



Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting
Monday August 17, 2015
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Follow-up on Presentation of legal newspaper proposals – Andy Colvin.**
3. **Briefing on the August 3, 2015 City Council Regular Meeting Agenda** - Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

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

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

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

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

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

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

Council Agenda Memo

From: Andy Colvin

Meeting: August 17, 2015 Noon Meeting

Subject: Discussion of Official Legal Newspaper

Presenter: Andy Colvin

Background: In June the City received a letter from Scott Munger, Owner and Publisher of The Equalizer newspaper, about becoming the official legal newspaper for the City. State statute requires all political subdivisions to establish a legal newspaper for notices and other required publications. The City Council directed staff to develop an RFP to be sent to The Plain Talk, which is the current legal newspaper for the City, and The Equalizer. On July 10th, City staff sent the RFP to both newspapers and asked that they be returned by July 31st. Each party was invited to present their proposals in person to the City Council at the August 3rd noon meeting. Both newspapers presented their proposals to the City Council. The City Council did not take action at the noon meeting on August 3rd.

After the noon meeting a City Council member asked for some additional information on how legal notice charges are calculated in order to make a more informed decision and fully understand the proposals and line charges. On August 4th I contacted both the Equalizer and Plain Talk and asked them to provide the formula used to determine the charge for the Notice of Election, which was published in both newspapers. Both newspapers demonstrated how notices and charges are calculated, using picas, column widths, type size, etc.

Staff used the information to calculate the Notice of Election as an example and discovered that both newspapers overcharged the City for the notice. Both newspapers were contacted to explain charges for the notices. With respect to the Equalizer, it was discovered that the calculation utilized a wider column width than what was actually used. The error was corrected and a credit was issued to the City for the difference. With respect to the Plain Talk, the overcharge was due to an error in the billing system, which charged for a wider column width than what was published. On August 5th, Scott Munger provided a memo to staff regarding what he calculated as several incorrect charges for legal notices published in the Plain Talk in 2015. Staff also checked the

2. Noon Special Meeting; and
8. New Business; item d

calculations and was unable to reconcile with the billed amount. Mr. Wood was notified and was provided with a copy of the memo from Mr. Munger. After looking back at notices, Mr. Wood indicated that due to an error in their billing system, charges were not properly adjusted when column sizes for notices were reduced and the City had been billed at the higher rate.

Discussion: Attached is an informational memo from staff that was previously provided to the City Council and all documentation received from both Scott Munger and Gary Wood regarding calculations, charges and other comments related to the RFP for designation as the official newspaper for the City of Vermillion.

Regarding the overcharging from the Plain Talk, Mr. Wood is aware of the issue and has issued a credit for the difference in the overcharges. However, Mike Carlson has requested a breakdown of a few specific charges from invoices to more accurately determine the correct amount and reconcile with what was billed. Additionally, staff checked some notices going as far back as 2011 and were unable to reconcile with the billed amount. As of the writing of this memo staff have not received the requested information from Mr. Wood. Should anything be provided from this point until Monday, staff will keep the City Council informed.

Calculating legal notices in newspapers is unique to the industry. Were it not for the explanation of how these items are calculated, staff would not have known how a particular notice is charged.

State statute requires cities to designate an official newspaper. When cities make a designation, then it must be for at least 12 months. The City of Vermillion has historically designated the official newspaper at the reorganizational meeting, which takes place after elections in July. This has been the practice, but is not required. The Plain Talk was designated the official newspaper for the City in July 2014. If the City Council designates a different official newspaper on August 17th, for instance, then it would have to remain as such for at least 12 months, or until August of 2016.

Financial Consideration: Based on the rates provided in the proposals of the respective newspapers, the Plain Talk is offering a lower rate for all notices. The Equalizer will utilize the rates set in South Dakota Codified Law and Administrative Rule.

Conclusion/Recommendations: No action is required at the noon meeting. The item is on the evening agenda for discussion and possible action. The City council can take action on designating an official newspaper, table the issue to a future meeting or pull the item from the agenda.

August 11, 2015

To: Mayor and City Council

From: Andy Colvin, Assistant City Manager

Re: Calculation of publication rates for legal notices/follow-up to August 3rd, 2015 noon meeting

After the August 3rd noon meeting I was asked by a City Council member to provide an example of how the formula for legal notices is calculated. For background, the State of South Dakota has determined maximum charges for legal publications:

10:02:02:01. Maximum fees chargeable. If a fee is not otherwise prescribed by statute for a legal publication of anything required or allowed by law, the maximum fee that may be charged for the publication, except as provided in § 10:02:02:02, is as follows:

Rate Per Line, First Insertion Per Column SIZE OF TYPE	11 PICAS
6 points	43.1 cents
8 points	33.1 cents
9 points	29.3 cents

If column widths vary, the line rate shall be adjusted on a percentage of space used. Tabular matter with one justification shall be charged for at one and one-half times the rates set in this section and tabular matter with two justifications or more at twice the rates.

A sheet listing these costs is attached to this memo.

When looking at the costs outlined in the proposals from the Plain Talk and Equalizer, and further inquiries to explain the calculations, there are three items that may vary between papers: column widths, type size and number of lines. Larger or smaller type and column width will dictate the number of lines in a publication. Additionally, the unit of measurement for column widths in newspaper publications is a pica. The state provides a formula to calculate the differences in publications.

In calculating the notices based on information provided by the parties, errors were discovered in each.

- The Equalizer charged the City based on 9.5 pica column width instead of the actual 9.2 pica column width. The error was corrected and a credit for \$7.45 has been issued to the City for the difference. This was the only legal notice published in the Equalizer. The example below utilizes the adjusted amount provided by the Equalizer.*
- With respect to the Plain Talk, Scott Munger submitted a memo to staff that based on his calculations and measurements, the City has been overcharged for the legal notices by the Plain Talk. Scott looked at several papers from previous months and utilized the formulas provided by the state to calculate the charges. Using information from the*

newspapers on how to calculate column widths, picas, etc., staff calculated the amounts found errors as well. It was discovered that due to an error in the Plain Talk's billing system, the City has been over-billed since the Plain Talk switched to a narrower column width for legal notices, but the billing rate in the system remained at the wider size. Gary Wood has informed staff that he is investigating the overcharge, how long it has taken place and will correct the error and credit the City for any amount owed.

To demonstrate how the charges work, staff used the Notice of Election for the June 30, 2015 Special Election, which was published in both the Plain Talk and Equalizer on June 19th and June 26th.

Formula Key:

11 picas = 1.8 inches

1 pica = .163 inches (Approx.)

8 pt type size at 11 pica-width column is \$.331 per line as established by the SD Legislature

Columns less than 11 picas are reduced or increased proportionately according to the width of the publication. The State formula requires publishers to take the 11-pica line charge and divide by 11 to get the rate per pica. Multiply that number times the number of picas in the column width to get the line charge, then multiply by the number of lines. Since the Equalizer and Plain Talk both utilize 8-point type, the base rate of 33.1 cents will be used.

Cities also have the ability to request justified lines, centered lines and tabs. These all impact the cost of a publication. The calculations below are assuming a standard legal notice without tabs and extra justifications.

Equalizer

Column width = 9.2 picas

$.331/11 = .03$

$.03*9.2 = .277$ (or 27.7 cents per line) for legal notices

The Notice of Election had a total of 365 lines so the charge for the first publication was \$101.11. Notices of Election require two publications and the legislature has set the price for the 2nd publication at 80% of the first, or \$80.89 for the example above. **The (adjusted) total cost for the 365-line notice with two publications was \$182.**

***The Equalizer follows the rates set forth by the State Legislature for legal notices.*

Plain Talk (Please note that the calculations below will be inconsistent with the actual billed amount since the Plain Talk's notices were published at the 9.5 pica size, but billed at 11 picas)

Column width = 9.5 picas

$.331/11 = .030091$

$.030091 * 9.5 = .286$ (or 28.6 cents per line) for legal notices

The Notice of Election had a total of 402 lines as counted by the Plain Talk so the charge for the first publication was \$133.06 ($402 * .331$ incorrect rate). Notices of Election require two publications and the legislature has set the price for the 2nd publication at 80% of the first, or \$106.45 ($133.06 * .80$) for the example above. **The total cost billed for the 402-line notice with two publications was \$239.51. Staff calculated the correct amount should have been \$114.97 ($402 * .286$) for the 1st publication and \$91.98 ($114.97 * .80$) for the 2nd publication for a total of \$206.95.**

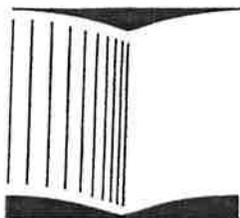
As stated in the proposal from the Plain Talk, there would be a reduced charge of 23.2 cents per line if the City continued the Plain Talk as the official newspaper. For the example above, the new charge for the first publication would be \$93.26 ($402 * .232$). The 2nd publication at 80% of the first comes to \$74.61 ($93.26 * .80$) for the example above. **The total cost for the 402-line notice with two publications would be \$167.87 at the discounted (proposed) rate.**

Display Ads

Display ads are also used for various notices provided by political subdivisions. Examples would include election ballots, financial reports and some ordinances. A reference was made in the Plain Talk proposal that the state has set the maximum rate for display ads at \$5.10 per column inch. Staff could not find this in the rate sheet provided by the newspaper association. Gary Wood sent an email and explained that the \$5.10 amount is representative of a per-column-inch figure based on per line rates set in statute. The email is attached.

Although not requested specifically in the RFP, the Plain Talk provided a discounted display ad rate of \$3.82 per column inch. Staff asked for the same information from the Equalizer after the August 3rd meeting and were given a rate of \$7.25 per column inch. Staff have not had an opportunity to speak with Mr. Munger about the higher charge and how it compares to the state maximum. It should be noted that most of the City's advertisements are legal notices as opposed to display ads, which are utilized primarily for elections.

Attached to this memo you will find memos and correspondence received from the Plain Talk and Equalizer since the August 3rd noon meeting. As of the writing of this memo, Gary Wood has not submitted information regarding the correct billing that he indicated to Mike Carlson would be provided. However, in an email concerning the display advertisement rate, Gary stated that they are working on the billing issue and will speak to Mike. Staff will update the City Council upon receipt of information from Mr. Wood.



2007 South Dakota Public Notice Information (Includes rates for published legal notices)

•Rates/Pricing Information

NEWSPAPERS UNDER 9,000 CIRCULATION

LEGAL LINE RATES

SECTION 10:02:02:01: Maximum fees chargeable: If a fee is not otherwise prescribed by statute for a legal publication of anything required or allowed by law, the maximum fee which may be charged for the publication, except as provided by Section 10:02:02:02, is as follows:

RATE PER LINE, FIRST INSERTION, PER COLUMN

SIZE OF TYPE	11 PICAS
6 point.....	43.1 cents
8 point.....	33.1 cents
9 point.....	29.3 cents
(SAU/8 point.....)	37.2 cents

18.6¢
14.5

TYPE SIZE

Legal publications in legal newspapers with a circulation of less than 9,000 shall be printed in a not less than eight point type. A publication in violation of this section shall not invalidate any publication otherwise made in compliance with law but the newspaper printing the same may be denied payment therefor. (SDCL 17-2-18.2)

25.7¢ * CHARGE FOR PROCEEDINGS (MINUTES)

All proceedings (minutes) for school boards, municipalities and counties are charged at 90 percent of the legal line rate for weekly newspapers (SDCL 7-18-3, 9-18-1, 13-8-36.1).

2.1¢
9pt

RATES FOR SECOND INSERTION

Rates in 10:02:02:01 apply for the first insertion of a legal notice. Subsequent insertions shall be charged at 80 percent of the initial rate. (SDCL 17-2-20)

ADJUSTING RATE FOR COLUMN WIDTHS

Rates in Section 10:02:02:01 for newspapers under 9,000 circulation, are based on an 11 pica column. Where column widths are not 11 picas, the rates must be increased or decreased proportionately. (Formula: Take the 11 pica line charge in the size of type used, divide by 11 to get the rate per pica, and multiply by the length of line actually used to obtain the correct line charge.) The same formula is used to determine line charges for multiple column legal notices. (NOTE: SAU rate for legal notices set in 8 point in newspapers under 9,000 circulation is 37.2 cents per line.)

USING LINE RATES

Example: Determine charge for a legal notice, set 8 point, 13 picas wide, three insertions, which contained 20 lines.

Line charge 39.1 cents per line (33.1 cents divided by 11, times 13).

First insertion: 20 lines @ 39.1 per line = \$7.82

Second insertion: (80% of first insertion) = 6.25

Third insertion: (80% of first insertion) = 6.25

TOTAL = \$20.32

FIGURING HEADINGS

To determine charge for headings where larger type is used, or where column headings are used in perpendicular manner, measure from the top line to the main body and reduce space to lines. Add to the regular line count of balance of the matter. Maximum of three lines is allowable for main heading or title line when larger type is used for heading.

TABULAR MATERIAL

Tabular material with one justification shall be charged for at rate and one-half; and tabular material with two justifications or more shall be charged at double the regular rate.

NEWSPAPERS OVER 9,000 CIRCULATION

LEGAL INCH RATES

SECTION 10:02:02:02: Fees chargeable by newspapers with large circulation. If a fee is not otherwise prescribed by statute for a legal publication of anything required or allowed by law and that publication is made in a legal newspaper with a paid circulation of 9,000 or more, the maximum fee that may be charged is as follows:

CIRCULATION	RATE PER COLUMN INCH
9,000-19,999.....	\$5.81
20,000-29,999.....	6.11
30,000-39,999.....	6.41
40,000 and over.....	6.87

TYPE SIZE

Legal publications in legal newspapers with a circulation of more than 9,000 shall be printed in not more than six point type. A publication in violation of this section shall not invalidate any publication otherwise made in compliance with law but the newspaper printing the same may be denied payment therefor. (SDCL 17-2-18.2)

CHARGE FOR PROCEEDINGS

All proceedings (minutes) for school boards, municipalities and counties are charged at full rate for daily newspapers (SDCL 7-18-3, 9-18-1, 13-8-36.1).

•General Information

OFFICIAL NEWSPAPERS

COUNTY: Commissioners designate three legal newspapers printed in the county as official newspapers, or if there are not three, as many as are legal at its regular meeting in January (SDCL 7-18-3).

MUNICIPALITY: Every municipality shall designate at a meeting of its governing body an official newspaper or newspapers for the ensuing year. The newspaper shall be published in the municipality. However, if there is no newspaper published in such municipality, then a newspaper published outside of such municipality may be used if such newspaper serves such municipality (SDCL 9-12-6).

SCHOOL DISTRICTS: The board shall designate the legal newspaper to be used for publishing all official notices and proceedings at the annual meeting on the second Monday of July, unless otherwise designated by the board at the prior regular meeting (SDCL 13-8-10).

•Other Legal Rates

COUNTY PROVISIONAL BUDGET: Published once at line rates. After adoption at Proceeding Rates (90%).

DELINQUENT REAL ESTATE TAX LIST: Published once at total cost of \$1.50 per description (SDCL 10-23-5, 6).

DELINQUENT SPECIAL ASSESSMENT OF CITIES AND TOWNS: Published once at total cost of 80 cents per description (SDCL 10-23-5, 6).

ANNUAL INSURANCE COMPANY STATEMENTS: Three times, line rates.

SCHOOL FINANCIAL STATEMENTS: Line rates.

ASSESSMENT LISTS: Line Rates.

DELINQUENT PERSONAL PROPERTY TAX LIST (Mobile Homes): Published once, 33 cents per description (per name: John and Mary, or Mr. and Mrs. counts as two descriptions) (SDCL 10-22-2).

ELECTION BALLOTS: Local open display rates.

Andy Colvin

From: Penny Ascheman [penny.ascheman@plaintalk.net]
Sent: Wednesday, August 05, 2015 2:23 PM
To: Andy Colvin
Subject: Legal Notices
Attachments: Special Election and Sample Ballot.docx

Good afternoon Andy,

I have attached a document which has the price break down for the special election notice and for the sample ballot.

If you need anything else, please let us know.

Thank you!

Penny Ascheman
Plain Talk / Broadcaster
Office Manager
201 W. Cherry St.
Vermillion, SD 57069
(605) 624-4429
Penny.ascheman@plaintalk.net

Notice of Special Election from June 19th and 26th

This legal notice was 402 lines. The state maximum rate charge is .4965 for tabbed or centered lines.

On this legal notice all the lines were charged the justified line rate of .331.

$402 \times .331 = \$133.06$ - This is the cost for the first publication of this notice.

The 2nd publication has a 20% discount.

$\$133.06 \times .20 = \26.61 - This is the discount on the 2nd publication.

$\$133.06 - \$26.61 = \$106.45$ - This is the cost for the second publication of this notice.

$\$133.06 + \$106.45 = \mathbf{\$239.51}$ - This is the first and second publication total.

One column width = 1.562"

Sample Ballot from June 26th

This is a display legal and the size is a 4 x 12. This means that the width is 4 columns (which is 6.625") by 12" high. The cost is 5.10 per column inch.

$4 \times 12 = 48$

$48 \times \$5.10 = \mathbf{\$244.80}$

Notice of Special Election with proposed new pricing

This legal notice was 402 lines. 14 lines are centered or tabbed.

$14 \times .348 = \$4.87$

$388 \times .232 = \$90.02$

$\$4.87 + \$90.02 = \$94.89$ - This would be the cost for the first publication of this notice.

The 2nd publication has a 20% discount.

$\$94.89 \times .20 = \18.98 - This would be the discount on the 2nd publication.

$\$94.89 - \$18.98 = \$75.91$ - This would be the cost for the second publication of this notice.

$\$94.89 + \$75.91 = \mathbf{\$170.80}$ - This would be the first and second publication total.

Sample Ballot with proposed new pricing

The size of this display legal ad is a 4 X 12.

$4 \times 12 = 48$

$48 \times \$3.82 = \mathbf{\$183.36}$

Andy Colvin

From: Gary Wood [gary.wood@yankton.net]
Sent: Tuesday, August 11, 2015 3:14 PM
To: Andy Colvin
Subject: FW: Legals display rate explanation
Attachments: 1002020000100D.DOC

Andy,

I have been given information from staff members I assumed to be correct. Myself and a number of my staff have been digging further into this and have discovered there has been a formula used to calculate how "display" legal notices were charged. Due to the limitations of our old advertising billing system (we moved to a new system, Oct 1, 2014) a former employee made the decision to figure the legal advertising "display" rate as a per column inch rate. That rate was calculated at roughly two times the "justified" line rate per state law (attached) as "...tabular matter with two justifications or more at twice the rates."

The \$5.10pci (per column inch) is broken down as follows – our column width of 9.5 picas, justified line rate calculated at .286 per line, $.28 \times 2 = .56$ cents per line, with $.56 \times 9$ lines per column inch = \$5.10pci.

Through the discovery process we have determined that our new system does have the capability of breaking this all down using the line rate specified in our RFP to the city. Those line rates converted to the 9.5 pica column are as follows:

- Justified lines @ .20 cents per line
- Centered or tabbed lines @ .30 cents per line

We will not be charging anything above these rates for any legal notice advertising done by the City of Vermillion regardless of lines with "...tabular matter with two justifications or more at twice the rates."

I plan to speak with Mike tomorrow about a credit balance we will place on your legal notice advertising account to make up for all charges that have been improperly accounted for.

I sincerely and personally apologize for this confusion and appreciate the opportunity to continue serving our fine community.

Sincerely,

Gary

Gary L. Wood
Publisher
Vermillion Plain Talk

Vermillion



PLAIN TALK

Serving our readers since 1884.

www.plaintalk.net

August 12, 2015

Mr. Mike Carlson
City of Vermillion
25 Center Street
Vermillion, SD 57069

Mike,

As discussed last Friday, we have discovered a rating issue in billing for legal notice advertising. We had an 11 pica column width in the Plain Talk until June 21, 2013. On June 28, 2013 the column width changed from 11 picas to 9.5 picas and the legal notice rates in our system were not updated accordingly. Consequently, we will be placing a credit balance of \$3,434.47 on your Legal Notice advertising account 556 as shown below. The 8.64% credit is the difference between the rate for the 11 pica column at .331 per line for justified lines which should have been .286 per line and .4965 per line for tabbed or centered lines which should have been .429 per line.

<u>City of Vermillion</u>	<u>Jan-Jul 2015</u>	<u>2014</u>	<u>Jun 28-Dec 31, 2013</u>
Total advertising	<u>\$12,257.90</u>	<u>\$28,249.94</u>	<u>\$11,766.33</u>
<u>Acct 568/565/356</u>			
ROP ads, help wanted Snow removal, Light & Power and Library	\$3,701.61	\$5,906.53	\$2,700.46
<u>Acct 556</u>			
Sample Ballot	\$ 244.80		
Legal Notice advertising	\$8,311.49	\$22,373.41	\$9,065.87
8.64% credit	-\$ 718.12	-\$ 1,933.06	-\$ 783.29

The "display" rate of \$5.10pci calculated at the 9.5 pica column width with 9 lines per inch is calculated as follows; \$5.10pci divided by 9 lines = .5666666 per line, just below the .572 per line as per the rates outlined by the State Legislature. These lines are "...tabular matter with two justifications or more at twice the rates." When we ran an 11 pica column, the rate could have been as high as .662 per line, it was still at .5666666 per line, well below the rate. We have moved to a new advertising system that allows the per line charge for ALL legal notice ads, there is no longer a "display" rate in our system.

In discussing this issue with Mr. Dave Bordewyck, General Manager, of the South Dakota Newspaper Association (SDNA), he confirmed the "display" rate charged was below the rate allowed by the State of South Dakota and that "the credit back to the City of Vermillion is a fair one". Mr. Bordewyck can be reached at the SDNA office, (800) 658-3697, if you would like to speak with him about this.

I would like to say thank you to the City Council, the Mayor, the City Manager and you for the many years of dedicated service to the community and the opportunity for the Plain Talk to continue to serve the city as the Legal Newspaper of record as we've done faithfully for well over 100 years now.

Thank you and please feel free to contact me directly at 605-760-3241 (cell) with any questions.

Sincerely,

Gary L. Wood
Publisher/Owner

Vermillion Plain Talk

201 W. Cherry Street, Vermillion, SD 57069

August 13, 2015

Mr. Mike Carlson
City of Vermillion
25 Center Street
Vermillion, SD 57069

Mike,

As discussed last Friday, we have discovered a rating issue in billing for legal notice advertising. We had an 11 pica column width in the Plain Talk until June 21, 2013. On June 28, 2013 the column width changed from 11 picas to 9.5 picas and the legal notice rates in our system were not updated accordingly. Consequently, we will be placing a credit balance of \$5,469.70 on your Legal Notice advertising account 556 as shown below. The 13.76% credit is the difference between the rate for the 11 pica column and the 9.5 pica column and reflects any and ALL overcharges for both regular notices as well as minutes with a 10% discount applied to the rate.

<u>City of Vermillion</u>	<u>Jan-Jul 2015</u>	<u>2014</u>	<u>Jun 28-Dec 31, 2013</u>
Total advertising	<u>\$12,257.90</u>	<u>\$28,249.94</u>	<u>\$11,766.33</u>
<u>Acct 568/565/356</u>			
ROP ads, help wanted	\$3,701.61	\$5,906.53	\$2,700.46
Snow removal, Light & Power and Library			
<u>Acct 556</u>			
Sample Ballot	\$ 244.80		
Legal Notice advertising	\$8,311.49	\$22,373.41	\$9,065.87
13.76% credit	-\$1,143.66	-\$3,078.58	-\$1,247.46

The "display" rate of \$5.10pci calculated at the 9.5 pica column width with 9 lines per inch is calculated as follows; \$5.10pci divided by 9 lines = .5666666 per line, just below the .572 per line as per the rates outlined by the State Legislature. These lines are "...tabular matter with two justifications or more at twice the rates." When we ran an 11 pica column, the rate could have been as high as .662 per line, it was still at .5666666 per line, well below the rate. We have moved to a new advertising system that allows the per line charge for ALL legal notice ads, there is no longer a "display" rate in our system.

In discussing this issue with Mr. Dave Bordewyck, General Manager, of the South Dakota Newspaper Association (SDNA), he confirmed the "display" rate charged was below the rate allowed by the State of South Dakota and that "the credit back to the City of Vermillion is a fair one". Mr. Bordewyck can be reached at the SDNA office, (800) 658-3697, if you would like to speak with him about this.

I would like to say thank you to the City Council, the Mayor, the City Manager and you for the many years of dedicated service to the community and the opportunity for the Plain Talk to continue to serve the city as the Legal Newspaper of record as we've done faithfully for well over 100 years now.

Thank you and please feel free to contact me directly at 605-760-3241 (cell) with any questions.

Sincerely,

Gary L. Wood
Publisher/Owner

Reach higher.

August 5, 2015

To: **Andy Colvin**
City of Vermillion

After visiting with you Monday and Tuesday, and walking through the formula for pricing legal notices that are published, I reviewed our pricing to make sure it was accurate.

For the Notice of Special Election we published June 20 & 27, the City of Vermillion was charged \$189.45. This was the first and only legal notice we have published for the City. As we have discussed the proper charge should have been \$182. We have issued a credit memo and apologize for the error which was caused by using an incorrect column width in the calculation. Our column widths are 9.2 picas (as indicated in our proposal) and we calculated a 9.5 pica width.

I also noticed the *Plain Talk* published the same notice on June 19 & 26 and the City of Vermillion was charged \$239.51.

That is a difference of \$50.06. The *Plain Talk* charged over 26% more than *The Equalizer*, and my understanding is we are both using the same rates as approved by the South Dakota State Legislature.

I am open to an explanation of why the rates are different. We are using the maximum legal line rate set by the state legislature. My understanding is all newspaper use this rate.

Out of curiosity, I spot checked 10 public notices that the City of Vermillion had published in the *Plain Talk*. In all 10 instances my calculations show their charges exceeded the legal limit. I've attached breakdown of those 10 samples along with a copy of the legal notice.

I am willing to be corrected if my methods are in error - I would just like an explanation of what that error is. Thank you for your attention to this matter.

Sincerely,



Scott Munger
Publisher & Owner
The Equalizer

THE *Equalizer*

121 E. Cherry Street • Vermillion, South Dakota • 605-624-8486 • scott@EqualizerOnline.com

Plain Talk Public Notice Publishing Charges

Maximum Legal Line Rate

8 point type 11 pica column width 33.1¢
 8 point type 9.5 pica column width 28.6¢

Analysis Counting Blank Lines:

Date	Description	# of lines (with blanks)	Minutes Adj.	Tab Adj.	Max. 1st Charge	2nd Insertion(80%)	Total	Listed Charge	Diff.
May 8	Notice to Bidders	54	NA	NA	\$15.44	\$12.35	\$27.79	\$32.17	\$4.38
Feb 27	Minutes 2/16	1,237	Yes	+35 (70 tabs)	\$327.41		\$327.41	\$365.67	\$37.26
July 17	Minutes 7/6	2,198	Yes	+ 10 (20 tabs)	\$568.34		\$568.34	\$654.04	\$85.70
Mar 20	Notice to Bidders	49	NA	NA	\$14.01	\$11.21	\$25.22	\$30.39	\$5.17
Mar 20	Surplus Property	53	NA	NA	\$15.16	\$12.13	\$27.29	\$31.58	\$4.29
Mar 20	Engineering Proposals	55	NA	NA	\$15.73	\$12.58	\$28.31	\$32.77	\$4.46
June 26	Notice of Special Election	439	NA	NA	\$125.55	\$100.44	\$225.99	\$239.51	\$13.52
June 26	Minutes 6/15	866	Yes	NA	\$222.91		\$222.91	\$255.60	\$33.69
July 10	Minutes 6/29	141	Yes	NA	\$36.30		\$36.30	\$41.71	\$5.41
July 24	Resolution of Necessity	323	NA	NA	\$92.38		\$92.38	\$109.06	\$16.68

Analysis NOT Counting Blank Lines:

Date	Description	# of lines (w/0 blanks)	Minutes Adj.	Tab Adj.	Max. 1st Charge	2nd Insertion(80%)	Total	Listed Charge	Diff.
May 8	Notice to Bidders	44	NA	NA	\$12.58	\$10.06	\$22.64	\$32.17	\$9.53
Feb 27	Minutes 2/16	1,110	Yes	+35 (70 tabs)	\$294		\$294	\$365.67	\$71.67
July 17	Minutes 7/6	2,052	Yes	+ 10 (20 tabs)	\$530.76		\$530.76	\$654.04	\$123.28
Mar 20	Notice to Bidders	40	NA	NA	\$11.44	\$9.15	\$20.59	\$30.39	\$9.80
Mar 20	Surplus Property	47	NA	NA	\$13.44	\$10.75	\$24.19	\$31.58	\$7.39
Mar 20	Engineering Proposals	48	NA	NA	\$13.73	\$10.98	\$24.71	\$32.77	\$8.06
June 26	Notice of Special Election	397	NA	NA	\$113.54	\$90.83	\$204.37	\$239.51	\$35.14
June 26	Minutes 6/15	775	Yes	NA	\$199.49		\$199.49	\$255.60	\$56.11
July 10	Minutes 6/29	123	Yes	NA	\$31.66		\$31.66	\$41.71	\$10.05
July 24	Resolution of Necessity (no blanks)	323	NA	NA	\$92.38		\$92.38	\$109.06	\$16.68

Reach higher.

August 7, 2015

To: **Vermillion City Council**
Mayor Jack Powell
Andy Colvin, City of Vermillion

As the City Council deliberates the choice of naming the official newspaper for the City of Vermillion, there were a few points in Mr. Wood's (representing the *Plain Talk*) presentation and proposal packet which I feel compelled to question.

Ownership

Imagine being a locally owned business in Vermillion and having a competitor also saying they are locally owned. However none of that competing business's owners actually live in Vermillion or even Clay County. The "self-described" principle stockholders of that competing business live out of state, and the business is incorporated outside of South Dakota. Would you think that competing business is representing themselves accurately and fairly when they say they are "locally owned"? That is the situation *The Equalizer* finds itself in.

Several times, and in his proposal, Mr. Wood said the *Plain Talk* is locally owned. I believe being locally owned means at least some of the owners live in Vermillion or Clay County, and at least some of the owners are engaged in the leadership and activities of the community. I'm not sure what their definition of local ownership is - but common sense tells me they are not locally owned.

And to be clear, I believe there is absolutely nothing wrong with out-of-state, or out-of-town owners doing business in Vermillion - they are welcome here! However I do believe it is wrong to create a false impression by calling a business locally owned when it is clearly not.

Circulation

In the *Plain Talk's* questionnaire answers they say they had 1,934 subscribers on July 1, 2015. A few questions later they say they only distribute 1,503 newspapers. In explaining the breakdown of the 1,503, they say they deliver 664 papers to racks and dealers in Vermillion and COUNT all of them in the 1,503 number. I would challenge the claim they sell 664 papers from news racks and dealers. *The Equalizer* is distributed in nearly all the same places. I personally monitor the sales levels of both newspapers at these places. We sell an average of 50 per issue (two issues per week).

Mr. Wood is claiming he sells 13 times more *Plain Talk's* per issue at these sites than we do. This is just not true according to my monitoring. I've also talked with local dealers, and confirmed this. His claim is not believable based on my observations and discussions. If you're not selling a newspaper, you should not count it in your circulation numbers.

Also please note ALL the circulation numbers Mr. Wood provided match exactly the numbers provided on his Statement of Ownership postal form he included in his packet. That form is dated **September 30, 2014** - over 10 months ago. The Council requested current numbers and I believe they could have incurred substantial changes since then.

Sincerely,



Scott Munger
Publisher & Owner
The Equalizer

THE *Equalizer*

121 E. Cherrv Street • Vermillion. South Dakota • 605-624-8486 • scott@EqualizerOnline.com

356 3487 02/25/2008

STATE OF WYOMING
Office of the Secretary of State

I, MAX MAXFIELD, SECRETARY OF STATE of the STATE OF WYOMING, do hereby certify that according to the records of this office,

YANKTON MEDIA, INC.

is a

Profit Corporation

formed or qualified under the laws of Wyoming did on **February 6, 2008**, comply with all applicable requirements of this office. Its period of duration is Perpetual. This entity has been assigned entity identification number **2008-000550023**.

This entity is in existence and in good standing in this office and has filed all annual reports and paid all annual license taxes to date, or is not yet required to file such annual reports; and has not filed Articles of Dissolution.

I have affixed hereto the Great Seal of the State of Wyoming and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Cheyenne, Wyoming on this 19th day of February, 2008 at 9:32 AM. This certificate is assigned 002468225.



Max Maxfield
Secretary of State

Notice: A certificate issued electronically from the Wyoming Secretary of State's web site is immediately valid and effective. The validity of a certificate may be established by viewing the Certificate Confirmation screen of the Secretary of State's website <http://wyobiz.wy.gov> and following the instructions displayed under Validate Certificate.

356 3486 02/25/20



Secretary of State, Corporations Division
500 E. Capitol Avenue, Pierre SD 57501
Phone 605-773-4845, Fax 605-773-4550

RECEIVED

FEB 20 2008

S.D. SEC. OF STATE

Application for Certificate of Authority

FILING INSTRUCTIONS: A foreign corporation may apply for a certificate of authority to transact business in South Dakota by delivering this application to the Office of the Secretary of State for filing. One ORIGINAL and One COPY of the application must be submitted. This application must include a CERTIFICATE OF EXISTENCE, or a document of similar import, duly authenticated by the secretary of state or other official having custody of corporate records in the state or country under whose law it is incorporated.

(1) The name of the corporation is (exact corporate name including corporation, company, incorporated, limited or an abbreviation of one of such words)
YANKTON MEDIA, INC. FB032426

(2) State where incorporated Wyoming (3) The date of its incorporation is 02/06/08
and the period of its duration is perpetual

(4) The address of its principal office in the state or country under the laws of which it is incorporated is 13 Canyon View Drive, Sheridan, Wyoming Zip Code 82801

mailing address if different from above is: _____ Zip Code _____

(5) The street address, or a statement that there is no street address, of its registered office in the State of South Dakota is 319 Walnut, Yankton, South Dakota Zip Code 57078

and the name of its registered agent in the State of South Dakota at that address is Gary L. Wood

(6) The names and usual business addresses of its current directors and officers are:

Name	Officer Title	Street Address	City	State	Zip
<u>Gary L. Wood</u>	<u>President</u>	<u>319 Walnut, Yankton, South Dakota,</u>	<u>57078</u>		
<u>Gary W. Stevenson</u>	<u>Vice President</u>	<u>13 Canyon View Drive, Sheridan, Wyoming,</u>	<u>82801</u>		
<u>Robert H. Hicks</u>	<u>Sec./Treas.</u>	<u>P.O. Box 730, Buffalo, Wyoming,</u>	<u>82834</u>		

The application must be signed by an authorized officer of the corporation.

Date: 2/19/08

Gary L. Wood
Signature
Gary L. Wood
Printed Name
President
Title

The Consent of Appointment below must be signed by the registered agent listed in number five.

Consent of Appointment by the Registered Agent

I, Gary L. Wood, hereby give my consent to serve as the registered agent for YANKTON MEDIA, INC.
(NAME of registered agent)
(CORPORATE NAME)

Dated 2/19 2008

Gary L. Wood
(signature of registered agent)

U.S. POSTAL SERVICE®
STATEMENT OF OWNERSHIP
MANAGEMENT AND CIRCULATION
(All Periodicals Publications Except Requester Publications)
(Required by 39 U.S.C. 3685)

1. Publication Title: Vermillion Plain Talk
2. Publication No.: 657-720
3. Filing Date: September 30, 2014
4. Issue Frequency: Weekly
5. No. of Issues Published Annually: 52
6. Annual Subscription Price: \$26.00
7. Complete Mailing Address of Known Office of Publication: 201 W. Cherry Street, Vermillion, SD 57069
8. Complete Mailing Address of the Headquarters of General Business Offices of the Publisher: Yankton Media Inc., 319 Walnut St., Yankton, SD 57078
9. Full Names and Complete Mailing Address of Publisher, Editor and Managing Editor:
Publisher: Gary Wood, 319 Walnut St., Yankton, SD 57078
Editor: Alan Dale, 319 Walnut St., Yankton, SD 57078
Managing Editor: Alan Dale, 319 Walnut St., Yankton, SD 57078
10. Owner:
Full Name: Yankton Media Inc. Complete Mailing Address: 319 Walnut St., Yankton, SD 57078
Full Name: Gary Wood & Deirdre Wood Complete Mailing Address: 319 Walnut St., Yankton, SD 57078
Full Name: Gary Stevenson & Sue Stevenson Complete Mailing Address: 319 Walnut St., Yankton, SD 57078
Full Name: Robert Hicks and Jennifer Hicks Complete Mailing Address: 319 Walnut St., Yankton, SD 57078
11. Known bondholders, mortgagees and other security holders owning or holding 1% or more of total amount of bonds, mortgages or other securities:
First Dakota National Bank, 225 Cedar St., Yankton, SD 57078
12. Tax Status: For completion by nonprofit organizations authorized to mail at special rates (Section 424.12 only). The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes: Does Not Apply
13. Publication Name: Vermillion Plain Talk
14. Issue Date for Circulation Data Below: September 19, 2014
15. Extent and Nature of Circulation:

Sept 30, 2014

Owners

	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest To Filing Date
A. Total No. Copies (Net press run)	1934	1927
B. Paid Circulation (By Mail and Outside the Mail)		
1. Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	183	179
2. Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) (Paid and or requested)	689	678
3. Paid Distribution Outside the Mails including Sales Through Dealers and Carriers, Street Vendors, Counter Sales and Other Paid Distribution Outside USPS®	664	683
4. Paid Distribution by Other Classes of Mail Through the USPS (e.g., First Class Mail®)	--	--
C. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))	1536	1540
D. Free or Nominal Rate Distribution (By Mail and Outside the Mail)		
1. Free or Nominal Rate Outside-County Copies included on PS Form 3541	--	--
2. Free or Nominal Rate In-County Copies included in PS Form 3541	--	--
3. Free or Nominal Rate Copies Mailed at Other Classes the USPS (e.g., First-Class Mail)	--	--
4. Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	150	150
E. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))	150	150
F. Total Distribution (Sum of 15c and 15e)	1686	1690
G. Copies not Distributed (See Instructions to Publishers #4 (page #3))	248	237
H. Total (Sum of 15f and g)	1934	1927
I. Percent Paid (15c divided by 15f times 100)	91%	91%

Sept. 30, 2014
Numbers

X I certify that 50% of all my distributed copies (electronic and print) are paid above nominal price.
17. Publication of Statement of Ownership
X If the publication is a general publication, publication of this statement is required. Will be printed in the 10/3/14 issue of this publication.
18. Signature and Title of Editor, Publisher, Business Manager, or Owner:

Owner:
Gary L. Wood
Publisher

September 30, 2014

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).
Published: Oct. 3, 2014



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, August 17, 2015
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. August 3, 2015 Special, August 3, 2015 Regular, August 11, 2015 Special Budget, August 13, 2015 Special Budget.

4. Adoption of the Agenda

5. Visitors To Be Heard

6. Public Hearings

- a. Special permit to exceed permissible sound levels by no more than 50% for USD Athletics on Ratingen Platz and half block of Market Street south of W. Main Street on Thursday, September 10, 2015 from 4 p.m. to 8 p.m. for a kick-off event for the USD and VHS sports seasons.
- b. Special permit to exceed permissible sound levels by no more than 50% for USD Marketing on Ratingen Platz and Main Street on Thursday, August 27, 2015 from 6 p.m. to 8 p.m. for a new USD student welcome event.
- c. Special permit to exceed permissible sound levels by no more than 50% for Sigma Alpha Epsilon / Tau Kappa Epsilon at 855 Madison Street on Sunday, September 6, 2015 from 4 p.m. to 8 p.m. for a social event that will include a DJ and sound system.

7. Old Business

8. New Business

- a. Request to close W. Main Street from Washington Street to Church Street, Market Street from W. Main Street south for ½ block, Prospect Street from W. Main Street north for ½ block, Court Street from W. Main Street south for ½ block, and Center Street from Main Street north for ½ block on Thursday, September 10, 2015 from 4 p.m. to 7:30 p.m. for Vermillion Day.
- b. Request to close W. Main Street from west edge of Ratingen Platz to Court Street on Thursday, August 27, 2015 from 5 p.m. to 9 p.m. for Explore Vermillion.
- c. Request to close Rose Street from Coyote Village to the Dakota Dome and removing parking stalls on Dakota Street between Alumni Street and Highway 50 for USD Tailgate Nation on September 19, October 3, October 24, November 7, and November 14, 2015 from 8 a.m. to 6 p.m.
- d. Resolution fixing the time and place for a hearing and notice of hearing to levy special assessments for nuisance abatement.
- e. Designation of Legal Newspaper.
- f. Designate purpose (charge) for Downtown Public Facilities Committee.
- g.

9. **Bid Openings**

- a. 2015 Sidewalk repair assessment.

10. **City Manager's Report**

11. **Invoices Payable**

12. **Consensus Agenda**

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.

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.

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
August 3, 2015
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 3, 2015 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

Absent: Holly Meins

2. Informational Session - Presentation of legal newspaper bids - Andy Colvin

Mike Carlson, Finance Officer, reported that in June the City received a letter from Scott Munger, Owner and Publisher of The Equalizer newspaper, about becoming the official legal newspaper for the City. Mike noted that State statute requires all political subdivisions to establish a legal newspaper for notices and other required publications. The City Council directed staff to develop an RFP to be sent to The Plain Talk, which is the current legal newspaper for the City, and The Equalizer. Mike stated that both RFP were included in the packet and that each party was invited to present their proposals in person to the City Council at this meeting. Mike noted that no action is required but this will provide the City Council the opportunity to ask questions. If the Council wants to take an action, they will need to request staff to include the action item on a future agenda.

Scott Munger, owner of The Equalizer, reported that The Equalizer meets the State requirements to be an official newspaper. Scott reviewed why The Equalizer should be considered for the City's official newspaper.

Gary Wood, owner of the Plain Talk, reported that the newspaper has been operating in the city since 1884 and provides local news and information only. Gary reviewed the commitment to the community through contributions to local organizations. Gary reviewed the service that the Plain Talk has been providing to the city as the legal newspaper.

The City Council asked questions of the owners on their newspaper.

3. Historic Preservation Incentives - Jim Wilson

Jim Wilson, Chairman of the Clay County Historic Preservation Commission, reviewed the financial benefits available to building owners in the three historic districts in Vermillion. Jim noted that the Commission is currently working on adding another district. Jim reviewed the 20% federal tax credit available for rehabilitation of historic income producing buildings that are certified historic structures. Jim reported on the State of SD eight year property tax moratorium for rehabilitation work on buildings listed on the National Register of Historic Places. Jim noted that to qualify for both programs the rehabilitation work must conform to the Secretary of the Interior's Standards for rehabilitation. Jim stated that he wanted to get the work out as he felt there are a number of rehabilitation projects being done that the owners are not taking advantage of these programs. Jim answered questions of the City Council on the programs.

4. Briefing on the August 3, 2015 City Council Regular Meeting Agenda

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

5. Adjourn

227-15

Alderman Ward moved to adjourn the Council special session at 12:52 p.m. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
August 3, 2015
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 3, 2015 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of July 20, 2015 Special Meeting; July 20, 2015 Regular Meeting

228-15

Alderman Willson moved approval of the July 20, 2015 Special Meeting and July 20, 2015 Regular Meeting minutes. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

229-15

Alderman Collier-Wise moved approval of the agenda with the addition to the Consensus Agenda of Item C. to set a public hearing date of August 17, 2015 for a special permit to exceed permissible sounds levels by no more than 50% at 855 Madison Street on Sunday, September 6, 2015 from 4:00 p.m. to 8:00 p.m. for the Sigma Alpha Epsilon/Tau Kappa Epsilon fraternities for an event that will include a DJ and sound system for a social. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. National Night Out proclamation

Alderman Clarene Meins read the proclamation designating Tuesday, August 4th as "National Night Out" in Vermillion. Mayor Powell presented the proclamation to Matt Betzen, Police Chief. Matt invited citizens to the events planned for National Night Out that include a scavenger hunt, six block parties and a movie in the park.

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% on W. Main Street between High and Prospect Streets on Friday, September 11, 2015, between 5:00 p.m. and midnight and on Saturday, September 12, 2015 between 5:00 p.m. and midnight for Ribs, Rods & Rock 'n Roll for a street dance.

Mike Carlson, Finance Officer, reported that Ribs, Rods & Rock 'n Roll has applied for a special permit to exceed allowable noise levels for several bands and a street dance on Friday, September 11th and Saturday September 12th beginning at 5:00 p.m. and lasting until midnight. The request, diagram and notice of hearing are attached. Mike noted that the application and diagram appear to be the same as last year and recommended approval of the request. Mike noted that Rich Job and Jenny French, representing the organization, were present to answer questions.

230-15

Alderman Erickson moved approval of the special permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets from 5:00 p.m. to midnight on Friday, September 11th and Saturday, September 12th. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for Ribs, Rods & Rock 'n Roll on September 11 & 12, 2015 on W. Main Street between Washington and Elm Streets, Ratingen Platz, Market Street from Main to Kidder Streets and portions of Kidder, Court and Prospect Streets.

Mike Carlson, Finance Officer, reported that an application has been received for a special daily malt beverage and wine license from Ribs, Rods & Rock'n Roll for their events on September 11 & 12, 2015 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south. Mike stated that the request from Ribs, Rods, & Rock'n Roll, notice of hearing, Police Chief's report and map of the area are included in the packet. Mike stated that, from the map, the area that alcohol will be allowed will be the same as last year noting that last year it was expanded. Mike reviewed the different times and locations for where alcohol will be allowed noting that sales will remain in the same location as previous years on Main Street by Market Street. Mike stated that City ordinance allows the City Council to set conditions and restrictions, as it may deem appropriate, in issuing a special license. In the past, these conditions were to require a Release and Indemnification releasing the

City from liability for the event (already received), a Certificate of Insurance naming the City as an additional insured (already received), require clear signage at each egress from the area where alcohol is allowed, reimburse the City for overtime wages of the Police Department up to a maximum of \$1,000, provide six security personnel, require a cleanup plan and provide restroom facilities. As to hours, the request is to start at 5:00 p.m. on Friday until midnight and a start time of 11:00 a.m. on Saturday until midnight. Rich Job and Jenny French reviewed the events planned for the two days noting that the alcohol sales and consumption area is the same as last year. Discussion followed.

231-15

Alderman Erickson moved approval of the special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 11 & 12, 2015 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north, Court Street from Main Street to half block south and the city parking lot at Market and Kidder, contingent upon the following: 1) The applicant provides a Release and Indemnification releasing the City from liability for the event; 2) The applicant provide a Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability, for the event; 3) The applicant provide clear signage at each egress from the area where alcohol is; 4) The Organization provide a minimum of 6 personnel that are at least age 21 to serve as security for the street dance. The individuals shall be wearing shirts that state "Event Security" on the back; 5) The Organization agrees to reimburse the City of Vermillion for the overtime for police officers assigned to the event limited to \$1,000 or actual costs, whichever is lower; 6) The Organization shall have a plan for clean up and provide adequate restroom facilities; 7) The hours authorized for malt beverage and wine sales are 5:00 p.m. Friday to midnight and Saturday 11:00 a.m. until midnight in the areas as outlined in the map included with the application. Alderman Holly Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special daily malt beverage and wine license for Clay County Agricultural Fair Association, Inc. on or about August 7 and 8, 2015 at the Clay County Fairgrounds open area

Mike Carlson, Finance Officer, reported that an application was received from the Clay County Agricultural Fair Association for a special daily malt beverage and wine license on or about August 7th and 8th for the demolition derby and Ranch Rodeo during the Clay County

Fair. The notice of hearing and Police Chief's report are included in the packet. Mike stated that Jessica Kennedy, representing the Fair Board, is present to answer questions. Mike recommended approval of the special license unless additional information is provided at the hearing.

232-15

Alderman Willson moved approval of the special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 7 and 8, 2015 at the Clay County Fairgrounds. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Special permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on Wednesday, September 30, 2015 between 8:00 p.m. to 11:00 p.m. for a Dakota Days Committee event that will include a DJ for a street dance style environment

Mike Carlson, Finance Officer, reported that an application was received from the USD Dakota Days Committee for a special permit to exceed allowable noise levels for USD's Verm Town Bash event on Wednesday, September 30, 2015 from 8:00 p.m. until 11:00 p.m. at Ratingen Platz. Mike noted that a copy of the application, additional information, diagram and published notice of the hearing were included in the packet. Discussion followed.

233-15

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on Wednesday, September 30, 2015 between 8:00 p.m. to 11:00 p.m. for a Dakota Days Committee event that will include a DJ for a street dance style environment. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Resolution Adopting a Resolution of Necessity for Sidewalk Repairs for properties in the Central Business District

Jose Dominguez, City Engineer, stated that this was the time set for a public hearing on the resolution of necessity for sidewalk repairs for properties in the central business district. Jose stated that the sidewalk repair program originally had these sidewalks to be completed in 2015 or the City would contract for the repairs. Jose noted that recently the City was asked by several property owners in the downtown area to delay the special assessment. Jose noted that the request was based on the fact that there is a push among some of the downtown owners to see a larger project that would completely reconstruct downtown, rather than just doing spot repairs on the sidewalks. Jose

reported that at the July 6th meeting a resolution was adopted setting the public hearing date of tonight. Jose reported that the resolution was published and notices were mailed to the property owners. Jose stated that the resolution will give the property owners until June 30, 2017 to demonstrate they have the work under contract to be completed by the end of 2017 or the city will complete the work and assess the property owner. Discussion followed.

234-15

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

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 3rd day of August, 2015, that the necessity has arisen for sidewalk repairs along the parcels of land hereinafter named, viz:

VIOLATION ADDRESS	VIOLATION LEGAL DESCRIPTION	VIOLATION PARCEL NUMBER
12 CENTER	N 38.5' OF LOT 25 BLK 35 SNYDERS	15720-03500-250-03
24 CENTER	S 12' OF LOT 2 BLK 35 SNYDERS	15720-03500-020-03
7 COURT	S 34' OF LOT 4 & N 14' OF LOT 5 BLK 28 ORIGINAL TOWNSITE OF VERMILLION	15530-02800-040-00
9 COURT	N 18' OF 6 & S 30' OF 5 BLK 28 ORIGINAL TOWN	15530-02800-050-00
11 COURT	S 20' OF N 38' OF LOT 6 BLK 28 ORIGINAL TOWN	15530-02800-060-00
15 COURT	S 6' OF 6 & ALL OF LOT 7 BLK 28 ORIGINAL TOWN	15530-02800-070-00
16 COURT	LOTS 8,9,10 & 11 BLK 27 ORIGINAL TOWN	15530-02700-110-00
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
119 E. MAIN	E 29.5' OF W 95.5' OF LOTS 2, 3, 4, & E 66' OF W 32' OF LOT 1 BLK 26 ORIGINAL TOWN &	15530-02600-040-03
120 E. MAIN	E 15' OF S 90' OF LOT 20 & S 90 OF LOTS 21, 22, 23, 24, & 25 BLK 33 SNYDERS ADDN	15720-03300-250-03
125 E. MAIN	W 41' OF VACATED DAKOTA ST ABUTTING LOT 1 & E 18' OF LOT 1 BLK 26 ORIGINAL TOWN	15530-02600-010-00
17 ELM	LOT 11 BLK 33 SNYDERS	15720-03300-110-00
23 ELM	W 85' OF LOT 14 & W 85' OF N 20' OF LOT 13 BLK 33 SNYDERS	15720-03300-140-00
5 MARKET	N 23'4 OF S 27' 2 1/2 OF LOT 2 BLK 29 ORIGINAL TOWN	15530-02900-020-03
11 MARKET	LOT 5 & 6 BLK 29 ORIGINAL TOWN	15530-02900-050-00
14 MARKET	LOT 10 & N 20' OF E 50' & S 24' OF LOT 11 BLK 28 ORIGINAL TOWN	15530-02800-100-00
17 MARKET	LOTS 7, 8 & 9 BLK 29 ORIGINAL TOWN	15530-02900-070-00
19 MARKET	LOT 11 BLK 29 ORIGINAL TOWN	15530-02900-100-00
21 MARKET	LOT 11 BLK 29 ORIGINAL TOWN	15530-02900-110-00
23 MARKET	LOT 12 BLK 29 ORIGINAL TOWN	15530-02900-120-00
24 MARKET	LOT 9 BLK 28 ORIGINAL TOWN	15530-02800-090-00
26 MARKET	LOT 8 BLK 28 ORIGINAL TOWN	15530-02800-080-00
5 PROSPECT	LOT HD-1 LOT 15 BLK 35 SNYDERS	15720-03500-150-03
16 PROSPECT	LOT 3 BLK 36 SNYDERS	15720-03600-030-00
25 PROSPECT	N 1/2 OF LOT 13 & ALL OF LOT 14 BLK 35 SNYDERS	15720-03500-140-00
1 W. MAIN	S 60.5' OF LOT 25 BLK 35 SNYDERS ADDN	15720-03500-250-00
2 W. MAIN	LOT 25 BLK 28 ORIGINAL TOWN	15530-02800-250-00
3 W. MAIN	LOT 24 BLK 35 SNYDERS	15720-03500-240-00
4 W. MAIN	LOT 24 BLK 28 ORIGINAL TOWN	15530-02800-240-00
5 W. MAIN	LOTS 22 & 23 BLK 35 SNYDERS	15720-03500-230-00
9 W. MAIN	LOT 21 BLK 35 SNYDERS	15720-03500-210-00
10 W. MAIN	LOT 21 BLK 28 ORIGINAL TOWN	15530-02800-210-00
12 W. MAIN	LOT 20 & ALL VAC ALLEY ADJ TO LOT 20 BLK 28 ORIGINAL TOWN	15530-02800-200-00
13 W. MAIN	E 23 1/2' OF LOT 19 BLK 35 & ALL OF VAC ALLEY SNYDERS	15720-03500-190-03
16 W. MAIN	LOT 18 & W 25' OF E 50' OF LOT 12 BLK 28 ORIGINAL TOWN OF VERMILLION	15530-02800-180-00
15 W. MAIN	E 5.5' OF LOT 18 & W 12.5' OF LOT 19 BLK 35 SNYDERS	15720-03500-190-00
18 W. MAIN	W 25' OF N 20' OF E 75' OF 11 & W 25' OF E 75' OF 12 & ALL LOT 17 BLK 28 ORIGINAL 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
24 W. MAIN	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 ORIGINAL TOWN	15530-02800-150-03
25 W. MAIN	W 25' OF LOT 15 EXC LOT HD-1 BLK 35 SNYDERS	15720-03500-150-00
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 6th day of July, 2015 was 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 2017 for completion by December 31, 2017.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

- 7. Old Business - None
- 8. New Business

A. Request to close W. Main Street between Washington and Elm Streets, Market Street from W. Main to Kidder Streets and portions of Kidder, Court and Prospect Streets, Ratingen Platz, and the City parking lot at Market Street and Kidder Street for Ribs, Rods and Rock 'n Roll. (Note: the closing of streets and times of the closure take place over the course of September 11, 12 and 13, 2015)

John Prescott, City Manager, stated that Ribs, Rods, & Rock 'n Roll organization is requesting a temporary street closing to host their State BBQ Championship, music festival and car show on September 11 and 12, 2015. John reported that the request is broken down into two sections as follows:

Section one - Proposed to be closed from Friday, September 11, 2015 at 7:00 a.m. until Sunday, September 13, 2015 at Noon: Main Street, from High Street to Prospect Street; Austin Street, from W. Main Street to Kidder Street; Market Street; from W. Main Street to Bloomingdale Street; Prospect Street, from W. Main Street to ½ block north of W. Main Street; and Kidder Street, from Austin Street to ½ block east of Market Street. This closing would also include Ratingen Platz and the city parking lot at the southwest corner of Market Street and Kidder Street.

Section two - Proposed to be closed on Saturday, September 12, 2015 from 12:01 a.m. until 5:00 p.m.: W. Main Street, from Washington Street to High Street; Main Street, from Prospect Street to Church Street; and Court Street from E. Main Street south for one-half block.

John stated that the street closing request and diagram of the streets are included in the packet.

Rich Job, representing Ribs, Rods & Rock 'n Roll, stated that the street closing is the same as last year and explained the activities planned for the event. Rich answered questions of the City Council.

235-15

Alderman Willson moved approval of the street closing as requested on September 11, 12 & 13, 2015 for the Ribs, Rods & Rock 'n Roll event. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close Main St. from the intersection of Main and S. Norbeck St. to the intersection of Main and High St. on October 3, 2015 from 6:00 a.m. to 12:30 p.m. for the Dakota Days Parade.

Doug Wagner, representing the Dakota Days Committee, requested the street closing for the parade that is set for Saturday, October 3, 2015. Doug said that the route will be the same as last year which is Main Street from S. Norbeck Street to High Street for routing and/or staging of the Dakota Days Parade between 6:00 a.m. to 12:30 p.m. Doug stated that the parade would begin at the intersection of Prentis Street and E. Main Street. Doug reported that a student organization will be doing clean up after the event. Discussion followed.

236-15

Alderman Ward moved approval of the street closing as requested by Doug Wagner on behalf of the Dakota Days Committee for the Dakota Days parade on Saturday, October 3, 2015. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Request to close Market St. from Main St. to S. Kidder St. September 30, 2015 from 4:30 p.m. to midnight for Verm Town Bash

John Prescott, City Manager, reported that the Dakota Days Executive Board is sponsoring a community wide event associated with Dakota Days on Wednesday, September 30, 2015. John noted that activities are planned for Market Street from W. Main Street to Kidder Street including using the Ratingen Platz that will include inflatables and activities from 5:00 p.m. to 8:00 p.m. and a street dance type event with a DJ from 8:00 p.m. to 11:00 p.m. John stated that the application stated that all activities are open to the public and will be alcohol free. John reported that the map of the proposed closing is attached and the noise permit for the bands was part of the Public Hearings portion of the agenda. John stated that the request is to close the street from 4:30 p.m. to midnight to allow for set up and cleanup.

237-15

Alderman Erickson moved approval of the closing of Market Street from Main Street south to Kidder Street from 4:30 p.m. to midnight on Wednesday, September 30, 2015 for Dakota Days Executive Board community wide event to include the Ratingen Platz. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Request to close Center St. from Main St. to National St. and the west City Hall parking lot for a Fire/EMS Department photo August 19, 2015 from 5:30 p.m. to 8:00 p.m.

John Prescott, City Manager, reported that the Vermillion Fire/EMS Department is planning to take a photo of department personnel and equipment with City Hall being used as a backdrop for this photo. John stated that the Vermillion Fire/EMS Department is requesting a temporary street closure of Center Street from Main Street to National Street and the west City Hall parking lot to accommodate the photo. John stated that the parking lot and street closure request is for Wednesday, August 19, 2015 from 5:30 p.m. to 8:00 p.m.

238-15

Alderman Willson moved approval of the request for closing Center Street from Main Street to National Street to include the parking lots on Wednesday, August 19, 2015 from 5:30 p.m. to 8:00 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Request to close High Street as it abuts the Fairgrounds immediately south of W. Cherry Street from 7:00 a.m. on Thursday, August 6, 2015 to 5:00 p.m. on Sunday, August 9, 2015 for Clay County Fair

Mike Carlson, Finance Officer, reported that Clay County Agricultural Fair Association is hosting the annual Clay County Fair from August 6 to 8, 2015 and is requesting the temporary closure of a portion of High Street as it abuts the fairgrounds. The request is to close High Street along the fairgrounds from 7:00 a.m. on Thursday, August 6, 2015 until 5:00 p.m. on Sunday, August 9, 2015. Jessica Kennedy, representing the Clay County Fair, explained the events planned for the fair.

239-14

Alderman Holland moved approval of the closing of High Street along the fairgrounds from 7:00 a.m. on Thursday, August 6, 2015 until 5:00 p.m. on Sunday, August 9, 2015 for the Clay County Fair. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Resolution to adopt the goals of the 2004 Streetscape Plan and to accept the 2004 Streetscape Plan as a conceptual plan for Downtown Vermillion

Jose Dominguez, City Engineer, reported that the City, in conjunction with the Clay County Historic Preservation Commission, completed a master plan for Downtown Vermillion in 2004. Jose reported that the document was created to serve as a guide for future projects in the downtown area so that the area had a cohesive look that would emphasize its historic character. Jose stated that some projects identified in the plan, such as a Pocket Park, Ratingen Platz, and a public parking lot at Market and Kidder, have been completed although not as shown in the plan. Jose stated that the City has recently held a couple of public meetings to gather public input regarding a possible downtown infrastructure project. Jose stated that at these meetings it was brought up that the 2004 Plan should be adopted prior to continuing with any project. Jose reported that at the July 20th meeting the Council asked staff to prepare a resolution that would adopt the spirit of the document without adopting the minutiae of it. Jose noted that the resolution that is proposed adopts the four goals of the 2004 Plan precisely while adopting the remainder of the document for informational purposes. Jose reviewed the goals noting that the balance of the 2004 plan would serve as a guide. Discussion followed.

240-15

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

A RESOLUTION ADOPTING PORTIONS OF THE 2004
CITY OF VERMILLION DOWNTOWN STREETSCAPE PLANNING MASTER PLAN

WHEREAS, in 2003 in conjunction with the Clay County Historic Preservation Commission the City formed the Downtown Vermillion Streetscape Planning Committee; and,

WHEREAS, the Downtown Vermillion Streetscape Planning Committee was charged by the Council to lead the planning effort to complete Vermillion Downtown Streetscape Planning Master Plan; and,

WHEREAS, the City of Vermillion, at the request of some citizens, has recently started exploring options to renovate the Downtown area; and,

WHEREAS, good infrastructure is essential to creating a viable and vibrant downtown; and,

WHEREAS, the Vermillion City Council would like to adopt the four goals stated in the 2004 Vermillion Downtown Streetscape Planning Master Plan which are: to provide a safe and inviting experience for downtown businesses, city residents, and visitors to the area; to reintroduce downtown Vermillion as an exciting and essential part of Vermillion; to build upon the timelessness and historic character of downtown; and to develop a plan that can allow for phased implementation of infrastructure improvements; and,

WHEREAS, the rest of the 2004 Vermillion Downtown Streetscape Planning Master Plan may be used as a guide to complete some future projects for the Downtown area.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the goals of the 2004 Vermillion Downtown Streetscape Planning Master Plan are hereby adopted as modified and that the rest of the 2004 Vermillion Downtown Streetscape Plan is adopted as an informational document which may be used as a resource in planning for future downtown projects. Said plan shall be on file in the office of the Vermillion Finance Officer and is available for public inspection during regular business hours.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed on the streetscape plan noting that any changes to the public infrastructure will require City Council approval and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

G. Engineering agreement with DGR for engineering design services for northeast substation

Jason Anderson, Assistant City Engineer, reported that the Light & Power Department has funding in the 2015 budget to begin engineering a new electric substation. Jason noted that the city currently peaks to near 80% of the current substation's rated capacity at certain times during the year and if a large electric user wished to build in Vermillion, we may not have adequate capacity to serve the load with system redundancy. Jason noted that the process of obtaining land, designing a substation, ordering materials, and constructing the substation can be expected to take at least two years. Jason reported that, due to the protracted timeline, City staff would like to begin the process of selecting a location and designing a new substation capable of serving the community's needs for the foreseeable future. Jason stated that DGR has completed the majority of the City's electrical system engineering and long range planning since 1990 and is very familiar with the City's electric system. Jason stated that the attached engineering agreement includes a project description, scope of work, timetable, and fee schedule. Jason stated that the City Attorney has reviewed the agreement. Jason stated that the total cost of the agreement is anticipated at \$410,000.

241-15

Alderman Erickson moved approval of the engineering agreement as presented with DGR for engineering design services for northeast substation. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Resolution to purchase a basket truck for Light & Power from National Joint Purchasing Alliance

Jason Anderson, Assistant City Engineer, reported that the 2000 Light & Power basket truck is scheduled for replacement in 2015. Jason reported that City staff would like to purchase an Altec AM60 basket truck from the National Joint Purchasing Alliance contract for \$215,550. Jason stated that the contract provides for the payment of the truck chassis when delivered and the balance upon delivery. Discussion followed.

242-15

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

RESOLUTION AUTHORIZING THE PURCHASE OF A
LIGHT & POWER DEPARTMENT BASKET TRUCK

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

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the National Joint Powers Alliance for a Altec AM60 basket truck from Altec Industries, Inc. for the total amount of \$215,550.00 offers an advantageous price to the City for said item; and WHEREAS, the City has contacted Altec Industries, Inc. and they have agreed to allow the City to purchase the basket truck for the contract price and terms as awarded by the NJPA Contract #031014-ALT.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a new Altec AM60 basket truck from Altec Industries, Inc. at the above stated price and under the same terms as NJPA Contract #031014-ALT.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

I. Presentation of the proposed 2016 budget

John Prescott, City Manager, stated that the 2016 Proposed Budget was included in the binder placed at each seat at the Council table or was sent by email. John stated that the budget utilizes conservative fiscal principals to develop a plan of action for 2016 and will serve as the starting point for the City Council. John stated that the proposed budget will be reviewed during budget session scheduled for August 11th and 12th in the large conference room on second floor of City Hall. John reviewed some of the major items included in the budget. Discussion followed.

243-15

Alderman Willson moved to acknowledge receipt of the 2016 proposed budget. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick's Service on Items 1, 2 & 4 and Stern Oil on Item 3.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.2665, Brunick's Service \$2.23; Item 2 - 1,000 gal unleaded: Stern Oil \$2.7264, Brunick's Service \$2.68; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$1.80009, Brunick's Service \$1.95; Item 4 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$2.3214, Brunick's Service \$2.20

244-15

Alderman Willson moved approval of the low quote of Brunick's Service on Items 1, 2 & 4 and Stern Oil on Item 3. Alderman Price seconded the motion. Discussion followed. Motion carried 9 to 0. President Willson declared the motion adopted.

10. City Manager's Report

A. John reminded citizens that Market Street will be closed from Main Street south for ½ block on Thursday, August 6, 2015 from 5:30 p.m. to 8:00 p.m. for Thursdays on the Platz.

B. John reported that the 2016 City budget work sessions will be on Tuesday, August 11th starting at 5:15 p.m. and Thursday, August 13th starting at 6:15 p.m. in the Large Conference room on second floor of City Hall.

C. John reported that the Prentis Park swimming pool will be open through Sunday, August 16, 2015. John stated that the doggie plunge is scheduled for August 21st.

D. John reported that the four public art sculptures are scheduled to be placed downtown on Friday, August 14th.

E. John reported that the State 911 Coordinator recently completed a review of our local 911 center. The 911 Center was found to be in 100% compliance with the administrative rules as established by the State.

F. John reported that, weather permitting, the chip sealing project will begin on Thursday, August 6th. Jose reviewed a map of the streets to be chip sealed.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Stephanie Ruden \$8.50/call-\$6.00/1st-\$6.00/2nd; Pool: Jacob Ford \$8.50/hr

11. Invoices Payable

245-15

Alderman Willson moved approval of the following invoice:

University Cleaners	professional services	30.75
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Alderman Collier-Wise seconded the motion. Alderman Clarene Meins requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

246-15

Alderman Collier-Wise moved approval of the following invoices:

A & A Refrigeration	repairs	526.96
A-Ox Welding Supply Co	bulk CO2	1,684.39
Aerial 7 Seven Inc	advertising	150.00
Allied Insurance	notary bond	100.00
Appeara	supplies	109.07
Aqua-Pure Inc	chemicals	4,400.00
Aramark Uniform Services	uniform cleaning	196.60
Avera Occupational Medicine	testing	424.50
Baker & Taylor Books	books	630.74
Banner Associates, Inc	professional services	316.12
Barkley Asphalt	asphalt	593.96
Beth Knedler	mileage reimbursement	15.32
Bierschbach Eqpt & Supply	supplies	454.80
Bioverse, Inc	supplies	163.92
Blackstone Audio Inc	books	350.00
Blick Art Materials	supplies	223.87
Border States Elec Supply	supplies	1,627.46
Boyer Ford Trucks	repairs	384.04
Brock White Co	supplies	12,338.26
Brunicks Service Inc	propane	76.00
Burns & McDonnell	professional services	5,199.88
Butler Machinery Co.	parts	1,676.68
Cam Commerce	credit card readers	1,997.28

Campbell Supply	supplies	1,355.65
Cannon Technologies, Inc	meters	18,038.70
Cask & Cork	merchandise	298.64
CCP Industries Inc.	supplies	418.61
Center Point Large Print	books	226.53
Century Business Leasing	copier contract	138.25
Centurylink	telephone	743.83
Certified Laboratories	supplies	1,409.57
Chemco, Inc	supplies	114.26
Chesterman Co	merchandise	940.87
City Of Vermillion	copies/postage	1,620.64
City Of Vermillion	utility bills	42,043.54
Class C Solutions Group	supplies	127.96
Clay Co Register Of Deed	utility easement	30.00
CO2 Systems, Inc	repairs	1,750.00
Colonial Life Acc Ins.	insurance	3,276.43
Cox Auto Supply	parts	112.80
Coyote Convenience	fuel	14.44
Coyote Enterprises LLC	television/mount	389.98
Coyote Rentals	water heater/wiring rebate	170.00
Culligan Water	bottled water/cooler	141.00
D-P Tools	supplies	255.67
Dakota Beverage	merchandise	11,921.67
Dakota Pc Warehouse	computers/repairs	1,189.96
Dakota Pump & Control Co.	supplies	19.94
Dakota Supply Group	parts	338.84
Danko Emergency Equipment	supplies	1,974.85
Delta Dental Plan	insurance	6,621.58
Demco	supplies	214.60
Dennis Martens	maintenance	833.34
DGR Engineering	professional services	4,827.41
Diamond Vogel Paints	supplies	56.50
Diane's Greenhouse	tree/shrubs	445.81
Dust Tex	entry mats	120.00
E.A Sween Company	supplies	78.70
Earthgrains Baking Co's Inc	supplies	258.09
Eberle Design Inc	repairs	178.00
Echo Electric Supply	supplies	4,241.80
Elbo Computing Resources	software upgrade	680.60
Elliott Equipment Co	parts	760.70
Farmer Brothers Co.	supplies	119.66
Fast Auto Glass	repairs	285.00
Fastenal Company	supplies	191.56
Fedex.	shipping	11.30

Fireguard Inc	supplies	5.98
Flashbay Inc	supplies	411.60
Foreman Media	council mtg	50.00
Gale	books	25.59
Graham Tire Co.	tires	1,157.56
Grainger	supplies	351.25
Graybar Electric	supplies	48.13
Gregg Peters	advertising/freight	1,577.60
Gregg Peters	rent	937.50
Guarantee Oil Co Inc	oil	1,210.48
Hach Co	repairs	1,356.60
Hauff Mid-America Sports	uniforms/supplies	1,389.70
Hauger Lawn Service	mowing	96.00
Hawkins Inc	chemicals	7,269.97
HD Supply Waterworks	supplies	3,031.33
Helms & Associates	professional services	8,547.48
Herren-Schempp Building	supplies	333.46
Hy Vee Food Store	supplies	575.34
In Control, Inc	repairs	8,054.51
Independence Waste	rental/waste hauling	1,821.40
Ingram	books	1,195.83
Interstate All Battery Center	batteries	200.60
Isaac Voss	meals reimbursement	30.00
Jacks Uniform & Eqpt	uniforms	343.00
John A Conkling Dist.	merchandise	6,325.25
John Walker	safety boots reimbursement	100.00
Johnson Brothers Famous Brands	merchandise	18,792.93
Johnson Controls	repairs	3,504.95
Jones Food Center	supplies	556.78
Kalins Indoor Comfort	repairs	171.50
Karsten Mfg Corp	merchandise	833.16
Komline-Sanderson	repairs	1,749.00
Lakeside Equipment	parts	62.00
Larrys Home Repair	repairs	55.65
Lawson Products Inc	supplies	202.37
Leisure Lawn Care	repairs	37.00
Lessman Elec. Supply Co	supplies	43.37
Lincoln Republic Insurance	insurance	480.93
Linda Calleja	mileage reimbursement	64.75
Locators And Supplies, Inc	supplies	568.06
LP Gill, Inc	tire disposal	626.00
Lyle Signs	supplies	420.95
M & M Construction LLC	concrete work	6,229.09
M&T Fire And Safety Inc	installation of power load sys.	1,580.00

Mart Auto Body	towing	375.00
Matheson Tri-Gas, Inc	acetylene	70.46
McCulloch Law Office	professional services	1,251.00
Mead Lumber	supplies	227.78
Medical Waste Transport, Inc	haul medical waste	231.71
Michaels Fence	vinyl fence	8,639.00
Michelle Koller	mileage reimbursement	111.11
Micro Marketing LLC	books	29.99
Midwest Alarm Co	alarm monitoring	132.00
Midwest Building Maintenance	mat svc	466.70
Midwest Radiator & Exhaust	repairs	35.00
Midwest Ready Mix & Equipment	flowable fill	320.00
Midwest Striping	restriping streets	4,240.14
Midwest Turf & Irrigation	parts	1,668.95
Minitex Library	supplies	90.50
Missouri River Energy Service	infrared testing	1,217.13
Missouri River Energy Service	motor testing	348.00
Motorola Inc	radio	2,748.00
McLaury Engineering	professional services	1,320.00
NCL Of Wisconsin, Inc	supplies	77.75
Netsys+	professional services	1,077.00
New York Life	insurance	84.02
Newman Traffic Signs	supplies	374.95
Nike Inc	merchandise	131.91
Office Systems Co	copier contract/copies	1,874.97
Okoboji Wines-SD	merchandise	525.00
Overhead Door Of Sioux City	repairs	1,603.40
Pauls Plumbing	repairs	615.71
PCC, Inc	commission	3,590.75
Penguin Random House LLC	books	91.50
Pete Lien & Sons, Inc	chemicals	7,553.02
Pilger Sand & Gravel, Inc	bunker sand	1,327.05
POSM Soft LLC	software support	1,500.00
Prairie Berry Winery	merchandise	828.00
Precision Lawn Care	mowing/junk/debris removal	600.00
Pressing Matters	supplies	92.00
Presto-X-Company	inspection/treatment	49.86
Pump N Pak	fuel	128.21
QT Pod	maintenance/repairs	1,352.22
Quality Motors	repairs	39.48
Queen City Wholesale	merchandise	763.23
Quill	supplies	1,685.01
Racom Corporation	maintenance contract	447.85
Randy Voss	professional services	300.00

Recorded Books, Inc	books	458.40
Reinhart Foodservice, LLC	supplies	2,278.84
Reliable Towing & Roadside	towing	75.00
Republic National Distributing	merchandise	13,606.75
RESCO	transformers	59,196.00
Ribs, Rods & Rock N' Roll	contribution	5,000.00
Riverside Hydraulics & Lab	parts	679.27
Robin Hower	meals reimbursement	30.00
Sanford Clinic Vermillion	supplies	607.38
SD Board Of Technical Profess	license renewal	80.00
SD Library Association	registration	320.00
SD One Call	locates	473.97
SD Retirement System	contributions	76,150.19
SDN Communications	onsite maintenance	4,576.68
SDWWA	registration	140.00
Servall Towel & Linen	supplies	29.40
Special T's And More	uniform t-shirts	92.85
Standard Ready Mix Concrete	crushed concrete	1,090.92
Stern Oil Co.	fuel	1,286.76
Stewart Oil-Tire Co	tires	424.95
Still 173 LLC	merchandise	177.00
Stuart C. Irby Co.	supplies	23,800.00
Sturdevants Auto Parts	parts	1,711.72
T And R Electric	repairs	250.00
Taylor Made	merchandise	118.90
Testamerica Laboratories, Inc	professional services	1,394.12
The Equalizer	advertising	25.60
The New Sioux City Iron Co	supplies	15.42
The Observer	subscription	30.00
Thomson Reuters-West	subscription	188.50
Titan Machine-Productivity	parts	1,488.96
Titleist Drawer Cs	merchandise	444.09
Tony Klunder	meals reimbursement	72.00
Tri Tech Sales	parts	196.17
True Value	supplies	214.27
Turner Conservation District	fabric installation	445.40
Turner Excavation	Cottage Ave-water main	41,582.16
United Laboratories	chemicals	1,330.92
United Parcel Service	shipping	27.24
United Way	contributions	811.25
Univar USA Inc	soda ash	15,030.24
Van Diest Supply Co	supplies	1,037.40
Vast Broadband	911 circuit	1,415.45
Verizon Wireless	cell phones/wireless	2,019.13

Vermeer High Plains	parts	167.53
Vermillion Ace Hardware	supplies	1,200.22
Vermillion Area Arts Council	online registration	22.37
Vermillion Area Arts Council	Missouri weave mural	250.00
Vermillion Chamber Of Commerce	2015 2nd qtr BID	13,882.20
Vermillion Community Theatre	online registration	27.05
Vermillion Ford	parts	144.34
Vermillion Taekwondo	online registration	29.91
Vermillion Youth Football	online registration	304.63
Visa/First Bank & Trust	fuel/lodging/supplies	8,576.33
Wal-Mart Community	supplies	981.81
Wesco Distribution, Inc	supplies	17,903.00
Western Office Technologies	supplies	689.37
Yamaha Golf & Utility	June golf car lease	7,545.94
Yankton Automotive Machine	repairs	139.00
Yankton Janitorial Supply	supplies	136.50
Zee Medical Service	supplies	119.00
Zimco Supply Co	supplies	5,148.68
Om Prakash Thangavelu	Bright Energy Rebate	50.00
Judith Sebesta	Bright Energy Rebate	30.00
Curt Crichton	Bright Energy Rebate	30.00
James McGuire	Bright Energy Rebate	30.00
Betty Bast	Bright Energy Rebate	30.00
Cloyd (Joe) Conroy	Bright Energy Rebate	350.00
Kalins Indoor Comfort	Bright Energy Rebate	100.00

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

12. Consensus Agenda

A. Set a public hearing date of August 17, 2015 for a special permit to exceed permissible sound levels by no more than 50% for USD Athletics on Ratingen Platz and half block of Market Street south of W. Main Street on Thursday, September 10, 2015 from 4:00 p.m. to 8:00 p.m. for a kick-off event for the USD and VHS sports seasons

B. Set a public hearing date of August 17, 2015 for a special permit to exceed permissible sound levels by no more than 50% for USD Marketing on Ratingen Platz and Main Street on Thursday, August 27, 2015 from 6:00 p.m. to 8:00 p.m. for a new USD student welcome event

C. Set a public hearing date of August 17, 2015 for a Special Permit to exceed permissible sound levels by no more than 50% at 855 Madison Street on Sunday, September 6, 2015 from 4:00 p.m. to 8:00 p.m. for the Sigma Alpha Epsilon/Tau Kappa Epsilon fraternities for an event that will include a DJ and sound system for a social

247-15

Alderman Willson moved approval of the consensus agenda. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

248-15

Alderman Ward moved to adjourn the Council Meeting at 7:54 p.m. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

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 _____.

Unapproved Minutes
Council Special Budget Session
August 11, 2015
Tuesday 5:15 p.m.

The special budget session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, August 11, 2015 at 5:15 p.m. at the City Hall large conference room.

1. Roll Call

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

2. Pledge of Allegiance

3. Adoption of Agenda

249-15

Alderman Price moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Budget Workshop

John Prescott, City Manager, provided an overview of the budget noting that the budget presented should serve as the starting point for the process of developing the 2016 budget. John reported that for the property tax revenues the State caps the increase to 1.5% but the budget as presented includes only 1%. John stated that the sales tax was budgeted to increase 3% for 2016 and that utility rate increases of 2% were included for electric, water and wastewater. John stated that curbside collection fee is proposed to increase from \$3.30 per month to \$3.50 as the rate has remained the same since the program started in 2008. John stated that the wages were increased 2.5% based upon negotiations with the AFSME union. John stated that the expenditures for street chip seal has been moved from the general fund to second penny sales tax and increased to \$93,000 for 2016. John noted that one of the larger projects for 2016 will be the swimming pool as final design costs are not available yet. John stated that estimates were included for design costs for 2015 and project costs for 2016 that will need to be amended once engineer's estimates are available. John noted that the County will be updating the aerial photos of the county and the City cost to access will be \$4,600. John stated that he has included the outside agencies in the general fund and BBB sales tax fund but two other items the City Council might want to consider for 2016 would be a Housing Study and metal banners for the Cherry Street

light poles. John reviewed some of the items revised in the 2015 budget based on information available now.

The Council started the review of the 2015 proposed budget, as well as revisions to the 2014 budget, by reviewing the following sections of the budget with the City Manager and department heads: Public Safety and Security: Police Administration and Investigation, Police Patrol ; Emergency: Communications - 911 Fund; Human Development and Leisure: Public Library, Library Fund; Utility Fund: Joint Powers Landfill, Joint Powers Recycling, Curbside Recycling, Water, Wastewater, Electric; Equipment Replacement Fund; Policy and Administration: Engineering, Old Library Maintenance, Old Landfill Maintenance, Airport, Storm Water Collection; Capital Projects Fund: Special Assessment, Airport Improvement, West Main, Bliss Pointe, Bike Path, Prentis Park; Maintenance and Transportation: Service Center, Mechanic's Garage, Street Department, Snow Removal, Sweeping and Mowing, Carpentry; Outside Organization Requests: General Fund - Community Services, BBB Fund and Wrap-up of Budget Items. Discussion followed on the outside agency requests noting that the budget hearings will continue on August 14th.

5. Adjourn

250-15

Alderman Ward moved to adjourn the Council Meeting at 8:26 p.m. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 11th day of August, 2015.

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 _____.

Unapproved Minutes
Council Special Budget Session
August 13, 2015
Thursday 6:15 p.m.

The special budget session of the City Council, City of Vermillion, South Dakota was called to order on Thursday, August 13, 2015 at 6:15 p.m. at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson (arrived 6:20 p.m.), Mayor Powell

2. Pledge of Allegiance

3. Adoption of Agenda

251-15

Alderman Ward moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Alderman Willson arrived at 6:20 p.m.

4. Budget Workshop

The Council continued the review of the 2016 proposed budget and 2015 revised budget by reviewing the following sections of the budget with the City Manager and Department Heads: Public Safety and Security: Fire and Rescue, EMS-Ambulance, Emergency Management; Policy and Administration: Code Compliance; Human Development and Leisure: Parks & Forestry, Recreation, Prentis Park Swimming Pool, National Guard Armory & Community Center, Mosquito Control, Parks Capital Improvement Fund, Bluffs Clubhouse, Bluffs Maintenance; Enterprise Funds: Liquor Store; Special Funds: BBB, Second Penny, BID No. 1: Debt Service Funds: Special Assessments, TIF District No. 5, TIF District No. 6, City Hall Debt, Prentis Park Debt; Internal Service: Unemployment, Custodial, Copy/Fax/Postage; City Hall Maintenance; Policy and Administration: General Government and Finance. During the BBB sales tax discussion the consensus was to add to the BBB budget \$18,000 for metal street sign banners on Cherry Street. Discussion followed on other budget items with no changes proposed at present.

Mayor Powell wanted to thank the Council members for time commitment for the budget hearings.

5. Adjourn

252-15

Alderman Ward moved to adjourn the Council Meeting at 8:52 p.m. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 13th day of August, 2015.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 17, 2015

Subject: Special permit to exceed permissible sound levels by no more than 50% for USD Athletics on Ratingen Platz and half block of Market Street south of W. Main Street on Thursday, September 10, 2015 from 4:00 p.m. to 8:00 p.m. for a kick-off event for the USD and VHS sports seasons

Presenter: Mike Carlson

Background: Joe Thuente, on behalf of USD Athletics, requests a permit to exceed permissible sound levels by no more than 50% for a kick-off to the USD and VHS sports season event at Ratingen Platz on Thursday, September 10, 2015 from 4:00 p.m. to 8:00 p.m. The application, diagram and notice of hearing are included in the packet. The street closing request for this area, Main Street and adjoining streets is under new business later on the agenda.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item a

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The City Council will need to determine at the public hearing if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought include the availability of restroom facilities; clean up of the area, and disposal of waste.

Financial Consideration: The \$25 fee for the noise permit has been received.

Conclusion/Recommendations: Administration recommends approval of the special permit unless information is presented at the public hearing that indicates that there were problems relate to the noise at past events.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting USD ATHLETICS

Contact Person JOE THUENTE Phone (515) 250-6241 cell
(605) 677-9922 office

Contact Person Address 414 E. Clark St., VERMILLION, SD

Location of Event DOWNTOWN MAIN ST. Date of Event Sept. 10, 2015

Duration of event from time 4pm to Time 8pm

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

YES, the event will use the Platz for the main staging of the rally - using the available electric. Area businesses are open during the time with additional food, drink, bathroom facilities.

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

This is a mutual rally for Vermillion to kick-off the sports seasons for VHS and USD together. The goals are "community pride, team association, ticket sales, marketing for each and local sponsors, increased sales tax revenues, becoming a signature event."

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant

TJP Bellis date 7/29/2015

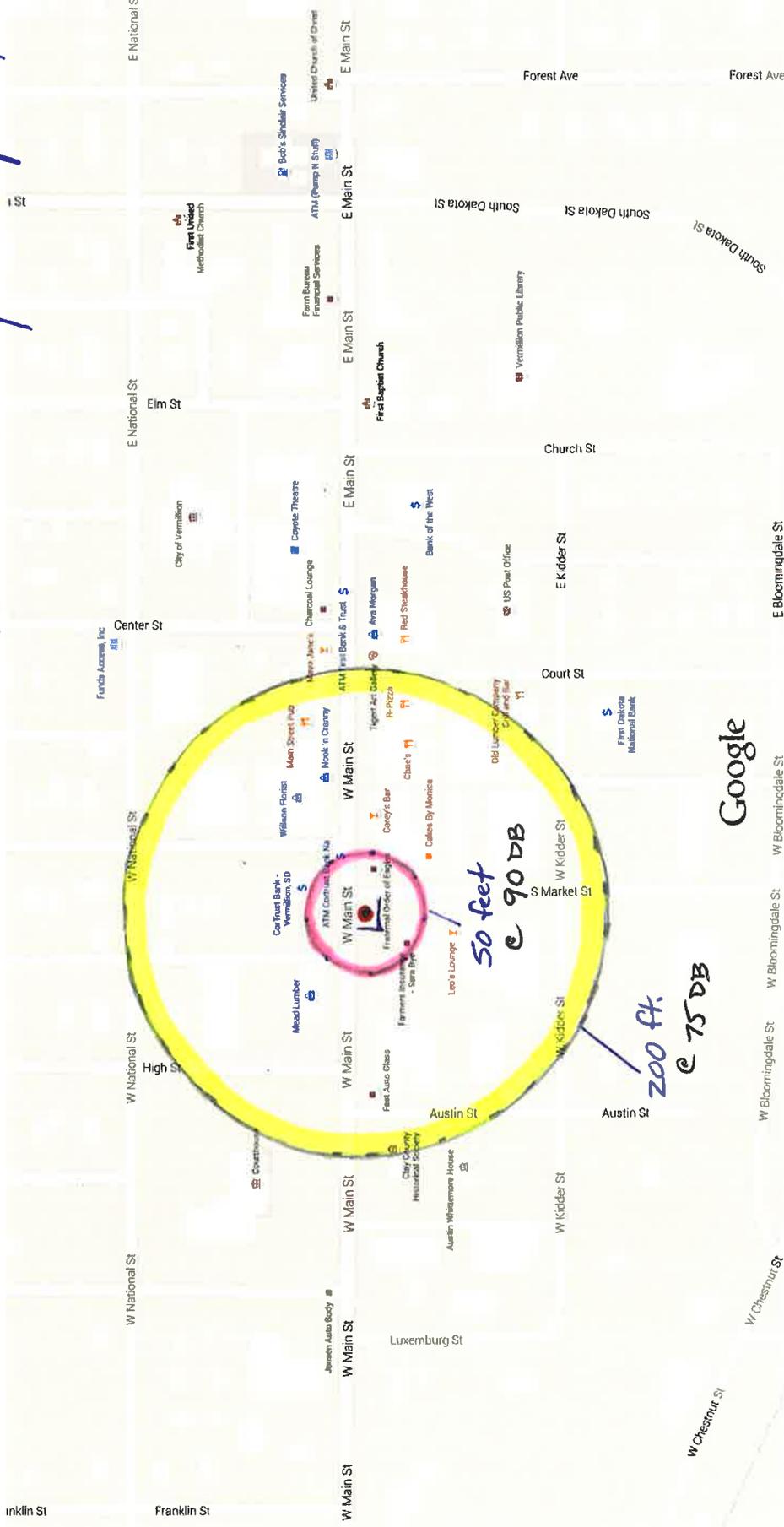
TIM BELLIS - VCDC

SPECIAL PERMIT per City Noise Ordinance



Google Maps

"Vermillion Day" Sept 10, 2015



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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 17th day of August, 2015 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 application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

USD Athletics request for a special permit to exceed allowable sound levels on Ratingen Platz and half block of Market Street south of Main Street on Thursday, September 10, 2015 from 4:00 p.m. to 8:00 p.m. for a kick-off event for the sports seasons for USD and VHS.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 29th day of July, 2015.

Michael D. Carlson, Finance Officer

Publish: August 7, 2015

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 17, 2015

Subject: Special permit to exceed permissible sound levels by no more than 50% for USD Marketing on Ratingen Platz and Main Street on Thursday, August 27, 2015 from 6:00 p.m. to 8:00 p.m. for Explore Vermillion

Presenter: Mike Carlson

Background: Lindsay Sparks, on behalf of USD Marketing, requests a permit to exceed permissible sound levels by no more than 50% for an Explore Vermillion event at Ratingen Platz on Thursday, August 27, 2015 from 6:00 p.m. to 8:00 p.m. The application, diagram and notice of hearing are included in the packet. The street closing request is under new business later on the agenda.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item b

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The City Council will need to determine at the public hearing if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought include the availability of restroom facilities; clean up of the area, and disposal of waste.

Financial Consideration: The \$25 fee for the noise permit has been received.

Conclusion/Recommendations: Administration recommends approval of the special permit unless information is presented at the public hearing that indicates that there were problems relate to the noise at past events.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting USD - Marketing
Contact Person LINDSAY SPARKS Phone (812) 219-2840 cell
(605) 677-5666 office
Contact Person Address 414 E. Clark St., Vermillion
Location of Event MAIN ST. / DOWNTOWN Date of Event Thurs., Aug. 27
Duration of event from time 6 pm to Time 8 pm

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

Yes, goal is to introduce new USD students
to the downtown businesses

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

The explore Vermillion will let students know
of what local businesses are available to them.
Increase in tax revenues, sales, goodwill.

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  date 7-26-15
Tim Bellis - VCDC

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 17th day of August, 2015 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 application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

USD Marketing request for a special permit to exceed allowable sound levels on Ratingen Platz Thursday, August 27, 2015 from 6:00 p.m. to 8:00 p.m. for a DJ and sound system on the Platz as part of an event to introduce new students to downtown.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

Michael D. Carlson, Finance Officer

Publish: August 7, 2015

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: August 17, 2015

Subject: Special permit to exceed permissible sound levels by no more than 50% for Sigma Alpha Epsilon/Tau Kappa Epsilon at 855 Madison Street on Sunday, September 6, 2015 from 4:00 p.m. to 8:00 p.m. for a social event that will include a DJ and sound system

Presenter: Mike Carlson

Background: Kevin Wagner, on behalf of Sigma Alpha Epsilon and Tau Kappa Epsilon, requests a permit to exceed permissible sound levels by no more than 50% at 855 Madison Street on Sunday, September 6, 2015 from 4:00 p.m. to 8:00 p.m. for a social event that will include a DJ and sound system. The application, diagram and notice of hearing are included in the packet.

Restroom facilities will be available at the SAE fraternity house. This event will not be open to the general public. Guests must be invited. There will be no alcohol at the event.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.

6. Public Hearing; item c

b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6:00 a.m.	6:00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

(C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.

(D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)

(E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The City Council will need to determine at the public hearing if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering, when a noise permit is sought, include the availability of restroom facilities, the public benefit for the event, clean up of the area, and disposal of waste.

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

Conclusion/Recommendations: Administration recommends approval of the special permit unless information is presented at the public hearing that indicates that there would be problems with noise.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Sigma Alpha Epsilon/Tau Kappa Epsilon

Contact Person Kevin Wagner Phone (605)645-8789

Contact Person Address 206 N Plum, Vermillion SD 57069

Location of Event 855 Madison Street Date of Event 9-6-15

Duration of event from time 4 p.m. to Time 8 p.m.

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

The rest room facilities are available at the SAE fraternity house. Not open to the general public, guest must be invited.

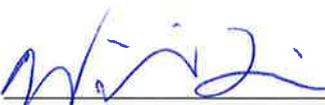
Alcohol free event. Will have DJ with sound system.

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

Social benefit for members invited.

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  date 8-3-15

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 17th day of August, 2015 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 application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

Sigma Alpha Epsilon/Tau Kappa Epsilon fraternities request for a special permit to exceed allowable sound levels at 855 Madison Street on Sunday, September 6, 2015 from 4:00 p.m. to 8:00 p.m. for an event that will include a DJ and sound system for a social.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 3rd day of August, 2015.

Michael D. Carlson, Finance Officer

Publish: August 7, 2015

Published once at the approximate cost of _____.

TKE & SAE Noise Permit

Primary Contacts:

- Kevin Wagner (605) 645-8789
- Lucas Peterson (605) 366-9036
- William Lewis (605) 222-9435

Suitable Location

2 acre Gravel Parking Lot South of Sigma Alpha Epsilon Fraternity.

Notification of Neighbors

We notified neighbors East and West of location 500 feet. SAE Fraternity is located to the North of the event, and a vacant field is located to the south.

Availability of Restroom Facilities

Sigma Alpha Epsilon Fraternity will be providing the restroom facilities.

Planned clean up and disposal of all waste

We have a few members from each Fraternity house assigned to clean up after the event that night. We will be disposing of the waste in Sigma Alpha Epsilon's dumpster.

Community Benefit

We do not see there being any large community benefit from the event this year. As this is the first time we are doing the event we are utilizing it as a Greek Community event with the hope of making it a yearly event that we are able to charge for in the future generating dollars for local philanthropies such as the Vermillion Backpack Program, and the Vermillion Food Pantry.

At Tau Kappa Epsilon we have had success with this model of charging for a social event and generating money for local and on campus charities through our TKE Dance Nights. When we first started our Dance Nights we did not charge admission and would regularly see attendance in excess of 500 people per event. In two Dance Nights last semester (Spring 2015) we started charging \$1-\$2 per event and were able to raise upwards of \$1,000 for the various organizations we partnered with.

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 17, 2015

Subject: Request to close W. Main Street from Washington Street to Church Street, Market Street from W. Main Street south for ½ block, Prospect Street from W. Main Street north for ½ block, Court Street from W. Main Street south for ½ block, and Center Street from Main Street north for ½ block on Thursday, September 10, 2015 from 4:00 p.m. to 7:30 p.m. for Vermillion Day

Presenter: Joe Thuente, USD Athletics Marketing Director

Background: Joe Thuente, on behalf of USD Athletics, requests a street closure for a Vermillion sports kick-off. The Street Closure request form and a map of the proposed area for closure are attached. The applicant is basically seeking the closure of Main Street from Church Street to the west side of Ratingen Platz along with a ½ block of the side streets along this stretch. The requested closure is from 4 p.m. to 7:00 p.m. on September 10.

Discussion: The theme of the event is a “kick-off” to the High School and USD fall sports season. The idea is a joint pep rally of the teams. Coaches, teams, marching bands, dance teams and cheerleaders are part of the gathering which will be emceed by Randy Hammer.

Businesses in the downtown area will be encouraged to participate in the event. The application indicates that the applicants are in the process of contacting businesses along the street closure. USD with the help of students from the athletic programs is coordinating any set-up and tear down of the event. Promotion of and some set-up for Ribs, Rods and Rock’N Roll which begins the next day (September 11) will also be a part of the event.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends closure of the W. Main Street, Market Street, Prospect Street, Court Street and Center Street as requested by the applicant on September 10, 2015 from 4:00 pm to 7:30 pm.

Request to Close Public Street

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

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

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

Organization Requesting USD ATHLETICS
Contact Person JOE THUENTE Phone (515) 250-6241 cell
(605) 677-5922 office
Contact Person Address 414 E. Clark St, Vermillion
Event "Vermillion Day" Date(s) of Event Sept. 10, 2015
(Sports Season Kick-off Rally - USD/VHS)
Street(s) Requesting to be closed (Include a map if needed.) * MAP attached
Street _____ from _____ to _____

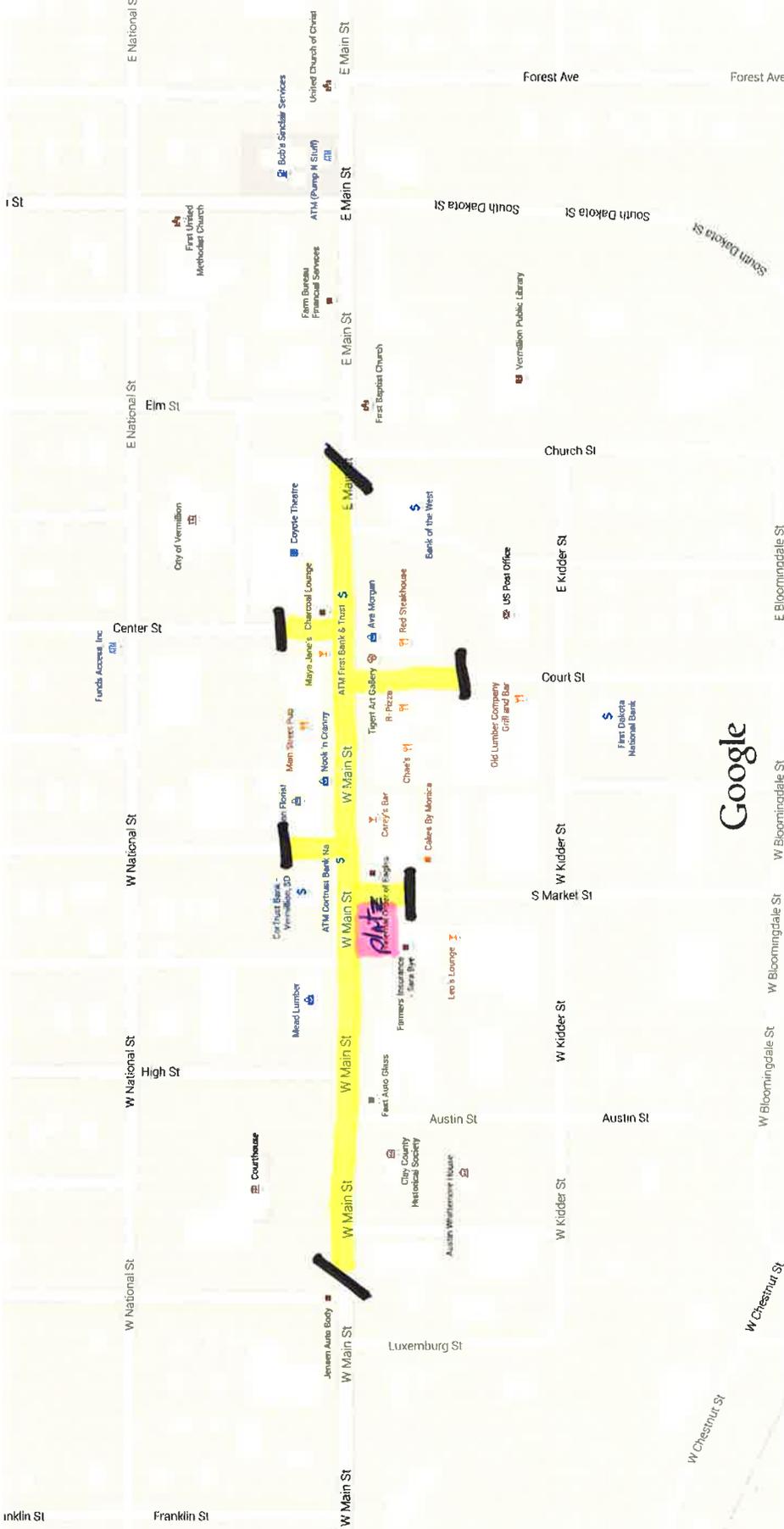
Street Closing Times 4pm to 7:30pm

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes ___ No X (* some BUSINESSES HAVE ALREADY BEEN contacted, But NOT all, - EACH WILL BE personally contacted Before Sept. 11)
Have arrangements been made for clean up after the event and other facilities? Please describe: Before Sept. 11

Yes, USD Athletics are prepared to provide manpower and assistance for clean up.

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

Signature of applicant [Signature] date 7-29-15
TIM BELLIS - VCDC



"Vermillion Day" — Sept. 10, 2015
ROAD CLOSURE — BARRICADES 4pm 7³⁰ pm

MAIN ST. (Washington to church st.)
CENTER ST. (partial), COURT ST. (partial), S. Market St. (partial), N. Prospect St. (partial) 7/29/2015

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 17, 2015

Subject: Request to close W. Main Street from the west edge of Ratingen Platz to Court Street and Market Street as it abuts Ratingen Platz on Thursday, August 27, 2015 from 5 p.m. to 9 p.m. for Explore Vermillion

Presenter: Lindsay Sparks

Background: Lindsay Sparks, on behalf of USD Marketing has requested a temporary street closure for their Explore Vermillion Day, Thursday, August 27, 2015 from 5 p.m. to 9 p.m. on W. Main St. from the west side of Ratingen Platz to Court Street and Market St. as it abuts the Ratingen Platz.

Discussion: As of two weeks ago, all effected businesses were expected to be contacted about the pending event and USD staff is to handle set-up and clean-up. The event is part of a series of activities to welcome students to USD and Vermillion. This event should help introduce students to the downtown area and businesses.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the approval of the closing of W. Main Street from the west edge of Ratingen Platz to Court Street and Market Street as it abuts Ratingen Platz on Thursday, August 27, 2015 from 5 p.m. to 9 p.m. for Explore Vermillion Day.

Request to Close Public Street

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

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

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

Organization Requesting USD - Marketing
Contact Person LINDSAY SPARKS Phone (812) 219-2840 cell
(605) 677-5666 office
Contact Person Address 414 E. Clark St., Vermillion
Event Explore Vermillion Date(s) of Event Thurs., Aug. 27

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

Street MAIN from WEST SIDE OF PLATZ market to WEST EDGE OF COURT ST.

Street Closing Times 5pm to 9pm

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes ___ No X (Plan is ready to contact all businesses w/in next 2 wks of pending event)

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

YES, USD staff + crew will handle set-up and clean-up.

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

Signature of applicant [Signature] date 7/26/15

TIM BELLIS, — VCDC

Council Agenda Memo

From: John Prescott, City Manager

Meeting: August 17, 2015

Subject: Rose Street closure and Dakota Street parking removed during events at USD Dakota Dome

Presenter: David Williams, Deputy Director of Athletics

Background: USD has submitted a request to close Rose Street from Coyote Village to the Dakota Dome as well as close street parking on both the east and west sides of Dakota Street north of Alumni Street. The closings are for the five 2015 home USD football games on September 19, October 3, October 24, November 7 and November 14. The time of the closures will be from 8:00 am to 6:00 pm. The construction of the arena has led to the relocation of some pregame space as well as parking areas. USD made a similar request to remove parking on Dakota Street in 2014. Rose Street has been closed for USD events for the last several years.

Discussion: Part of the reason for the Rose Street closing is to provide space for fans to enter and exit the Dome as the sidewalk would be the only space left due to construction. Additionally, the student entrance, which has been at the southeast corner of the Dome, has been moved to the northwest corner during arena construction. This requires a substantial number of individuals to either walk around the east and north side of the Dome or walk north up Dakota Street to the student entrance.

As there is either no sidewalk along the west side of the Dakota Dome, or the sidewalk will be blocked by the construction fence, the request to remove parking on N. Dakota Street is meant to accommodate visiting team buses and facilitate safer pedestrian traffic. USD would set up barricades during events so vehicles would not park along N. Dakota Street so that attendees could walk along the curb and to avoid the situation of individuals coming out from between parked cars and into traffic. Removing parking along both sides of the street helps vehicles have a clear view of pedestrians and provides the opportunity for pedestrians to walk along the curb line as needed.

USD will provide, set up and remove the barricades as they have done in past years. They will also handle signage indicating the areas that are closed. The Police have been notified of the parking removal request. USD was asked to contact Howlers, USD Foundation and the Holiday Inn Express about the parking removal request.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the closure of Rose Street on the stated dates as well as the temporary removal of parking on N. Dakota Street from Alumni Street to Highway 50 by USD for events at the Dakota Dome during construction of the arena.

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

CITY OF VERMILLION REQUEST TO CLOSE CITY STREET

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

Organization Requesting University of South Dakota

Contact Person David Williams Phone 605-677-5333

E-Mail Address david.williams@usd.edu

Contact Person Address 414 E. Clark Street

Event Football Game Days Date(s) of Event Sept. 19, Oct. 3 & 24, Nov. 7 & 14

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

Street Rose Street from Coyote Village to DakotaDome

Street Closing Times 8 am to 6 pm

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

If approved, the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing. Have arrangements been made for clean up after the event and other facilities? Please describe:

USD responsible for all clean up.

USD is also requesting no parking on Dakota Street North of Alumni Street. Purpose would be to locate visiting team buses near the service entrance to the Dome.

In addition, prohibiting parking on Dakota Street north of Alumni Street will provide a safer environment for fans/pedestrians that park in the "West" lot.

Signature of Applicant David Williams Date Aug. 14th, 2015

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: August 17, 2015
Subject: Request Fixing the Time and Place for a Hearing and Notice of Hearing to Levy Special Assessments for Nuisance Abatement
Presenter: Mike Carlson

Background: As part of the nuisance abatement process, the City incurred costs for grass and weed tagging, hiring contractors to mow or remove the snow, and removing debris. The following state statute provided for the special assessment of these costs:

21-10-6. Abatement of nuisance--Notice required--Taxing cost of abatement--Civil action. A public nuisance may be abated without civil action by any public body or officer as authorized by law. Any municipality, county, or township may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. If the nuisance abated is an unsafe or dilapidated building, junk, trash, debris, or similar nuisance arising from the condition of the property, the municipality, county, or township may commence a civil action against the owner of the real property for its costs of abatement in lieu of taxing the cost by special assessment.

Any private person may also abate a public nuisance which is specially injurious to such person or any private nuisance injurious to such person by removing or if necessary destroying that which constitutes the nuisance without committing a breach of the peace or doing unnecessary injury. If a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon the wrongdoer's land, reasonable notice shall be given to the wrongdoer before entering to abate it.

Discussion: The special assessment process provides that the Governing Body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on September 8, 2015. Following the public hearing, the City Council will adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

Financial Consideration: The cost will be postage and the publication of the notice.

Conclusion/Recommendations: Administration recommends the adoption of the resolution that sets the public hearing date for September 8, 2015.

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING
AND NOTICE OF HEARING
ON THE SPECIAL ASSESSMENT ROLL
FOR NUISANCE ABATEMENT
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 10th day of August, 2015 for the abatement of public nuisance to be levied against the property abutting upon:

NUISANCE ABATEMENT

On various properties as follows:

<u>Property Location</u>	<u>Legal</u>	<u>Corrective Action</u>	<u>Amount</u>
23 N Harvard	W 71' Of N 1/2 Of Lot 8 & W 71' Of Lot 9 Blk 62 Bigelows Addn	snow tagging & removal 11/15/14	63.60
15 Linden	S 18' Of Lots 1 & 2 & N 32' Of Lot 3 Blk 1 College Park	snow tagging & removal 11/15/14 snow tagging & removal 1/7/15 grass tagging & mowing 6/5/15	63.60 63.60 74.20
10 S University	Lot 4 East End	grass tagging & mowing 9/15/14 grass tagging & mowing 5/21/15 grass tagging & moving 7/17/15	74.20 95.40 95.40
302 Prospect	Lots 6 & 7 Blk 57 Snyders	snow tagging & removal 11/15/14	84.80
420 Franklin	S 50' Of E 106.25' Lot 2 Blk 83 Addn To Snyders Addn	grass tagging & mowing 9/15/14	63.60
119 Franklin	Lot 12 Blk 41 Snyders	grass tagging & mowing 8/21/14 snow tagging & removal 11/15/14 grass tagging & mowing 5/21/15	116.60 63.60 95.40
1005 W Main	Lot 6 Blk 25 Van Meters	grass tagging 6/5/14 grass tagging 9/15/14	10.60 31.80
601 Lewis	Lot 1 Replat Of Aud Tract A S 1/2 Lot 2 NW 1/4 19-92-51 Aud Tract 19-92-51	snow tagging & removal 11/15/14 snow tagging & removal 1/7/15 grass tagging & mowing 5/21/15	84.80 100.70 111.30
624 Lewis	Lot 6 Coverdales	grass tagging & mowing 6/13/14 grass tagging & mowing 6/19/15	74.20 74.20

110 S Pine Nelsons	S 21' Of Lot 4 & N 41.5' Of Lot 5	grass tagging 5/16/14	10.60
		grass tagging & mowing 7/25/14	95.40
		grass tagging & mowing 8/21/14	116.60
		grass tagging & mowing 6/19/15	74.20
325 Prentis	Lot 7 Blk 1 Replat Of Blessing	grass tagging & mowing 6/5/14	74.20
		junk & debris removal 6/16/14	387.55
		grass tagging 7/25/14	10.60
		grass tagging 9/15/14	31.80
		snow tagging & removal 11/15/14	63.60
		snow tagging & removal 1/7/15	84.80
324 N Dakota	Lot 1 Blk 60 Snyders	snow tagging & removal 1/7/15	63.60
		snow tagging & removal 2/4/15	63.60
		grass tagging & mowing 5/5/15	74.20
		grass tagging & mowing 6/5/15	95.40
		grass tagging & moving 7/17/15	116.60

in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property for the corrective action.

WHEREAS said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars.

WHEREAS said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;
2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, IT IS RESOLVED that 8th day of September, 2015, at the hour of 7:00 p.m. in the City Hall Council Chambers 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the nuisance abatement.

BE IT FURTHER RESOLVED that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 17th day of August, 2015.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer
(SEAL)

Publish: August 28, 2015

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: August 17, 2015
Subject: Charge for Downtown Public Facilities Committee
Presenter: Jose Dominguez

Background: Through the sidewalk repair project and the proposed improvements to the intersection of Main and Center/Court, the City received several inquiries about the possibility of having a larger downtown project.

In order to see if there was any support for a project of that magnitude the City held a couple of public meetings to gather public input regarding possible downtown infrastructure projects.

The City Council has adopted the goals from the 2004 Streetscape Plan as a guide for any projects in the downtown area. In addition, the City has applied for a grant with the State that could be utilized on sidewalk improvements. The City will not know if the grant is awarded until 2016.

Discussion: At this point Staff recommends forming a Downtown Public Facilities Committee. This committee would assist Staff with decisions concerning the possible downtown projects. The committee would be comprised of five members, with the City holding an ex-officio position. Per State Statute, the City Manager would choose the members of the committee. Staff would recommend that the City Council set the following parameters as the charge for the committee:

- The plan should provide a safe and inviting experience for downtown businesses, city residents, and visitors to the area; and,
- The plan should reintroduce downtown Vermillion as an exciting and essential part of Vermillion; and,
- The plan should build upon the timelessness and historic character of downtown; and,
- The plan should be developed in a way that can allow for phased implementation of infrastructure improvements; and,

- The plan will only address infrastructure improvements (e.g. roadway, sidewalks, curb and gutter, bump-outs, street lighting, utility improvements, etc...) and landscaping improvements (e.g. planter beds, trees, pedestrian lighting, benches, bike racks, etc...); and,
- The plan shall make an effort to not remove parking spaces unless a safety concern is being addressed (i.e. if a parking location is too close to the intersection and blocks visibility); and,
- The conceptual cost of any proposed improvements shall not exceed \$5,000,000 with the costs being split between the City and the property owners.

These parameters would offer enough leeway to the committee for good, viable, ideas to come forth to the City Council at a later time.

Financial Consideration: At this point there are no costs associated with this project. However, at a later time the committee may contract with a landscape architect to create a plan for the downtown area. It is estimated that the cost for the landscape architect would be around \$20,000.

Conclusion/Recommendations: Administration recommends that the City Council allow the City Manager to create the Downtown Public Facilities Committee with the charge as described.

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: August 17, 2015
Subject: 2015 Sidewalk Assessment Project Bid Opening
Presenter: Jose Dominguez

Background: The City inspected sidewalks in the southwest quadrant of the City in 2013. For the sidewalk inspection program, the southwest quadrant is the area south of National Street and west of Dakota Street. The sidewalks in this quadrant were inspected for trippers, holes and spalling. Notices were sent to the property owners in 2013. The notice notified property owners of the deficiencies and also gave a deadline to have the permit for repairs into the City. The permits were to be in to the City no later than the end of June 2015. Approximately 90% of the sidewalks to be repaired were removed through the deadline extension granted by the City Council for the Central Business district or through property owners choosing to complete the project themselves.

Bids were opened on August 12, 2015. Bid notices were sent to four potential bidders. The City received three bids. The low bid was from Walker Construction for \$17,641.28. The high bid was for \$32,729.70. The engineer's estimate was \$31,000.

Discussion: Bidding is required by State law when the cost of the project exceeds \$50,000. Due to the fact that the project was going to be assessed to the property owners, the City chose to bid the project rather than quoting it.

Financial Consideration: \$315,000 was originally budgeted for this project. This amount includes the sidewalks being assessed and the City sidewalks being repaired. This amount will be revised to \$20,000.

Conclusion/Recommendations: Administration recommends awarding the project to Walker Construction for the amount of \$17,641.28.

**210 - CONTRACT
2015 SIDEWALK REPAIR ASSESSMENT**

THIS AGREEMENT entered into this 17th day of August 2015 by and between the City of Vermillion, South Dakota, acting by and through the City Council of said City hereinafter called the City, and Walker Construction of Vermillion, SD, hereinafter called the Contractor.

WITNESSETH:

WHEREAS the City Council of Vermillion, South Dakota has heretofore caused to be prepared certain drawings, specifications, and proposal blank for furnishing equipment and materials for said City under terms and conditions therein fully stated and set forth; and

WHEREAS the Contractor is required to return to the City a signed copy of the contract within 20-days of signing of the Contract by the Mayor along with the required bonds and insurance.

WHEREAS said drawings, specifications, and proposal of the Contractor accurately and fully describe the terms and conditions upon which the Contractor has offered to furnish all equipment and material awarded the Contractor;

NOW, THEREFORE, IT IS AGREED: That the City hereby accepts the proposal of the Contractor at the prices set out hereinafter:

	DESCRIPTION	UNIT	QUAN	UNIT PRICE	TOTAL PRICE
1	1100-REMOVE SIDEWALK	SY	261.8	\$18.21	\$4,767.38
2	1200-UNCLASSIFIED EXCAVATION	CY	15.0	\$14.00	\$210.00
3	2000-GRAVEL CUSHION	TON	28.0	\$24.00	\$672.00
4	4400-SIDEWALK, 4-INCHES	SY	224.6	\$37.21	\$8,357.37
5	4400-SIDEWALK, 5-INCHES	SY	37.3	\$39.80	\$1,484.54
6	10000-LANDSCAPING	LS	1	\$500.00	\$500.00
7	10400-EROSION CONTROL	LS	1	\$775.00	\$775.00
8	20000-MOBILIZATION	LS	1	\$875.00	\$875.00
TOTAL					\$17,641.28

Project completion – No later than November 20th, 2015

IN ADDITION, IT IS FURTHER AGREED: That said drawings, specifications, proposal and addenda are hereby incorporated as parts of this contract as fully as though set out herein verbatis.

This contract is executed in DUPLICATE by the parties hereto as of the date first herein written.

CITY OF VERMILLION
CLAY COUNTY, STATE OF SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

DATE SIGNED: _____

Michael D. Carlson, Finance Officer

Walker Construction
CONTRACTOR

DATE SIGNED: _____

		WALKER		M&M		MASONRY		
1100-REMOVE SIDEWALK	SY	261.8	\$ 18.21	\$ 4,767.38	\$ 30.00	\$ 7,854.00	\$ 20.00	\$ 5,236.00
1200-UNCLASSIFIED EXCAVATION	CY	15	\$ 14.00	\$ 210.00	\$ 35.00	\$ 525.00	\$ 75.00	\$ 1,125.00
2000-GRAVEL CUSHION	TON	28	\$ 24.00	\$ 672.00	\$ 37.50	\$ 1,050.00	\$ 50.00	\$ 1,400.00
4400-SIDEWALK, 4-INCHES	SY	224.6	\$ 37.21	\$ 8,357.37	\$ 49.70	\$ 11,162.62	\$ 72.00	\$ 16,171.20
4400-SIDEWALK, 5-INCHES	SY	37.3	\$ 39.80	\$ 1,484.54	\$ 51.40	\$ 1,917.22	\$ 75.00	\$ 2,797.50
10000-LANDSCAPING	LS	1	\$ 500.00	\$ 500.00	\$ 2,100.00	\$ 2,100.00	\$ 2,000.00	\$ 2,000.00
10400-EROSION CONTROL	LS	1	\$ 575.00	\$ 575.00	\$ 200.00	\$ 200.00	\$ 2,000.00	\$ 2,000.00
20000-MOBILIZATION	LS	1	\$ 875.00	\$ 875.00	\$ 2,250.00	\$ 2,250.00	\$ 2,000.00	\$ 2,000.00
20000-EROSION CONTROL	LS	1	\$ 200.00	\$ 200.00	\$ -	\$ -	\$ -	\$ -
				\$ 17,641.28		\$ 27,058.84		\$ 32,729.70

CITY OF VERMILLION
 INVOICES PAYABLE-AUGUST 17, 2015

1 BOUND TREE MEDICAL, LLC	SUPPLIES	544.32
2 BUREAU OF ADMINISTRATION	TELEPHONE BILL	267.35
3 CENTURYLINK	TELEPHONE	1,494.51
4 CITY OF VERMILLION	LANDFILL	2,152.00
5 CLAY RURAL WATER SYSTEM	WATER USAGE	68.70
6 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,465.68
7 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,525.48
8 FRATTALONE CO	HYDRANT DEPOSIT REFUND	312.78
9 GREGG PETERS	MANAGERS FEE	6,000.00
10 LITTLE ITALYS	PIZZA	126.65
11 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
12 MATHESON TRI-GAS, INC	OXYGEN	86.71
13 MIDAMERICAN	GAS USAGE	1,061.21
14 MIDCONTINENT COMMUNICATION	INTERNET/CABLE SERVICE	118.68
15 REPUBLIC NATIONAL DIST.	MERCHANDISE	10,704.71
16 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
17 SD FEDERAL PROPERTY AGENCY	WRENCH	8.47
18 SD MEDICAID MEDICAL SERVICES	AMBULANCE REFUND	21.17
19 STERN OIL CO.	FUEL/AVIATION FUEL	25,224.33
20 TESTAMERICA LABORATORIES	TESTING	1,601.31
21 THE EQUALIZER	ADVERTISING	66.05
22 UNITED PARCEL SERVICE	SHIPPING	54.80
23 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
24 VISA	FUEL/SUPPLIES	27.50
25 FRANK MAIN	BRIGHT ENERGY REBATE	30.00
26 JON FLANAGIN	BRIGHT ENERGY REBATE	30.00
27 MELANIE BRYDE	BRIGHT ENERGY REBATE	30.00
28 JAY HENNIES	BRIGHT ENERGY REBATE	30.00
29 RAY HOFMAN	BRIGHT ENERGY REBATE	30.00
30 MARVIN GAMBLE	BRIGHT ENERGY REBATE	350.00
31 MIKE CARD	BRIGHT ENERGY REBATE	375.00
32 KALINS INDOOR COMFORT	BRIGHT ENERGY REBATE	200.00
33 ALVE KEE	BRIGHT ENERGY REBATE	25.00
34 NICK MERRIGAN	BRIGHT ENERGY REBATE	150.00
	GRAND TOTALS	\$58,322.41

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

Date: 8/17/15

1. Name of organization/group St. Agnes School
Contact person: Name: Darla Hamm

2. Date(s) that tickets/chances will be sold: from Sept. 2015 to August 2016
Cost of tickets/chances: \$120

3. Date(s) of drawing(s): We usually draw the last Sunday of the month

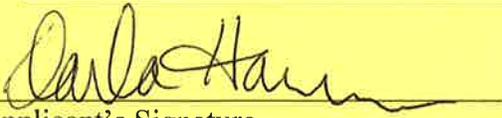
4. Can anyone purchase tickets? Yes

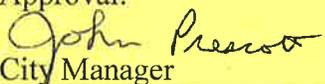
5. Will the prize winner(s) be selected at random? Yes No

6. Description and approximate value of top prize: Each month 1 person wins \$300 & 2 win \$100

In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

St. Agnes School's Parents & Teachers of St. Agnes (PTSA) group offers the PTSA 100 Club every year. The club runs with the school year calendar from September through August. Anyone interested can purchase a number for \$120, from 1 to 100. Each month we randomly draw from a set of 100 balls. The first number drawn wins \$300 and the next two balls drawn receive \$100. If all 100 spots are sold at \$120, then the total raised will be \$12,000, with \$6,000 being paid back out to its members. If not all of the spots are sold, \$6,000 is still paid out, but the profit for PTSA decreases. The profits made stay with PTSA to help with hospitality for the school, teacher requests and professional development. The drawings are held at the end of the month, either at the coffee and rolls gathering after 8:00 a.m. on Sundays in the Parish Hall or on the first Tuesday of the following month at the PTSA Meeting, held in the school gym.


Applicant's Signature

Approval: 
City Manager 8-13-15
Date