravel & concrete surfacing for a 16-ft alley width to be assessed over a ten (10) year period.

On North – South Alley in Block 68, Bigelow’s Addition from East Clark Street to Cedar Street

That the cost and expense of said improvement be paid for by special assessment upon the property benefited, in the manner provided by State Law. An estimate of special assessments is attached.

<u>Improvement:</u>	<u>Estimated Cost per front ft</u>
Grading & Gravel	\$19.91
Concrete Surfacing	\$31.11
8% Fiscal Fee	\$4.08
TOTAL	\$55.10

The estimated assessment includes an 8% fiscal fee. Concrete driveway approaches would be installed and assessed as requested, but their costs are not included in the estimated assessment. Cost estimate is based on anticipated 2013 construction costs.

SIGNATURE ABOVE NAME & ADDRESS	LOT(S)	IMPROVEMENT	ASSESSABLE FRONTAGE	ESTIMATED ASSESSMENT
Board of Regents 207 East Capitol Street Pierre, SD 57501	N ½ of 6 & all of 7, Blk 68, Bigelow’s Addn	Grading, Gravel & Concrete Surfacing	66-ft	\$3,636.60
Janet & Lori Whitman 221 North Harvard Street Vermillion, SD 57069	Lot 5 & S ½ of Lot 6, Blk 68, Bigelow’s Addn	Grading, Gravel & Concrete Surfacing	66-ft	\$3,636.60
Peterson Family Trust 36 Calle Aragon, Unit E Laguna, CA 92637-3510	Lot 4, Blk 68, Bigelow’s Addn	Grading, Gravel & Concrete Surfacing	44-ft	\$2,424.40
Donald P. Foley 601 Bill Baggs Road Yankton, SD 57078	N ½ of Lot 2 & all of Lot 3, Blk 68, Bigelow’s Addn	Grading, Gravel & Concrete Surfacing	66-ft	\$3,636.60
Gary R. Grimley 8D Glendale Lane	Lot 1 & S ½ of 2, Blk 68, Bigelow’s	Grading, Gravel & Concrete Surfacing	66-ft	\$3,636.60

Rapid City, SD 57702 Addn

Marie I. Gray
Marie I. Gray Lots 8 & 9/Blk 68, Grading, Gravel & 88-ft \$4,848.80
222 North Yale Street Bigelow's Addn Concrete Surfacing
Vermillion, SD 57069

Jessica Gilbertson
Vermillion Rentals, LLC Lots 10 & 11, Blk Grading, Gravel & 88-ft \$4,848.80
2021 Old Bridge Road 68, Bigelow's Concrete Surfacing
Vermillion, SD 57069 Addn

Jack L. & Phyllis R. Noble
Jack L. & Phyllis R. Noble Lots 12, 13 & 14, Grading, Gravel & 132-ft \$7,273.20
204 North Yale Street Blk 68, Bigelow's Concrete Surfacing
Vermillion, SD 57069 Addn

RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION OF CONCRETE SURFACING ALONG THE NORTH TO SOUTH ALLEY IN BLOCK 68, BIGELOW'S ADDITION FROM EAST CLARK STREET TO EAST CEDAR 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 2nd day of December, 2013, that the necessity has arisen for the construction of a concrete alley along the parcels of land hereinafter named, viz:

VIOLATION ADDRESS	VIOLATION LEGAL DESCRIPTION	VIOLATION PACEL NUMBER	ESTIMATED COST
225 N. HARVARD	N ½ OF 6 & ALL OF 7, BLK 68, BIGELOWS	15050-06800-070-00	\$3,636.60
221 N. HARVARD	LOT 5 & S ½ OF 6, BLK 68, BIGELOWS	15050-06800-060-00	\$3,636.60
215 N. HARVARD	LOT 4, BLK 68, BIGELOWS	15050-06800-040-00	\$2,424.40
209 N. HARVARD	N ½ OF LOT 2 & ALL OF LOT 3, BLK 68, BIGELOWS	15050-06800-030-00	\$3,636.60
205 N. HARVARD	LOT 1 & S ½ OF 2, BLK 68, BIGELOWS	15050-06800-020-00	\$3,636.60
222 N. YALE	LOTS 8 & 9, BLK 68, BIGELOWS	15050-06800-090-00	\$4,848.80
218 N. YALE	LOTS 10 & 11, BLK 68, BIGELOWS	15050-06800-110-00	\$4,848.80
204 N. YALE	LOTS 12, 13 & 14, BLK 68, BIGELOWS	15050-06800-140-00	\$7,273.20

The estimate is based on 2011 estimated costs and includes the 8% fiscal fee.

BE IT FURTHER RESOLVED, that when the cost of construction of the improvement has been determined, the Engineer shall calculate and report to the Governing Body the amount to be assessed against each lot or part of lot fronting or abutting upon the improvement. In determining such assessment, the Engineer shall divide the total cost of the improvement, less the City's share of the cost, by the number of feet fronting or abutting upon said improvement. The quotient, plus and eight percent (8%) fiscal fee, shall be the amount assessed per front foot upon the property fronting or abutting thereon.

BE IT FURTHER RESOLVED, that the lots and tracts of real property likely to be affected by the improvement are those parcels of land set forth after the above named alley.

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

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of

construction herein provided for shall be paid in cash from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00 p.m. on the 6th day of January 2014 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 2nd day of December, 2013.

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: Jose Dominguez, City Engineer

Meeting: December 2, 2013

Subject: Agreements with Owner of Lot 1, Block 1, Madison Park Addition and Owner of Outlot B, Block 2, Dakota Addition regarding construction of North Norbeck Street

Presenter: Jose Dominguez

Background: In 2012 the City was approached by the developer that purchased the land along the east side of North Norbeck Street south of Roosevelt Street to the Mehlhaf Addition. At the time, the developer was going to be developing the land and wanted the City to start the assessment process for the construction of North Norbeck Street. However, due to some issues that arose with the development, the developer requested that the construction of the street be postponed until a later year.

Several months ago we started getting requests from other adjacent property owners wanting to develop along the same stretch of road. Due to the type of development that was being proposed (high density multi-family), the amount of high density dwellings in the area and the importance to the City for this road to be constructed, we approached the majority of the property owners along the street to explain the importance of constructing the street at this time.

Discussion: From our conversations it was determined that the City would have to modify the typical assessment procedures to promote development in the area. It was found that some of the issues that the developers had were more with the cost of the proposed project and cash-flow. To alleviate some of the effects from these issues, city staff and the developers propose the following agreement:

- The City would provide an assessment plan payable in twelve equal annual payments. Where the principal on the first two payments will be deferred and the City would pay the interest on the same two years.
- The City will set the interest rate on the assessment at 8% per annum, rather than the typical 10% per annum.

- The 8% fiscal fee charged by the City to cover the engineering plans, inspection, geotechnical surveys, mailings, publishing, etc. will be waived due to the work already completed by the City. Instead of the 8% fiscal fee, the City would enter into a contract with a consulting engineer. The consultant will develop the plans and specifications for the project and this cost would be assessed to the property owner.
- The developer agrees not to remonstrate against the proposed assessment for the construction of the improvements.

This agreement will essentially set the parameters for the resolution to construct the street. If the resolution were to differ from the agreement then the agreement would be voided and the property owners would be able to remonstrate against the assessment for the proposed improvements.

Also, even though the agreement is with some of the property owners the agreed stipulations will be applied to all of the owners.

Financial Consideration: Costs for the City will include the filing fee at the Register of Deeds.

Conclusion/Recommendations: Administration recommends signing the proposed agreement with the property owners for the construction of North Norbeck Street.

Prepared by: The City of Vermillion
 25 Center Street
 Vermillion, SD 57069
 605-677-7050

AGREEMENT

The City of Vermillion, South Dakota, and G.A. Haan Development, L.L.C., owners, witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The property owners, their successors or assigns, intend to develop one lot presently described as:

Lot 1, Block 1, Madison Park Addition, City of Vermillion, Clay County, South Dakota.

GRADING, CURB AND GUTTER, STORM SEWER AND STREET SURFACING:

Currently North Norbeck Street, which fronts this property, is not constructed. The City will require that this street be constructed prior to or concurrently with any development occurring on the property. Due to the number of proposed developments, and the type of development, fronting the street the City is requesting that North Norbeck Street be built from Roosevelt to East Clark Streets. Because of the large proposed investment in the area by developers and the high cost of constructing infrastructure the following is agreed to:

CITY:

- The City will provide an assessment plan payable in twelve equal annual payments. Where the principal on the first two payments will be deferred and the City pays the interest on the same two years.
- The City will set the interest rate on the assessment at 8% per annum.
- The 8% fiscal fee charged by the City to cover for the engineering plans, inspection, geotechnical surveys, mailings, publishing, etc... will be waived due to the work already completed by the City. Instead of the fee the City would enter into a contract with a consulting engineer. The consultant will develop the plans and specifications for the project and this cost would be assessed to the property owner.

PROPERTY OWNER:

- The property owner of Lot 1, Block 1, Madison Park Addition, City of Vermillion, Clay County, South Dakota, and the East 16-rods of the NW ¼ of the SE ¼ and the West 58-rods of the NE ¼ of the SE ¼, except the North 219-feet thereof, except Washington Square Addition and except Lot 13, Block 1, Meisenholder East Addition, Section 18, T92N, R51W of the 5th P.M., in the City of Vermillion, Clay County, South Dakota acknowledges that this agreement will run with the land as a restrictive covenant thereon and is binding on the current and future owners, their successors and assigns that they will not remonstrate against the proposed improvements on Lot 1, Block 1, Madison Park Addition, City of Vermillion, Clay County, South Dakota, and the East 16-rods of the NW ¼ of the SE ¼ and the West 58-rods of the NE ¼ of the SE ¼, except the North 219-feet thereof, except Washington Square Addition and except Lot 13, Block 1, Meisenholder East Addition, Section 18, T92N, R51W of the 5th P.M., in the City of Vermillion, Clay County, South Dakota

Dated this 21 day of November 2013.

OWNER: G.A. Haan Development, L.L.C.

FOR THE CITY OF VERMILLION

By: [Signature]
Gerald A. Haan, Member

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

STATE OF Michigan)
 :SS
COUNTY OF Emmet)

On this 21 day of November 2013 before the undersigned officer, personally appeared Gerald A. Haan known to me to be the Member of G.A. Haan Development, L.L.C., or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that as a representing said company as owner, he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]
Notary Public
ELLEN P. HOFACKER
Notary Public, State of Michigan
County of Emmet
My Commission Expires 02-07-2019
Acting In the County of EMMET
My Commission Expires: 2-7-2019

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

On the _____ day of _____, before me, the undersigned Officer, personally appeared John E. (Jack) Powell, who acknowledged himself as Mayor of the City of Vermillion, and that he as Mayor being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Mayor.

In witness whereof I hereunto set my hand and official seal.

Notary Public
My Commission Expires: _____

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 2, 2013

Subject: Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing and other Improvements along North Norbeck Street from Roosevelt Street to East Clark Street

Presenter: Jose Dominguez

Background: North Norbeck Street has been designated as a collector street since at least the Comprehensive Plan 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.

For over a year there have been discussions between the City and developers regarding the construction of apartment buildings fronting North Norbeck Street. Due to the type of development that was being proposed (high density multi-family), the amount of high density dwellings in the area, and the importance to the City for this road to be constructed we approached the majority of the property owners along the street to explain the importance of constructing the street at this time.

Due to all of those factors staff believes that this would be the most opportune time to construct North Norbeck Street from Roosevelt to East Clark Street. This would provide a continuous corridor to a significant amount of traffic to East Cherry Street; which is the main artery of the city.

Discussion: The special assessment process provides that the governing body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on January 6, 2014. Following the hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

As the community has identified the need for housing and the project will foster housing development, the proposed assessment would be different from others proposed by the City. This proposed assessment differs on the following:

- The City would provide an assessment plan payable in twelve equal annual payments. The principal on the first two payments will be deferred and the City would pay the interest on the same for two years.
- The City will set the interest rate on the assessment at 8% per annum, rather than the typical 10% per annum.
- The 8% fiscal fee charged by the City to cover the engineering plans, inspection, geotechnical surveys, mailings, publishing, etc. will be waived due to the work already completed by the City. Instead of the fee the City would enter into a contract with a consulting engineer. The consultant will develop the plans and specifications for the project and this cost would be assessed to the property owner.
- The developer agrees not to remonstrate against the proposed assessment for the construction of the improvements.

These items are the same as discussed in the agreements previously presented to the Council.

Financial Consideration: Costs for the City will include the filing fee at the Register of Deeds.

The cost for the improvements has not been budgeted for in 2014. We anticipate that the construction cost, and the consultant fee, will be in the range of \$460,000 with \$307,800 of that cost being assessed to the fronting property owners. The difference in the amounts will be the cost to the City for the oversized items and storm sewer improvements.

Conclusion/Recommendations: Administration recommends adopting the resolution that sets the public hearing date for January 6, 2014.

**RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION
OF CONCRETE SURFACING AND OTHER IMPROVEMENTS ALONG NORTH
NORBECK STREET FROM ROOSEVELT STREET TO EAST CLARK 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 2nd day of December, 2013, that the necessity has arisen for the construction of a concrete street and other improvements along the parcels of land hereinafter named, viz:

AFFECTED ADDRESS	AFFECTED LEGAL DESCRIPTION	AFFECTED PARCEL NUMBER	ESTIMATED COST
1321 ROOSEVELT	LOT 15 BLK 1 DAKOTA ADDN	15206-00100-150-00	\$26,973.72
1326 MADISON	LOT 13A BLK 1 DAKOTA ADDN	15206-00100-130-00	\$26,973.72
1325 MADISON	LOT 10 BLK 2 DAKOTA ADDN	15206-00200-100-00	\$37,523.93
	OUTLOT B BLK 2 DAKOTA ADDN	15206-00200-000-00	\$30,780.50
1322 E. CLARK NONE ISSUED (PORTION OF THE 300 BLOCK OF NORTH NORBECK)	LOT 1 BLK 2 MEHLHAF ADDN	15435-00200-010-00	\$32,072.62
NONE ISSUED (PORTION OF THE 300 BLOCK OF NORTH NORBECK)	NE ¼ SW ¼ SE ¼ EXC E 33' & MEHLHAF ADDN 18-92-51 MISC	15880-09251-184-12	\$32,118.30
	LOT 1 BLK 1 MADISON PARK ADDN	21417-00100-010-00	\$68,304.42
	E 16 RDS OF NW ¼ SE ¼ & W 58 RDS OF NE ¼ SE ¼ EXC N 219' & EXC WASHINGTON SQUARE & EXC LOT 13 BLK 1 MEISENHOLDER EAST ADDN & EXC MADISON PARK ADDN 19- 92-51	21000-09251-184-04	\$67,345.11
401 N. NORBECK			

The estimate is based on 2013 costs and includes and estimated consultant fee of approximately \$31,600.

BE IT FURTHER RESOLVED, that when the cost of construction of the improvement has been determined, the Engineer shall calculate and report to the Governing Body the amount to be assessed against each lot or part of lot fronting or abutting upon the improvement. In determining such assessment, the Engineer shall divide the total cost of the improvement, less the City's share of the cost, by the number of feet fronting or abutting upon said improvement. The quotient, plus any consultant fees incurred by the City for the creation of the construction plans and specification, shall be the amount assessed per front foot upon the property fronting or abutting thereon.

BE IT FURTHER RESOLVED, that the lots and tracts of real property likely to be affected by the improvement are those parcels of land set forth after the above named street.

BE IT FURTHER RESOLVED, that the assessment shall be payable in twelve (12) equal annual installments. Any assessment or installment not paid by May 1st, 2018 shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of EIGHT PERCENT (8%) per annum.

BE IT FURTHER RESOLVED, that the City will pay all interest for the first two years after the assessment roll is approved by the City Council.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00 p.m. on the 6th day of January 2014 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 2nd day of December, 2013.

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: John Prescott, City Manager
Meeting: December 2, 2013
Subject: Business Improvement Board #1 Appointment
Presenter: Mayor Jack Powell

Background: By State Statute, the Mayor with the approval of the governing body is charged with appointing members of a Business Improvement District Board.

9-55-5. Appointment of business improvement board--Designation of boundaries of district--Duties of board--Proposal of more than one district as part of same development plan. The mayor shall, with the approval of the governing body, appoint a business improvement board consisting of property owners, residents, business operators or users of space within the business area to be improved. The governing body shall, by resolution, designate the boundaries of the business area prior to the time of the appointment of the board. The board shall make recommendations to the governing body for the establishment of a plan or plans for improvements in the business area. If the improvements to be included in one business area offer benefits that cannot be equitably assessed together under this chapter, more than one business improvement district as part of the same development plan for that business area may be proposed. The board may make recommendations to the municipality as to the use of any revenue collected pursuant to § 9-55-2.

On November 4, 2013, the Mayor recommended and the City Council confirmed the appointment of Amy Christensen, David Herbster, Joe Eckert, Steve Parker, and Jim Peterson to the Board of Directors for Business Improvement District #1. Since that time, Steve Parker has resigned as he will be relocating out-of-state.

Discussion: Mr. Parker was appointed to a one-year term. The initial terms were staggered to avoid having all of the terms expire at one time. Future terms will be for three years when appointments are made beginning in 2014.

One of the first items of business for the BID Board will be determining if a need and purpose exist that the implementation and collection of a lodging fee in Vermillion can address. Having a full quorum of BID Board members would be helpful as the BID Board begins their discussions to make a recommendation to the City Council on this matter. Section C5 of the BID Board Bylaws adopted by the City Council, provides that the City Council shall fill the BID Board vacancy.

Financial Consideration: Per the by-laws, the members of the BID Board are not compensated. The Board potentially may be making recommendations to the City Council on how lodging fees are spent.

Conclusion/Recommendations: Administration recommends appointing one individual to fill the Business Improvement District Board term previously held by Steve Parker.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 2, 2013

Subject: Right-of-Way and Utilities Certification Forms for the Shared Used Path along SD Hwy. 19 from SD Hwy. 50 to West Cherry Street

Presenter: Jose Dominguez

Background: The City, in conjunction with the DOT, will be constructing a shared used path along SD Hwy. 19 from Cherry Street to Highway 50. The path will be constructed in order to diminish the amount of pedestrians and bicyclists from using the roadway to either walk or ride on. The shared used path will be constructed from SD Hwy. 50 south to West Cherry Street along the east side of the highway.

Discussion: At this point, all of the required easements and right-of-way have been acquired for the construction of the shared used path. However, the DOT is requiring that the City certify that the affected utilities have been contacted and notified of the project. Additionally, any items that would need to be relocated would need to be relocated without any Federal or State financial assistance. Currently, we only have two fire hydrants that will have to be moved to allow enough clearance around the shared used path.

Financial Consideration: There is no additional cost, besides postage, associated with these forms. However, we estimated that the relocation of both of the fire hydrants would be around \$2,500.

Conclusion/Recommendations: Administration recommends signing the Right-of-Way and Utilities Certification Forms.

TO: Grant Program Engineer, Local Government Assistance
South Dakota Department of Transportation
700 Broadway Avenue East
Pierre, South Dakota 57501-2586

RE: UTILITIES CERTIFICATE

PROJECT NUMBER EM 8014(33) PCN 03WA

This is to certify that the City Commissioners of the City of _____
Vermillion, South Dakota, will move and/or adjust or will cause to be
moved, and/or adjusted, any and all utilities, whether publicly or
privately owned, lying in the path of or conflicting with the construction
of said project within the limits of said county.

1. The moves and/or adjustments will be accomplished at no cost to
the State of South Dakota; and without Federal participation;
and will be coordinated with the construction of said project.
The following utilities have been contacted and are aware of the
project:

<u>Utility Company</u>	<u>Date Contacted</u>
<u>City of Vermillion Water Dept.</u>	<u>2012</u>
<u>City of Vermillion Wastewater Dept.</u>	<u>2012</u>
<u>City of Vermillion Light & Power</u>	<u>2012</u>

2. The utilities referred to in this certificate do not include
railroads or railroad owned facilities.
3. All other utilities not included in this certificate are listed
below:

We also certify that all physical features (fences, signs, posts, etc.) to
be removed under utilities negotiations have been moved or will be moved by
the date of the letting or that an agreement has been negotiated with the
owner involved.

DATED THIS _____ DAY OF _____, 200__.

ATTEST: _____ CITY OF _____

FINANCE OFFICER
(SEAL)

BY: _____
MAYOR

Approved by: _____
Admin. Program Manager Date

RIGHT-OF-WAY CERTIFICATE

TO: Grant Program Engineer. Local Government Assistance
South Dakota Department of Transportation
700 Broadway Avenue East
Pierre, South Dakota 57501-2586

RE: Project No. EM8014(33) PCN 03 WA in Clay County

This is to certify that the City ~~Commission~~/Council of Vermillion
(City), South Dakota has acquired all necessary right of way and temporary
construction easements required for the construction of Project Number
EM8014(33) PCN 03 WA in Vermillion (City), in accordance with the
provisions of the Uniform Relocation Assistance & Real Property Acquisition
Policies Act of 1970 as amended. Relocation assistance ~~was~~ was not
_____ (mark one) required on this project and, if so, was accomplished in
accordance with State and Federal directives.

We also certify that all improvements (utilities, fence, etc.), to be
removed under right of way negotiations have been moved or will be moved by
the date of the letting or that the necessary agreement has been reached
with the owner(s) involved.

DATED THIS _____ DAY OF _____, 200__.

CITY COMMISSION/COUNCIL
OF _____ (CITY)

ATTEST: _____ BY: _____
CITY CLERK OR FINANCE OFFICER MAYOR OR CITY MANAGER
(SEAL)

APPROVED BY: _____
Admin. Program Manager Date

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 2, 2013

Subject: Final Plat of Lots 12A and 13A, 2nd Addition, Rolling Hills Estates in the SW ¼ of Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota

Presenter: Jose Dominguez

Background: Brandt Land Surveying has submitted a final plat which replats two lots in the Rolling Hills Estates Addition. The final plat will replat lot 12 and 13 into 12A and 13A, respectively.

Currently Mr. Pettersen, owner of both lots, is building a house on Lot 12. The prospective buyer of the house would like to have access to the rear of the lot from the street. In order to accomplish this, Mr. Pettersen will be removing 10-feet from Lot 13 and adding this new area to Lot 12.

The plat was reviewed by the County's Planning Commission at their November 25th meeting. The County Planning Commission unanimously recommended approval.

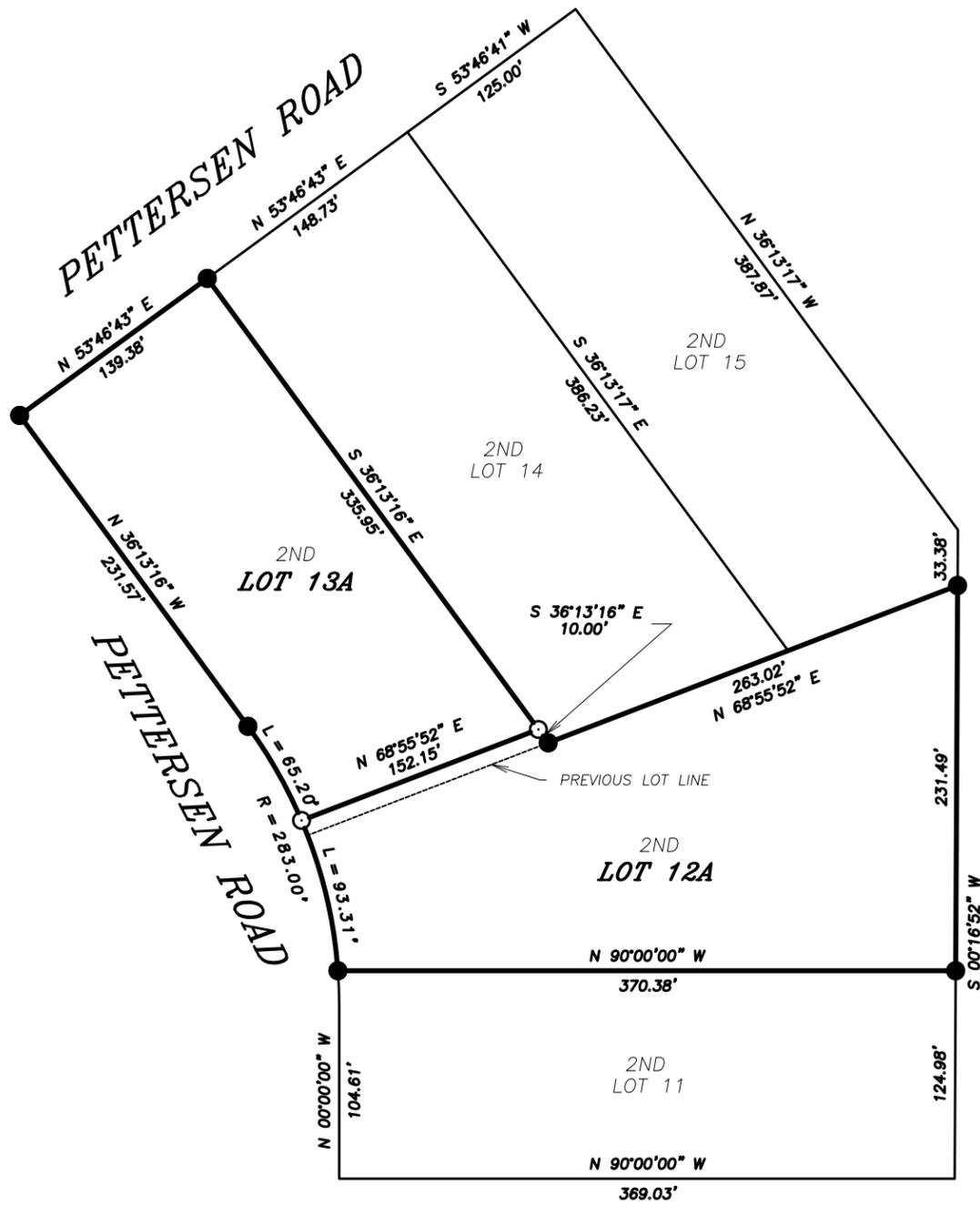
Discussion: After the exchange of land, the lots will still meet the required area for this subdivision. Staff reviewed the final plat and has found that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the blocks.

Financial Consideration: All of the associated platting fees have been paid by the applicant.

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

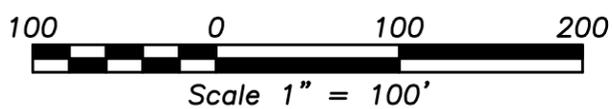
REPLAT OF LOTS 12 AND 13, 2ND ADDITION, ROLLING HILLS ESTATES IN THE SW¹/₄ OF SECTION 6,
T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOTS 12A AND 13A, 2ND ADDITION, ROLLING HILLS ESTATES IN THE SW¹/₄ OF SECTION 6, T92N, R51W
OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.



LEGEND

- SET 5/8" REBAR WITH L.S. CAP
STAMPED "R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP
STAMPED "SDRLS KLM 5801"



NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455

REPLAT OF LOTS 12 AND 13, 2ND ADDITION, ROLLING HILLS ESTATES IN THE SW¼ OF SECTION 6, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS:

LOTS 12A AND 13A, 2ND ADDITION, ROLLING HILLS ESTATES IN THE SW¼ OF SECTION 6, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY AND REPLAT OF LOTS 12 AND 13, 2ND ADDITION, ROLLING HILLS ESTATES IN THE SW¼ OF SECTION 6, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA, HEREAFTER TO BE KNOWN AS: LOTS 12A AND 13A, 2ND ADDITION, ROLLING HILLS ESTATES IN THE SW¼ OF SECTION 6, T92N, R51W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 13TH DAY OF NOVEMBER, 2013.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

WE, ANNAR PETTERSEN AND MARLYN PETTERSEN DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE ABOVE SAID REAL PROPERTY AND THAT THE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF MARKING, REPLATTING, AND TRANSFER, AND WE FURTHER CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS, AND WE HEREBY DEDICATE THE INGRESS/EGRESS EASEMENT AS SHOWN AND MARKED ON THIS PLAT. THIS PLAT HEREBY VACATES LOTS 12 AND 13, 2ND ADDITION, ROLLING HILLS ESTATES AS RECORDED IN BOOK 7, PAGE 470.

DATED THIS _____ DAY OF _____, 20__.

ANNAR PETTERSEN

MARLYN PETTERSEN

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, 20__, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ANNAR PETTERSEN AND MARLYN PETTERSEN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES

NOTARY PUBLIC

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE CLAY COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS HEREBY APPROVED THIS _____ DAY OF _____, 20__.

CHAIRPERSON, COUNTY PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY.

BE IT RESOLVED THAT THE ATTACHED AND FOREGOING PLAT HAS BEEN SUBMITTED TO AND A REPORT AND RECOMMENDATIONS THEREON MADE BY THE VERMILLION PLANNING COMMISSION TO THE CITY COUNCIL OF VERMILLION AND HAS RECOMMENDED APPROVAL.

BE IT ALSO RESOLVED THAT ACCESS SHALL BE GRANTED TO THE LOT IN ACCORDANCE WITH THE CITY OF VERMILLION STREET ACCESS AND DRIVEWAY APPROACH POLICY, WHICH REQUIRES AN APPLICATION PERMIT.

BE IT FURTHER RESOLVED THAT THE ATTACHED AND FOREGOING PLAT HAS BEEN SUBMITTED TO THE GOVERNING BODY OF THE CITY OF VERMILLION WHICH HAS EXAMINED THE SAME, AND IT APPEARS THAT THE SYSTEM OF STREETS AND ALLEYS SET FORTH THEREIN CONFORMS TO THE SYSTEM OF STREETS AND ALLEYS OF VERMILLION AND THAT ALL TAXES AND SPECIAL ASSESSMENTS, IF ANY, UPON THE TRACT OR SUBMISSION HAVE BEEN FULLY PAID AND THAT SUCH PLAT AND SURVEY HAVE BEEN EXECUTED ACCORDING TO LAW, AND THE SAME IS HEREBY ACCORDINGLY APPROVED.

MAYOR, CITY OF VERMILLION, SOUTH DAKOTA

I, THE UNDERSIGNED, FINANCE OFFICER OF THE CITY OF VERMILLION, SOUTH DAKOTA DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA ON THIS _____ DAY OF _____, 20__.

FINANCE OFFICER, VERMILLION, SOUTH DAKOTA

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR CLAY COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE ON THE _____ DAY OF _____, 20__, HAVE BEEN PAID IN FULL.

COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR CLAY COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20__, AT _____ O'CLOCK _____ M., AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

REGISTER OF DEEDS

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 2, 2013
Subject: Resolution Dissolving Tax Incremental District Number Four
Presenter: Mike Carlson

Background: Tax Increment District number four was created in November 2004 to fund street and utility extensions in the Brooks Industrial Park. The improvements were financed by the tax increment bond of \$460,000. The pledge for the bond was the tax increment and if that was not sufficient then electric fund revenues. The bond was to be repaid in 2020 but is able to be retired early because of the increased taxable value in the tax increment district. The funds for the final bond payment have been deposited with the trustee to call the bond on December 16, 2013.

Discussion: State law requires a resolution of the City Council to dissolve the district as follows in SDCL 11-9-46 (2):

11-9-46. Termination of tax incremental district. The existence of a tax incremental district shall terminate when:

- (1) Positive tax increments are no longer allocable to a district under § 11-9-25; or
- (2) The governing body, by resolution, dissolves the district, after payment or provision for payment of all project costs, grants, and all tax incremental bonds of the district.

The taxable value of the TIF district four as of November 1, 2013 was \$4,465,780.

Financial Consideration: By dissolving the tax increment district the property tax collections generated by the district will be spread to the school, county and city starting in 2014. After the final bond payment the remaining balance of approximately \$25,771 will be disbursed to the other taxing entities.

It should also be noted that TIF 3 was dissolved earlier this year and after repayment of the funds advanced by the electric fund, the remaining balance is approximately \$43,660. The \$43,660 balance will also be disbursed to the other taxing entities. These distributions will be made at the December 16 meeting to allow for the final interest amounts to be included.

Conclusion/Recommendations: Administration recommends adoption of the resolution to dissolve Tax Incremental District Number Four.

**RESOLUTION DISSOLVING TAX INCREMENTAL
DISTRICT NUMBER FOUR**

WHEREAS, on November 15, 2004 the Vermillion City Council by resolution created Tax Incremental District Number Four; and

WHEREAS, tax incremental district number four consisted of Lots 2, 3, 4, and 5 in Block 2, Brooks Industrial Park Subdivision and 317th Street 66-foot right-of-way between the west line of Norbeck Street extended and the west line of Crawford Road extended, Clay County, South Dakota; and

WHEREAS, on April 18, 2005 the Vermillion City Council adopted the project plan for the tax incremental district number four that provided for street and utility extensions in the district and authorized the issuance of tax incremental bonds to finance the improvements; and

WHEREAS, the City issued Tax Incremental Revenue Bond Series 2005 dated June 1, 2005 and the bond final payment was deposited with the trustee on November 20, 2013; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vermillion that Tax Incremental District Number Four is hereby dissolved.

BE IT FURTHER RESOLVED, that the City Council of the City of Vermillion authorizes the disbursement of any remaining funds in the district as provided in SDCL 11-9-45.

BE IT FURTHER RESOLVED, that if the tax increment for this district or any other dissolved district to be collected in 2014 cannot be allocated to the respective taxing entities that the Finance Officer is authorized to work with the County Auditor to make the allocation of these funds during 2014.

Dated at Vermillion, South Dakota, this 2nd day of December, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael Carlson, Finance Officer

Council Agenda Memo

From: Jason Anderson, Asst. City Engineer
Meeting: December 2, 2013
Subject: Declaration of Surplus Street Department Wheel Loader
Presenter: Mike Carlson

Background: A new wheel loader for the Street Department has been delivered to Butler Machinery in Sioux Falls and will be delivered to Vermillion during the first week of January 2014. The wheel loader that is being replaced, a 2007 Caterpillar 928G, is now ready to be declared surplus and appraised prior to being sold by sealed bids.

Discussion: To sell the wheel loader, the City Council will need to declare the item surplus and have the Surplus Property Appraisal Committee appraise the item. Staff recommends appraising this wheel loader at \$96,500. The item will be advertised and sold by sealed bids with a proposed bid opening date of January 29, 2014. The Consensus Agenda includes setting the bid opening date.

Financial Consideration: The revenue from the sale of the surplus wheel loader will be placed in the Equipment Replacement Fund.

Conclusion/Recommendations: Administration recommends declaring the wheel loader surplus and authorizing the appraisal by the Surplus Property Committee to be sold by sealed bids.

CITY OF VERMILLION
 INVOICES PAYABLE-NOVEMBER 26, 2013

1 UNIVERSITY CLEANERS	REPAIRS	31.00
2 A & B BUSINESS, INC	COPIER MAINTANANCE	872.62
3 A-OX WELDING SUPPLY CO	SUPPLIES	695.20
4 ABERDEEN NEWS COMPANY	ADVERTISING	105.63
5 AGLAB EXPRESS	TESTING	37.00
6 APCO INTERNATIONAL	MEMBERSHIP DUES	575.00
7 AQUA-PURE INC	CHEMICALS	13,096.40
8 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	218.62
9 ARGUS LEADER	ADVERTISING	150.76
10 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	51.08
11 BAKER & TAYLOR BOOKS	BOOKS	1,529.92
12 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,839.05
13 BARNES DISTRIBUTION	SUPPLIES	49.06
14 BIERSCHBACH EQPT & SUPPLY	PARTS	1,612.45
15 BLACKSTONE AUDIO INC	BOOKS	150.00
16 BOMGAARS	PROTECTIVE CLOTHING	69.99
17 BORDER STATES ELEC SUPPLY	PARTS	222.44
18 BOUND TREE MEDICAL, LLC	SUPPLIES	496.02
19 BRUNICKS SERVICE INC	FUEL	3,695.10
20 BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	792.20
21 BUTCH'S PROPANE INC	PROPANE	1,318.65
22 BUTLER MACHINERY CO.	PARTS	650.61
23 CALLE SORENSEN	CLOTHING REIMBURSEMENT	105.97
24 CAM COMMERCE	REPAIRS	349.17
25 CAMPBELL SUPPLY	SUPPLIES	4,200.97
26 CASK & CORK	MERCHANDISE	1,500.24
27 CENTER POINT LARGE PRINT	BOOKS	398.26
28 CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
29 CENTURY BUSINESS PRODUCTS	COPIES	63.16
30 CENTURYLINK	TELEPHONE	741.24
31 CHEMCO, INC	SUPPLIES	77.74
32 CHERRY STREET GRILLE	MERCHANDISE	39.00
33 CITY OF SIOUX FALLS	TESTING	58.00
34 CITY OF VERMILLION	COPIES/POSTAGE	1,149.81
35 CITY OF VERMILLION	UTILITY BILLS	35,816.88
36 CLAY CO REGISTER OF DEED	FILING FEE	60.00
37 CLAY RURAL WATER SYSTEM	WATER USAGE	42.20
38 COLONIAL LIFE ACC INS.	INSURANCE	3,011.68
39 DAKOTA BEVERAGE	MERCHANDISE	9,570.23
40 DAKOTA CONST & MRS. SUE FRENCH	STORM SEWER-MICKELSON	85,047.33
41 DAKOTA PC WAREHOUSE	COMPUTERS/REPAIRS	1,278.83
42 DAKOTA SUPPLY GROUP	PARTS	1,186.44
43 DANIELS RESIDENTIAL INC	BALER BUILDING	73,620.00

44 DANKO EMERGENCY EQUIPMENT	FIRE EQUIPMENT	8,746.41
45 DELTA DENTAL PLAN	INSURANCE	6,264.26
46 DEMCO	SUPPLIES	87.38
47 DENNIS MARTENS	MAINTENANCE	833.34
48 DGR ENGINEERING	PROFESSIONAL SERVICES	9,190.50
49 DISPLAY SALES COMPANY	SUPPLIES	133.00
50 DITCH WITCH OF SD	REPAIRS	325.76
51 DUST TEX	MATS	80.00
52 EBERLE DESIGN INC	PROFESSIONAL SERVICES	178.00
53 ECHO ELECTRIC SUPPLY	SUPPLIES	1,689.75
54 ELECTRONIC ENGINEERING	SUPPLIES	690.40
55 EMBROIDERY & SCREEN WORKS	EMBROIDERY	24.00
56 ERNIE HALVERSON	SAFETY GLASSES REIMBURSEMENT	150.00
57 FAR FROM NORMAL	SUPPLIES	115.50
58 FARMER BROTHERS CO.	SUPPLIES	106.39
59 FASTENAL COMPANY	PARTS	75.55
60 FEDEX.	SHIPPING	11.50
61 FILTERTEC	SUPPLIES	482.97
62 FIRST NATIONAL BANK	TRUSTEE FEES	100.00
63 FOREMAN MEDIA	COUNCIL MTG	100.00
64 GALE	BOOKS	303.22
65 GARYS TREE SERVICE, INC	STUMP GRINDING	1,310.00
66 GEOTEK ENGINEERING	PROFESSIONAL SERVICES	1,214.00
67 GRAHAM TIRE CO.	TIRES	2,445.50
68 GRAYMONT CAPITAL INC	CHEMICALS	7,643.05
69 GREGG PETERS	FREIGHT	1,599.00
70 GREGG PETERS	RENT	937.50
71 HACH CO	SUPPLIES	796.86
72 HARLAND TECHNOLOGY SERVICE	SUPPLIES	106.00
73 HAUGER YARD/SNOW SERVICE	MOWING	79.50
74 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	13,198.82
75 HELMS & ASSOCIATES	PROFESSIONAL SERVICES	1,737.99
76 HERCULES INDUSTRIES, INC	SUPPLIES	171.09
77 HERREN-SCHEMPP BUILDING	SUPPLIES	506.88
78 HIGMAN SAND & GRAVEL	ICE SAND	3,339.55
79 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	26.60
80 HOA SOLUTIONS, INC	REPAIRS	887.50
81 HY VEE FOOD STORE	SUPPLIES	238.20
82 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL	884.78
83 INGRAM	BOOKS	3,345.05
84 INTERSTATE ALL BATTERY CENTER	BATTERIES	278.07
85 INTERSTATE POWER SYSTEMS	REPAIRS	467.61
86 JACKS UNIFORM & EQPT	UNIFORM SHIRTS	85.90
87 JOHN A CONKLING DIST.	MERCHANDISE	6,076.09
88 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	17,528.82
89 JOHNSON CONTROLS	REPAIRS	2,000.28
90 JOHNSON FEED, INC	REPAIRS	39.70

91 JONES FOOD CENTER	SUPPLIES	743.33
92 JP COOKE CO	DOG TAGS/RECEIPT BOOKS	75.43
93 JUNIOR LIBRARY GUILD	BOOKS	963.00
94 KALINS INDOOR COMFORT	REPAIRS	121.80
95 KARSTEN MFG CORP	MERCHANDISE	99.98
96 KNIFE RIVER MIDWEST, LLC	ASPHALT	1,062.67
97 LEADSONLINE	SUBSCRIPTION	1,428.00
98 LEARNING OPPORTUNITIES, INC	BOOKS	1,458.58
99 LEISURE LAWN CARE	WINTERIZE SPRINKLER	40.00
100 LESSMAN ELEC. SUPPLY CO	SUPPLIES	79.20
101 LINCOLN MUTUAL LIFE	INSURANCE	451.27
102 LOCATORS AND SUPPLIES, INC	SUPPLIES	662.53
103 LOGIN/IACP NET	ANNUAL FEE	500.00
104 LUKE TROWBRIDGE	MEALS REIMBURSEMENT	63.00
105 MAGUIRE IRON, INC	WATER TOWER PROGRESS PAYMENT	109,657.32
106 MALLOY ELECTRIC	PARTS	926.77
107 MART AUTO BODY	TOWING	525.00
108 MARTY GILBERTSON	ARMORY BOILER REPLACEMENT	4,192.00
109 MATHESON TRI-GAS, INC	OXYGEN	426.72
110 MATTHEW BETZEN	MEALS REIMBURSEMENT	63.00
111 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,432.00
112 MEDICAL WASTE TRANSPORT	HAUL MEDICAL WASTE	185.57
113 MENARDS	SUPPLIES	136.36
114 MIDAMERICAN	GAS USAGE	3,968.65
115 MIDWEST ALARM CO	ALARM MONITORING	126.00
116 MIDWEST BUILDING MAINTENANCE	MAT SVC	799.40
117 MIDWEST LUBRICANTS, INC	OIL	1,020.00
118 MIDWEST READY MIX & EQUIP	FLOWABLE FILL	200.00
119 MILLS & MILLER, INC	DEICING SALT	1,573.20
120 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,489.65
121 MOORE WELDING & MFG	WELDING	64.50
122 NCL OF WISCONSIN, INC	SUPPLIES	691.10
123 NETSYS+	FOREFRONT ONLINE PROTECTION	4,169.68
124 NEW YORK LIFE	INSURANCE	94.02
125 NOVELTY MACHINE & SUPPLY	SUPPLIES	542.68
126 OFFICE SYSTEMS CO	COPIER CONTRACT	217.13
127 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	339.70
128 OXMOOR HOUSE	BOOKS	42.91
129 PCC, INC	COMMISSION	2,804.32
130 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
131 POLLMAN EXCAVATION	CRUSHED GRAVEL/ROCK	12,960.19
132 PRESSING MATTERS	SUPPLIES	714.00
133 PRESTO-X-COMPANY	INSPECTION/TREATMENT	49.04
134 PUMP N PAK	FUEL	2,189.97
135 QUILL	SUPPLIES	1,334.95
136 RACOM CORPORATION	MAINTENANCE CONTRACT	386.75
137 RADIANT HEAT, INC	PARTS	350.50

138 RANDOM HOUSE, INC	BOOKS	205.25
139 RASMUSSEN MECHANICAL SERVICE	PARTS	39.32
140 RECORDED BOOKS, INC	BOOKS	917.30
141 RECOVERY SYSTEMS CO, INC	BALER/CONVEYOR PROGRESS	149,249.85
142 REGENT BOOK CO.	BOOKS	13.82
143 REPUBLIC NATIONAL DIST	MERCHANDISE	31,500.24
144 RESCO	PARTS	106.00
145 ROCKMOUNT RESEARCH & ALLOY	SUPPLIES	203.47
146 RS HALSTEAD CORP	LEACHATE POND PROGRESS	376,968.44
147 RYAN HOUGH	HEALTH CLUB MEMBERSHIP	15.74
148 SANFORD CLINIC VERMILLION	SUPPLIES	991.27
149 SANITATION PRODUCTS	PARTS	1,199.18
150 SCHAEFFER MFG. CO	SUPPLIES	595.20
151 SCHUH ELECTRIC	UNDERGROUND REIMBURSEMENT	275.51
152 SD DEPT OF REVENUE	TRANSPORTER LICENSE	25.00
153 SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
154 SD MUNICIPAL STREET MAINTENANCE	MEMBERSHIP DUES	35.00
155 SD POLICE CHIEFS ASSOCIATION	MEMBERSHIP DUES	269.60
156 SD PUBLIC ASSURANCE ALLIANCE	LAW ENFORCEMENT/EQUIP INS	10,896.05
157 SD RETIREMENT SYSTEM	CONTRIBUTIONS	48,678.75
158 SECURITY SHREDDING SERVICE	DOCUMENT SHREDDING	35.00
159 SIOUX CITY FOUNDRY CO	SUPPLIES	446.42
160 SIOUX CITY JOURNAL	ADVERTISING	73.40
161 SIOUX EQUIPMENT	SUPPLIES	156.00
162 SIOUX FALLS TWO WAY RADIO	REPAIRS	387.64
163 SIOUXLAND HUMANE SOCIETY	FEES	111.00
164 SKARSHAUG TESTING LAB.	TESTING	799.42
165 SMARTSIGN	SUPPLIES	546.80
166 SOOLAND BOBCAT	PARTS	588.67
167 STANDARD & POOR'S	ANNUAL FEE	2,500.00
168 STANDARD READY MIX CONCRETE	REPAIRS	257.30
169 STATE STEEL	SUPPLIES	1,232.72
170 STEFFEN	PARTS	367.49
171 STEVE'S HEATING & A/C INC	REPAIRS	130.51
172 STEWART OIL-TIRE CO	REPAIRS	366.95
173 STUART C. IRBY CO.	SUPPLIES	262.20
174 STURDEVANTS AUTO PARTS	PARTS	1,725.39
175 TACTICAL SOLUTIONS	POLICE EQUIPMENT	1,480.00
176 TAPCO	WAY FINDING SIGN	17,448.00
177 TASTE OF HOME BOOKS	BOOKS	31.98
178 TAYLOR MADE	MERCHANDISE	104.87
179 TEAM GOLF	MERCHANDISE	1,500.10
180 THATCHER COMPANY	SODA ASH	20,202.00
181 THE EQUALIZER	ADVERTISING	977.50
182 THE RETROFIT COMPANIES, INC	BULB DISPOSAL	279.38
183 TOM KRUSE	MEALS REIMBURSEMENT	18.00
184 TOP HAT EMBROIDERY	UNIFORMS	40.00

185 TRUE VALUE	SUPPLIES	362.74
186 TSP, INC	PROFESSIONAL SERVICES	7,921.46
187 TURNER PLUMBING	REPAIRS	654.94
188 TYLER TECHNOLOGIES	BAR CODE SCANNER MAINTENANCE	1,389.60
189 UNITED LABORATORIES	SUPPLIES	852.95
190 UNITED WAY	CONTRIBUTIONS	335.20
191 US POSTMASTER	FIRST CLASS PRESORT FEE	200.00
192 VERIZON WIRELESS	WIRELESS COMMUNICATION	7,816.57
193 VERMILLION ACE HARDWARE	SUPPLIES	511.30
194 VERMILLION FORD	OIL GASKET	36.34
195 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	7,682.63
196 WALKER CONSTRUCTION	SIDEWALK REPAIRS	6,459.45
197 WALMART	SUPPLIES	2,483.37
198 WESCO DISTRIBUTION, INC	PARTS	5,940.00
199 WOW! BUSINESS	911 CIRCUIT	1,365.50
200 YANKTON FIRE & SAFETY	ANNUAL INSPECTION	154.50
201 YANKTON JANITORIAL SUPPLY	SUPPLIES	700.30
202 ZEE MEDICAL SERVICE	SUPPLIES	330.80
203 ZEP SALES & SERVICE	SUPPLIES	287.14
204 PATRICIA OLSON	BRIGHT ENERGY REBATE	50.00
205 ROGER KUGLER	BRIGHT ENERGY REBATE	50.00
206 TERRI TRUMM	BRIGHT ENERGY REBATE	275.00
	GRAND TOTAL	\$1,228,663.13