



**Special Meeting Agenda
City Council**

12:00 p.m. (noon) Special Meeting
Monday, December 16, 2013
Large Conference Room
City Hall-25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Prentis Park Master Plan update – Jim Goblirsch.**
3. **Educational Session – Airport Policies – Jose Dominguez.**
4. **Educational Session – Water Tower Construction Slideshow – Randy Isaacson.**
5. **Briefing on the December 16, 2013 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
6. **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.

SECTION 1 – GENERAL PROVISIONS

1.01 Introduction

The City of Vermillion City Council adopts these minimum standards for the Harold Davidson Field Airport herein after the Airport in order to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the airport.

The City of Vermillion City Council hereby vests power and authority in the Vermillion City Manager, or his designee, to enforce these Minimum Standards and otherwise to perform all acts which may be necessary and proper for the safe and efficient operation of the Airport. Failure on the part of any person to immediately comply with any reasonable request and direction of the City Manager, or his designee, shall be grounds for the removal of such persons from the Airport in any lawful and reasonable manner.

1.02 Required Conditions

Any person desiring to engage in one or more commercial activities at the Airport must adhere to these applicable minimum standards as a condition to establishing and providing the permitted activity and must be a party to a written lease and/or agreement with the Airport.

1.03 Commercial Services Defined

Commercial services are defined as certain commercial activities conducted at or from the Airport for the purpose of securing earnings, income, compensation, or profit, whether or not such activities are actually accomplished.

1.04 Non-Discrimination

A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available Airport facilities; or to engage in selected commercial activities, subject to the Minimum Standards and requirements as may be established and amended from time to time by the Airport.

The Airport, through its Minimum Standards, attempts to maintain a “level playing field” on which all commercial operators of similar classifications or Aeronautical activity are to conduct business on a fair and equal basis for the benefit of the aviation public. In developing these Minimum Standards, the Airport intends neither to block competition between service providers nor to protect any existing or incumbent provider from competition. Commercial Operators on the Airport are required to (1) furnish services on a fair, equal, and not unjustly discriminatory basis to all customers, and (2) charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the Operator is allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

No Commercial Operator shall exclude from employment in participation, access to, benefits of its operations or otherwise discriminate against persons on the grounds of race, color, national origin, handicap, age, sex or veteran status. Commercial Operators shall be responsible for compliance with all applicable local, state and Federal rules, regulations, ordinances or laws regarding nondiscrimination.

1.05 Development of Additional Minimum Standards

Authorized commercial services are not limited to those listed in these minimum standards. In the event a prospective operator desires to conduct a commercial activity not listed in these standards, the minimum standards for that activity may be identified as part of the application process. Additional activities may be subject to minimum standards. In developing new minimum standards for aeronautical services, the following guidelines are to be considered:

- A. The minimum hangar space, office space, land, equipment, personnel, operating hours, and other standards required of a commercial operator shall be those appropriate for the services provided and shall be sufficient to facilitate good customer service.
- B. The Airport is not obligated to provide or construct public ramp/apron or connecting taxiways for commercial operators. Further, the Airport's ability to construct such ramp/apron or taxiway facility is limited to the availability of funds, which may be dedicated to higher priority projects at the Airport. If funds are apportioned for the construction of a public ramp/apron or connecting taxiway, the City funds shall not exceed 5% of the total cost of the construction project. Thus, the prospective operator should expect to fund all facility needs (building, parking lots, ramps/apron, connecting taxiways) as part of the total plan.

1.06 Pre-Qualification Requirements

The prospective Operator shall submit, in written form, to the City Manager, at the time of application, the following information as may be requested by the Airport.

A. Intended Scope of Activities

As a condition precedent to the granting of the operation privilege on the Airport, the prospective Operator must submit a detailed description of the intended activity (ies), and the means and methods to be employed to accomplish the applicable operating standard and requirements, in order to provide high quality service to aviation and the general public in the Vermillion area, including the following:

- i. The services to be offered.
- ii. The amount of land to be leased or subleased.
- iii. The building space to be constructed leased or subleased.
- iv. The number of aircraft (or vehicles) to be provided, if applicable.
- v. The number of qualified and/or certified employees.
- vi. The hours of proposed operation.
- vii. Evidence of required minimum insurance coverage as established by the Airport.
- viii. Evidence of the operator's level of competency and experience in successfully performing the proposed service.

B. The Written Agreement

With the approval of the application by the City Manager, prior to the commencement of commercial operations, the prospective Operator will be required to enter into a written agreement with the Airport. The agreement will detail the terms and conditions under which the Operator will conduct business on the Airport, including, but not limited to, the term of agreement; the rentals, fee, and charges; the rights, privileges, and obligations of the respective parties; and other relevant covenants. The conditions contained in the schedule of Minimum Standards and Requirements do not represent a complete recitation of the provisions to be included in the written agreement. Agreement provisions, however, will not change, modify, or be inconsistent with, the Minimum Standards and Requirements.

C. Site Development Standards

- i. The minimum space requirements hereinafter provided may be satisfied by the lease, construction or sublease of single abutting, or separate parcels having one building, attached buildings, or separate buildings. The use of mobile home type buildings to satisfy space requirements is prohibited. A minimum 5-foot setback from the aviation apron areas is required for new construction. For construction of any new facilities not already contained on the Airport, the Operator shall be subject to all applicable Federal, State, and local laws, ordinances, codes, rules and regulations.
- ii. No person shall make any alterations of any nature whatsoever to any buildings, aprons, or other airport space, nor shall any building or other structure be erected without prior submission of a written request, including detailed plans and specifications, and the receipt of written permission from the City Manager or his/her designee. Prospective Operators shall comply with all building codes of the City of Vermillion and shall deliver to the City Manager “as-built” plans upon completion.
- iii. Further, a notice of alterations or construction must be submitted to the Federal Aviation Administration by the prospective Operator, FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and a finding of “no-hazard” must be received prior to commencement of any construction.

D. Personnel

- i. The prospective Operator shall have in his employ, and on duty during the required operating hours, such numbers and types of trained personnel with proper FAA credentials, certificates, and ratings as applicable to provide adequate and efficient services.
- ii. Operator must demonstrate that procedures have been established to assure that all persons employed, or to be employed, who have unescorted access to any area on the airport controlled for security reasons, have background checks to the extent required by law, or regulation.
- iii. Operator’s employees shall be neat, clean, and courteous. Operators shall not permit its agents, or employees to conduct business in a loud, noisy, boisterous, offensive, or objectionable manner, or to solicit business outside the space assigned as stated in lease or operating agreement.

1.07 Indemnity and Insurance

A. Indemnification

- i. Prospective Operator’s must agree to indemnify, save, hold harmless, and defend the Airport, its agents and employees, its successors and assigns, individually or collectively, from and against all liability for any claims and actions and all reasonable expenses incidental to the investigation and defense thereof, in any way arising out of or resulting from any acts, omissions or negligence of the Operator, its agents, employees, licensees, successors, and assigns, or those under its control; in, on or about leased premises; or in connection with its use and occupancy of leased premises or use of airport; provided, however, that the Operator shall not be liable for any injury, damage, or loss occasioned by the negligence or willful misconduct of the Airport, its agents or employees.
- ii. The Operator must also agree to indemnify, save, hold harmless, and defend Airport, its agents and employees, its successors, and assigns, individually or collectively, from and against all liability for any claims and actions and all expenses incidental to the investigation and defense thereof, in any way arising from or based upon the

violation of any federal, state, or municipal laws, statutes, ordinances, or regulations by the Operator's agents, employees, licensees, successors, and assigns, or those under its control. The Operator shall not be liable for any claims and actions and expenses incidental to the investigation and defense thereof, in any way arising from or based upon violation of any federal, state, or municipal laws, statutes, ordinances, or regulations by the Airport, its agents, employees, licensees, successors, and assigns, or those under its control.

B. Minimum Liability/Auto Insurance Requirements

- i. Without limiting the Operator's obligation to indemnify the Airport, the Operator shall provide, pay for, and maintain in force at all times during the term of the Operator's agreement a policy of:
 1. Comprehensive general liability insurance to protect against bodily injury liability and property damage in an aggregate amount of not less than:
 - a. Single Service Operator - \$1,000,000 per occurrence
 - b. Limited Service Fixed Based Operator - \$1,000,000 per occurrence
 2. Comprehensive automobile liability insurance in a combined single limit of not less than \$1,000,000 per occurrence for all vehicles that will be operating in the aviation areas of the airport, or the maximum coverage available under the laws of the State of South Dakota for publicly owned vehicles, whichever is lesser.
 3. Statutory Workman's Compensation insurance; and any other policies of insurance reasonably required by the Airport.
- ii. The above mentioned insurance amounts and types of insurance shall be reviewed from time to time by the Airport, if in a review there is a reasonable determination that such adjustments are necessary to protect the Airport interests. The Operator shall furnish the Airport, as evidence that such insurance certificate including the Airport as additional insured within 30 days after the policy is issued. Said policies shall be in a form and content satisfactory to the Airport and shall provide for thirty (30) days written notice to the Airport the cancellation of or any material change in such policies.

C. Environmental Impairment

Operators must agree to comply with any environmental regulations affecting its operations, including furnishing insurance or other security against environmental impairment risks as required by the Airport, State of South Dakota or agencies of the Federal Government.

SECTION 2 – AERONAUTICAL SERVICES

2.01 Introduction

The following Minimum Standards for Commercial Aeronautical Services Incorporated using, as a reference, FAA Advisory Circular 150/5190-7 (current edition), Minimum for Commercial Aeronautical Activities, and the Airport rules and regulations, as may be adopted or amended. The Airport does not certify that the required minimum land, and building areas, personnel or equipment levels are adequate for the successful operations of the commercial activities described. Additional land and building space, personnel and equipment exceeding the minimums, may be necessary for the operator to ensure that services are effectively provided to meet the needs of the public. All Aeronautical services and uses of the Airport shall be conducted in strict compliance with federal regulations and state and local laws.

2.02 Development of Quality Services

It is the intent of the Airport to ensure that the airport, through its authorized commercial operators, provides a full range quality service to the aviation public. To accomplish this objective the Airport, has established a Limited Service Fixed Based Operator (LSFBO) development process. The development process is founded on the principle that only experienced, well capitalized; operators have the greatest chance of successfully providing these quality services. The process also provides opportunities for interested parties, with limited experience, to establish aviation service businesses, to gain the necessary experience, and to grow in the LSFBO service levels of greater responsibility to the public.

2.03 Exclusive Rights

No private aeronautical service provider will be granted an exclusive right to solely provide any aeronautical service on the airport. Any interested party meeting the Minimum Standards may qualify for authorization to begin business.

2.04 Single Service Operator

A person or organization meeting the appropriate minimum standards may apply to the Airport, in accordance with Section 1.06, for permission to operate as a Single Service Operator (1st Entry Level- Exhibit A). Single service operators are prohibited from retail sales of fuel and providing aviation line services. Fuel/petroleum retail sales and line services are privileges reserved for City of Vermillion. Single service operations are considered “entry level” business activities and thus no actual experience in operating such a business is required. Some experience, is however, recommended. A single service operator may conduct business “under the umbrella of” an authorized limited service fixed base operator. When supporting “under the umbrella” activities, the LSFBO must meet the minimum standards associated with the additional aviation service.

All Single Service Operators will meet the following minimum standards:

A. Leased Space Requirement

Each Single Service Operator shall operate out of a building located on the Airport. The building must provide adequate space for properly heated and lighted offices, hangar storage, maintenance, and public waiting areas.

B. Hours of Operation

Business shall operate during normal working hours (8:00 am to 5:00 pm) and during the work week (Monday through Friday) for at least 20-hours per month. Operators shall provide emergency on-call service during nights, weekends, and holidays.

C. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the Manufacturer’s maintenance standards.

2.05 Single Service Operator – Aircraft Sales

In addition to section 2.04 any operator desiring to engage in the sale of new, or used, aircraft must also meet the following requirements:

A. Services

Operator is prohibited from performing aircraft maintenance and repair work for the general public.

B. Personnel

In addition to 1.06D, Operators must provide one or more persons holding a current commercial pilot certificate with ratings appropriate for the type of aircraft to be demonstrated or for sale. They must also employ one person currently certified by the FAA to perform aircraft maintenance work on the aircraft being sold, if the operator intends to do their own maintenance.

C. Dealership

A new aircraft dealer shall be an authorized factory dealership or subdealership having a license or permit as required by the State, and knowledge of all South Dakota applicable statutes concerning sales, contracts and warranties. A dealer in new aircraft shall own or have exclusive lease on minimum of one current model demonstrator, not more than 12-months old.

D. Part and Service

Dealer shall have adequate servicing facilities and access to parts to provide maintenance service to customer's aircraft during the warranty period.

2.06 Single Service Operator – Airframe and Power Plant Repair (Aircraft Maintenance and Repair)

In addition to section 2.04 any operator desiring to engage in airframe and/or power plant repair services must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operators shall employ a minimum of one person currently certified by the FAA with ratings appropriate for work to be performed.

B. Equipment

Maintain sufficient equipment, supplies, or have the availability to acquire parts to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

2.07 Single Service Operator – Aircraft Rental

In addition to section 2.04 any operator desiring to engage in the rental of aircrafts to the public must also meet the following requirements:

A. Aircraft

Operator shall own or have an exclusive lease in writing for one air worthy single engine, or multi-engine, aircraft equipped for flight under both visual and instrument conditions.

B. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.08 Single Service Operator – Flight Training

In addition to section 2.04 any operator desiring to engage in commercial flight instructions must also meet the following requirements:

A. Personnel

In addition to 1.06 D, Operator must employ one person qualified to provide ground and flight instruction in accordance with FAA regulations.

Note: If an Operator under this section furnishes or otherwise provides the aircraft used for flight training, that Operator is also required to meet the minimum standards for aircraft rental service.

2.09 Single Service Operator – Air Taxi and Charter Service

In addition to section 2.04 any operator desiring to engage in air taxi or charter service must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operator shall employ a minimum of one FAA certified commercial pilot appropriately rated to conduct air service offered.

B. Aircraft

A minimum of one single engine aircraft capable of carrying four passengers, and equipped for flight under instrument conditions, shall be owned or exclusively leased by the operator.

C. Certification

Operator and all pilots must meet all provisions of FAR Part 135.

D. Ground Transportation Services

The operator may make provisions for the transportation of pilots and passengers of transient General Aviation Aircraft to and from the Operator's facilities across the Airport's Apron areas as a part of his/her business operations. The Operator performing this service with motor vehicles driven on the Airport property shall do so only in strict compliance with any Airport rules and regulations, applicable, federal, state and municipal laws, ordinances, codes, or other similar regulatory measures as may be hereafter added, modified, or amended.

E. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.10 Single Service Operator – Specialized Commercial Flight Services

In addition to section 2.04 any operator desiring to engage in specialized commercial flight services including, but not limited to: banner towing and aerial advertising; aerial photography or survey; fire fighting or fire patrol; power line or pipeline patrol; any other operations specifically excluded from Part 135 of the FAA Regulations must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operator shall employ one person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

B. Aircraft

A minimum of one properly certified aircraft owned or leased by written agreement.

C. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.11 Single Service Operator – Avionics, Instruments, and/or Propeller Services

In addition to section 2.04 any operator desiring to provide avionics, instrument, or propeller service must hold the appropriate FAA repair station certificates and ratings for same. The operator must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operator shall employ a minimum of one FAA certified repairman, qualified in terms of the applicable FAA repair station certificate.

2.12 Single Service Operator – Aerial Applicators

In addition to section 2.04 any Operator must hold an Agricultural Aircraft Operator Certificate issued by the FAA under Part 137. The Operator must also comply with the requirements of the State and Political subdivisions thereof; and also meet the following requirements:

A. Personnel

In addition to 1.06D, Operator shall employ a minimum of one person holding a current FAA commercial certificate, properly rated for the aircraft to be used, and meeting the requirements of Part 137 of the FAA Regulations and applicable regulations of the State of South Dakota. A copy of their Part 137 certificate, commercial applicators certificate, and pilot certificate shall be file with the City Manager before commencing operations. A review of the South Dakota State Department of Agriculture applicant’s history will also be reviewed for each applicator prior to commencing operations.

B. Aircraft

A minimum of one aircraft meeting all of the requirements of Part 137 of the FAA Regulations and applicable regulations of the State. This aircraft shall be owned or leased by agreement in writing.

C. Facilities

A segregated chemical storage area with secondary containment, protected from the public access, and safety equipment as to comply with the minimum standards as required by all local, city, state and federal regulations and ordinances. All present and future federal and state hazardous material and environmental protection acts and regulations will be complied with.

2.13 Self Fueling of Private Aircraft

A person or organization owning aircraft shall be permitted, personally or using the organization’s employees, to fuel their own aircraft. The Aircraft owner is not permitted to contract with an off-airport company to enter upon the airport to refuel his aircraft. Further, the Airport prohibits the use of a “CO-OP” (an organization formed by several aircraft owners for the purpose of self fueling) as a single aircraft owner’s purpose of self fueling. Self fueling operators may not dispense fuel from their privately owned fueling equipment into aircraft not directly owned by the operator. Further, the operator’s fuels may not be sold, given, or ownership otherwise transferred, to other aviation Operators.

The City of Vermillion shall retain the exclusive right to provide all fuel sales on the Airport to other individuals or other organizations.

2.14 Multiple Commercial Aeronautical Services

The prospective Operator of multiple commercial activities may select a combination of services covered in sections 2.04 through 2.12 of these Minimum Standards and request Airport approval to provide services as a LSFBO as defined below. Where more than one activity is proposed, the actual building, land, equipment and personnel requirements may have to exceed the minimum space requirements that would be required for a single service. The City Manager will determine

if the proposed structure is adequate in order to ensure that safe and comfortable services are provided for the customer. Actual space requirements will also be dependent upon:

1. The combination and nature of proposed individual commercial services to be operated, and
2. The design and configuration of the proposed building, and
3. The Operator's expansion plans, and
4. The proposed geographic location on the airport, and
5. What has been required of other operators on the airport who provide a similar combination of services?

Because of the above variables, the applicable Minimum Standards on combinations of service will be discussed with the prospective Operator at the time of this application.

2.15 Multiple Commercial Aeronautical Services – LSFBO

A person or organization meeting the Minimum Standards of any two or more aeronautical services described in sections 2.04 through 2.12, may apply for permission to conduct business as a LSFBO on Airport. The LSFBO is prohibited from selling fuel or petroleum products and line services.

A. Leased Space Requirement

Each LSFBO shall operate out of a building located on the airport. The building must be properly heated and lighted and provide adequate space for offices, hangar storage, and maintenance. The building must also be accessible to those requiring service, and to be marked with appropriate external signage. The actual dimensions of the leased area may vary, but they must be adequate for the services being provided. The City Manager will determine the adequacy of the proposed structure at the time the land lease and structure design are being developed.

B. Hours of Operation

Business shall operate during normal working hours (8:00 am to 5:00 pm) and during the work week (Monday through Friday) for at least 20-hours per month. Operators shall provide emergency on-call service during nights, weekends, and holidays.

C. Termination or Modification of Multiple Commercial Aeronautical Services

Airport's prime objective in granting permission to conduct commercial services at the airport is to meet the aviation needs of the public. Airport reserves the right to immediately terminate the Operator's commercial authority, or reduce the Operator's operating authority to that of a lower operating classification, as detailed in Exhibit A, if the Operator reduces its service activities to a level that is less than the required services of the quality and/or quantity of required services deteriorates to a level at which the services fail to meet the operating needs of the aviation public, in the City Manager's opinion. The Operator may appeal the City Manager's opinion to the City Council within 30-days.

SECTION 3 – GROUND TRANSPORTATION SERVICES

Any commercial operator desiring to provide transportation for passengers, baggage, or freight from the Airport shall comply with the following minimum standards:

3.01 Off-Airport Car Rental Concession

Any operator desiring to provide rental cars to the traveling public from an off-airport site and to pick-up and drop-off its customers at the Airport must meet the following minimums:

HAROLD DAVIDSON FIELD AIRPORT – MINIMUM STANDARDS FOR OPERATORS OF COMMERCIAL
ACTIVITIES

- A. Fleet Size
Have a car rental fleet of at least two cars. Rental cars must be less than ten years old.
- B. Services
The operator shall furnish good, prompt, and efficient service, adequate to meet all reasonable demands for automobile rental service at the Airport, on a fair and reasonable basis, and to charge prices for such services, in accordance with its usual standards, on a basis substantially similar to that charged for similar size automobiles, within the State of South Dakota.
- C. Vehicle Maintenance
Operator shall maintain rental vehicles in good operative order, free from known or reasonable ascertainable, mechanical or physical defects, and in clean neat and attractive condition, inside and outside.
- D. Operating Hours
Car rental offices shall remain open for such periods during each day and such days during each week as may be necessary to meet reasonable demands for car rental services.
- E. Phone Services
So long as the operator has a valid agreement with the airport, the operator shall have the privilege of placing a direct line phone to its place of business in the Airport Terminal building in the same manner and to the same extent offered to the public by the Airport or its advertising agent.
- F. Car Drop-off/Parking
Operator is not authorized to drop off rental cars at the Airport for customers. Operator must perform all paperwork and the transfer of all vehicles at the Operator's place of business.
- G. Personnel
In addition to 1.06D, Operator's employees shall be neat, clean, and courteous. Operator shall not permit its agents, servants, or employees to conduct business in a loud, noisy, boisterous, offensive, or objectionable manner, or to solicit business on the Airport except through the use of signs as herein above set forth.
- H. Terminal Area Solicitation
Operators and their employees are prohibited from soliciting business in any manner whatsoever upon Airport property unless specific Airport approval is received. Operator, drivers, or other employees may enter the Airport Terminal building only for the purpose of locating the customer requesting service and assisting a customer in moving his or her luggage from the baggage claim area to the courtesy vehicle.

SECTION 4 – PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE

4.01 Failure to Comply with Minimum Standards

All persons upon Airport property, except those whose presence is specifically authorized and/or mandated by federal or state law, shall be considered as business invitees or guests of the Airport. In the event a failure to maintain compliance with any of these minimum Standards, the authorization of any and all commercial activities may be terminated by the City Manager. The Operator may appeal the City Manager's decision to the City Council within 30-days.

4.02 Termination of Lease

The Airport, at its discretion, reserves the right to terminate the lease of any tenant found to be in violation of the Minimum Standards.

4.03 Civil Remedy or Criminal Prosecution

The Airport, in its discretion, reserves the right to commence any civil action or suit or file a complaint for criminal prosecution against any person or persons violating any Minimum Standard which cause injury or damage to person or property of if such violation appears to constitute the commission of a criminal act.

4.04 Liability for Fines

Any person whose act, or failure to act, results in a fine or penalty being assessed against the Airport or by any governmental agency having jurisdiction including security, safety, and environmental, or the FAA shall be fully liable for the payment or reimbursement of such fine or penalty in addition to the costs associated with the restitution, repair, or clean-up of conditions resulting from such violations.

This document replaces all previous versions of the Harold Davidson Field Airport Minimum Standards for Operators of Commercial Activities, effective as of the date below. All changes to this document shall be made by an approved motion of the City of Vermillion City Council.

John E. (Jack) Powell, Mayor

Date: _____

Michael D. Carlson, City Finance Officer

City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Monday, December 16, 2013

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069



1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. December 2, 2013 Special Session; December 2, 2013 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
7. **Old Business**
 - a. Second Reading of Ordinance 1308 - 2013 Supplemental Budget Appropriations Ordinance.
8. **New Business**
 - a. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs in the City of Vermillion (southwest quadrant).
 - b. Developers Agreement with Dr. Duane Mehlhaf owner of Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota.
 - c. Final Plat of Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota.
 - d. Commercial Collectors License Renewals.
 - e. Utility Committee meeting report on electric rate adjustment.
 - f. Public Safety Center board appointment.
 - g. Resolution Authorizing the Purchase of Electric Pad-mount Switches.
 - h. Declaration of Street Department surplus skid steer loader.
 - i. Resolution to purchase a Chevrolet Caprice Police vehicle from State contract.
 - j. Professional services agreement for annual audit – Williams & Company.
 - k. Letting Authorization for Shared Used Path along SD Hwy. 19 from SD Hwy. 50 to West Cherry Street.
9. **Bid Openings**
 - a. 115 kV breakers and CVT's for 115 kV substation improvement project.
 - b. Golf Cart lease.
10. **City Manager's Report**
11. **Invoices Payable**

12. Consensus Agenda

- a. Set a bid opening date of January 14, 2014 for electric wire and transformers.
- b. Set a bid opening date of January 28, 2014 for water and wastewater chemicals.
- c. Set a bid opening date of January 29, 2014 for Street Department surplus skid loader.

13. Adjourn

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

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

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

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

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
December 2, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, December 2, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

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

2. Informational Session - Banking Tax Awareness - Lynn Peterson Cor Trust Bank

Lynn Peterson with CorTrust Bank provided information to the City Council members regarding the tax rates on banks noting that Credit Unions and Farm Credit Services are exempt from federal income tax, SD bank franchise tax and state sales tax. Lynn reviewed the taxes paid by banks that include a franchise fee that is distributed to the state general fund along with cities, schools and townships. He noted as a taxpayer that these fees are not paid by Credit Unions and Farm Credit Services. He stated that Credit Unions have had their services expanded from when they were created but the tax exemptions still stand. Lynn requested that the City Council adopt a resolution requesting the exemptions be repealed or at least a resolution asking Congress to review these exemptions. Lynn answered questions of the City Council on his presentation.

Janet Mount, CEO of the Vermillion Credit Union, reviewed the business model in use by Credit Unions noting that they are member owned with all profits going to their owner/members. She stated that when Congress created the provisions for credit unions they provided exemptions which have been reaffirmed by Congress. Janet requested that City Council not adopt a resolution to remove the tax exemption. Janet answered questions of the City Council on the Credit Union.

Mayor Powell stated that, hearing no motions, we will move onto the next item on the agenda.

3. Educational Session - Texting ban ordinance - Matt Betzen

Matt Betzen, Police Chief, reported that in May the City Council adopted a texting ban ordinance. Matt stated that, as was stated in the article in the Volante, there have been two warnings issued on this

ordinance. He reviewed citations issued in other cities that have adopted similar ordinances. Matt reported that the ordinance is difficult to enforce as an officer would need to observe an individual texting. This would require a different patrolling model than what is currently used for speeding whereby the officer would observe vehicles at intersections. Matt reported that the Police Department has been providing distracted driver information to various groups throughout the city. Matt answered questions of the City Council on the texting ban enforcement.

4. Briefing on the December 2, 2013 City Council Regular Meeting

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

5. Adjourn

350-13

Alderman Ward moved to adjourn the Council special session at 1:02 p.m. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
December 2, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, December 2, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of November 18, 2013 Special Session; November 18, 2013 Regular Session

351-13

Alderman Meins moved approval of the November 18, 2013 Special Session and November 18, 2013 Regular Session minutes. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

352-13

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

5. Visitors to be Heard - None

6. Public Hearings

A. Annual liquor and wine license renewals

Mike Carlson, Finance Officer, reported that this was the time set for the public hearing for the annual liquor and wine license renewals. The notice of hearing and the Police Chief's report is included in the packet. From the police report, there is one license holder that had failed a compliance check. As required by ordinance, a management plan from Hy-Vee Stores, Inc. is included in the packet. Mike read the list of license applications requesting renewal.

Mike noted that, for City Council actions, the Council may first want to consider the Fraternal Order of Eagles licenses to allow Alderman Osborne to participate in the discussion on the remainder of the licenses. The second action would be to consider the renewal of the retail on-sale liquor license for the Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street. When the license was transferred from John Grunewaldt to the Old Lumber Company, Inc in April 2012 as well as the previous renewals the license had the

following condition "interior of the building, at said location, as inactive pending final inspection of the building as being suitable to be occupied for this type of business". Farrel Christensen, Building Official, has completed the inspection of the main floor and second floor and has issued an occupancy permit for the property. The City Council will need to consider if it wants to continue to restrict the license to the interior of the building. The third action would be to consider the renewal of the balance of the on-sale retail liquor licenses, on-off sale wine licenses, package wine (Farm Winery) license and municipal package off sale license.

Chad Grunewaldt, owner of the Old Lumber Company, asked if the City Council would state the reason for continuing the restriction to the interior of the building.

353-132

Alderman Davies moved approval of the reissuance of the on-sale retail liquor license for the Fraternal Order of Eagles for Eagles Club at 114 W. Main. Alderman Zimmerman seconded the motion Alderman Osborne requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

354-13

Alderman Willson moved approval of the renewal of the on-sale retail liquor license for the Old Lumber Company, Inc for the Old Lumber Company Bar and Grill at 15 Court Street with the restriction that the license is for the interior of the building at 15 Court Street. Alderman Zimmerman seconded the motion. Discussion followed noting that for an expansion to the roof the City Council would want to know that the expansion would comply with building codes and that the owner would demonstrate that he will comply with the noise ordinance. It was noted that there is a concern with this new business location adjoining residential property based upon the history of noise complaints at the prior location under the same management. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Alderman Davies wanted to recognize Hy-Vee Stores, Inc for the complete and detailed management plan to address their violation.

355-13

Alderman Osborne moved approval of the renewal of the following licenses: On-Sale-Retailer Liquor: Bebee Street II, LLC for Carey's Bar at 18 West Main; Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 East Main; Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 South Market; Bunyans, LLC for Bunyans at 1201 West Main; Main Street Pub, Inc. for Main Street Pub at 11 West Main; City of Vermillion for The Bluff's Golf Course at 2021 East Main; Maya Jane's, Inc. for Maya

Jane's at 9 W Main; J.N.J. Management, Inc. for The Road House at 911 East Cherry; Red Steakhouse, Inc for Red Steakhouse at 1 East Main Street; August Management, LLC for Howler's Bar & Grill at 912 North Dakota; Retail On-Off Sale Wine: Spanrex, Inc. for Chae's at 8 West Main; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant 432 E Cherry; Blue Inc, for Little Italy's at 831 East Cherry; Bonnie K. Rowland for Raziell's at 13 West Main Street; HyVee Food Stores Inc. for HyVee at 525 West Cherry Street; Silk Road Café, Inc. for Silk Road Café at 12 West Main Street; Wal-Mart Stores, Inc. for Wal-Mart #3734 at 1207 Princeton Street; Café Brule, Inc. for Café Brule at 24 West Main; Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street; Sunset Oil, Inc. for Pump N Pak Casino at 629 Stanford Street Suite C; Package Wine (Farm Winery): Valiant Vineyards, Inc. for Valiant Vineyards at 1500 West Main; Municipal Off-Sale Package Liquor: City of Vermillion for Municipal Liquor Store at 826 Cottage. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs in the City of Vermillion (southwest quadrant)

Jose Dominguez, City Engineer, reported that the sidewalk inspection program was implemented in 2010 whereby the city was divided into quadrants with the southwest (south of National Street and west of Dakota Street) quadrant being inspected this year. Jose noted during the inspection staff looks for a couple of deficiencies: trippers and surface conditions. He noted that if sidewalk panels were found to be deficient, they were also marked for replacement. Jose stated that on November 4, 2013 the City Council passed a Resolution of Necessity and Notice of Hearing setting the public hearing on the sidewalk repairs for December 2, 2013. Jose stated that the resolution was published and notice was mailed to all property owners listed. He stated that the resolution provides that by June 30, 2015 the repair work be completed or under contract for completion by the end of 2015 or the City will make the repairs and assess the repair costs.

Paul Hasse, resident, requested under what State code section the City was adopting this resolution. Jim McCulloch, City Attorney, replied that it was SDCL 9-46 that is titled Sidewalks. Paul reported that the City Council adopted this resolution at the November 4th meeting and is proposing to adopt the same resolution tonight noting that a resolution only requires one action. John Prescott, City Manager, reported that the November 4th resolution was to set the public hearing for December 2nd and provide for notice to be published and mailed to the property owners. Paul stated that some of the property descriptions included in the resolution do not agree with the address and he also was of the understanding that the notice was to be sent by certified mail.

Steve Bell, resident of 117 Court, had questions on the City policy for making repairs. Jose Dominguez, City Engineer, reviewed the policy and addressed the questions. Mr. Bell stated that he wanted to commend the inspector who he talked to during the inspection who explained the inspection criteria. Mr. Bell stated that in viewing other sidewalks in the area he felt that the inspection criteria were not being applied equally.

Discussion followed with the City Attorney on if two mailed notices were required. Jim McCulloch, City Attorney stated that from his short research it appears that two notices with return receipt are required for sidewalk notice and he suggested that action be tabled to allow for proper notice.

Chad Grunewaldt, 15 Court Street, questioned if the property owner was responsible for the sidewalk sections in the downtown area that were in need of replacement because of when the parking meters were removed years ago. Jose Dominguez, City Engineer, stated that he would work with the property owners that have these sections to replace with the City paying its share. Chad asked if this additional information explaining this could be included in the letters being sent property owners.

Discussion followed noting that if additional notices would need to be mailed noting that the resolution setting the public hearing would be on the December 16 agenda and the public hearing to consider adoption of the resolution on the January 6, 2014 meeting.

356-13

Alderman Collier-Wise moved to table consideration of the Resolution of Necessity and Notice of Hearing for Sidewalk Repairs to determine the requirements of the state statutes are met. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion tabled.

7. Old Business - None

8. New Business

A. 2014 Bluffs Golf Course rates

Jim Goblirsch, Parks and Recreation Director, reported that, during the 2014 budget process, staff recommended the adjustment to golf course rates. Jim stated that the Golf Advisory Board has reviewed the proposed rate schedule and concurred with the recommended changes. Jim reviewed course promotions during the last year along with history of golf rounds and season passes sold. He stated that the proposed rates

are comparable with other golf courses in the area. Jim stated that they are looking at on-line registration option for the golf course in conjunction with the parks and recreation on-line system. Jim and Kirk answered questions of the City Council on the golf rates and golf course operations.

357-13

Alderman Davies moved approval of the following rates for Bluffs golf course for 2014:

The Bluffs Golf Course Fees 2014
 Season Fees do not include tax

SEASON GOLF PASSES		SEASON RANGE PASSES	
2 Person Family	\$689	Family	\$274
(+ one child \$724 +2 or more	\$754	Adult	\$199
Adult	\$529	Junior	\$94
College(full time)or under 25	\$264		
Junior	\$129		

PRIVATE CARTS		SEASON CART PASSES	
Cart Storage	\$349	2 Person Family	\$669
Trail Fee (homeowners)	\$174)	Adult	\$489

ALL DAILY RATES INCLUDE TAXES

GREEN FEES

9-hole Monday-Friday	\$17.50	
18-hole Monday-Friday	\$23.50	
9-hole Saturday-Sunday & Holidays	\$20.50	
18-hole Saturday -Sunday & Holidays	\$31.50	
9-hole punch card (10 rounds)	\$157.50	Mon-Fri
9-hole punch card (10 rounds)	\$181.00	Anyday
9-hole punch card (15 rounds)	\$227.50	Mon-Fri
9-hole punch card (15 rounds)	\$247.00	Anyday

CART RENTAL

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

DRIVING RANGE

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

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

HANDICAP \$27.00 includes tax

Alderman Ward seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance 1308 - 2013 Supplemental Budget Appropriations Ordinance

Mike Carlson, Finance Officer, reported that the supplemental appropriations ordinance is needed to adjust the budget for items that have changed since the budget was adopted in September 2013. Mike reviewed the amounts of the changes proposed in the General Fund, Second Penny Sales Tax Fund, Capital Projects Special Assessment Fund, Curbside Recycling Fund, Debt Service TIF 3 Fund, Debt Service TIF 4 Fund and Equipment Replacement Fund. Discussion followed.

358-13

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1308 entitled 2013 Budget Supplemental Appropriations Ordinance of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content, at this meeting, being a regularly called meeting, of the Governing Body of the City on this 2nd day of December, 2013 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

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

Jose Dominguez, City Engineer, reported that in 2012 Teresa Gilbertson approached the City regarding the paving of the alley located in Block 68 of Bigelow's Addition. Mrs. Gilbertson, along with her north and south neighbor, were concerned with the damage to the alley due to the high traffic utilizing the alley. Mrs. Gilbertson was given a petition, with an estimate, to circulate among the fronting property owners. Jose reported Mrs. Gilbertson returned the petition with signatures of over 45 percent of the property owners requesting the City Council adopt a resolution for the paving of the alley.

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

359-13

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION OF CONCRETE SURFACING ALONG THE NORTH TO SOUTH ALLEY IN BLOCK 68, BIGELOW'S ADDITION FROM EAST CLARK STREET TO EAST CEDAR STREET

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

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

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

D. Agreement with Owner of Lot 1, Block 1, Madison Park Addition and Owner of Outlot B, Block 2, Dakota Addition regarding construction of North Norbeck Street

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

Jose reported several months ago requests were received from other adjacent property owners wanting to develop along the same stretch of road. Jose stated due to the high density multi-family type of development that was being proposed, the amount of high density dwellings already in this area and the importance to the City for this Norbeck Street to be constructed. Jose stated contacts were made with a majority of the property owners along the street to explain the importance of constructing the street at this time.

Jose reported from the conversations it was determined that the City would have to modify the typical assessment procedures to promote development in the area. Jose stated that some of the issues that the developers had were more with the cash-flow for their developments and interest rates. Jose stated to alleviate some of the effects from these issues, City staff and the developers propose the following agreement:

The City would provide an assessment plan payable in twelve equal annual payments. Where the principal on the first two payments will be deferred and the City would pay the interest on the same two years.

The City will set the interest rate on the assessment at 8% per annum, rather than the typical 10% per annum.

The 8% fiscal fee charged by the City to cover the engineering plans, inspection, geotechnical surveys, mailings, publishing, etc. will be waived due to the work already completed by the City. Instead of the 8% fiscal fee,

the City would enter into a contract with a consulting engineer. The consultant will develop the plans and specifications for the project and this cost would be assessed to the property owner.

The developer agrees not to remonstrate against the proposed assessment for the construction of the improvements.

Jose stated this agreement will essentially set the parameters for the resolution to construct the street. If the resolution were to differ from the agreement then the agreement would be voided and the property owners would be able to remonstrate against the assessment for the proposed improvements. Jose stated that he has one signed agreement and another is in the mail and that even though the agreement is with some of the property owners the agreed stipulations will be applied to all of the owners. Discussion followed on the proposed agreement and it was noted that the interest cost for the two years to be paid by the city is projected at \$24,624 per year to be funded from the housing development funds remaining from the sale of the Lotuswood land.

360-13

Alderman Willson moved approval of the agreements with Owner of Lot 1, Block 1, Madison Park Addition and Owner of Outlot B, Block 2, Dakota Addition regarding construction of North Norbeck Street as presented and authorized the Mayor to execute the same. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Resolution of Necessity and Notice of Hearing for Construction of Concrete Surfacing and other improvements along North Norbeck Street from Roosevelt Street to East Clark Street

Jose Dominguez, City Engineer, reported that the resolution is for the concrete surfacing and other improvements along North Norbeck Street from Roosevelt Street to East Clark Street. Jose stated that North Norbeck Street has been designated as a collector street in the Comprehensive Plan. Jose stated that for over a year there have been discussions between the City and developers regarding the construction of apartment buildings fronting North Norbeck Street. Due to the high density multi-family type of development that was being proposed, the amount of high density dwellings already in this area, and the importance to the City for this road to be constructed. The developer agreements that were approved in the previous agenda item provide the proposed assessment would be different than others proposed by the City. Jose stated that due to all of those factors staff believes that this would be the most opportune time to construct North Norbeck Street from Roosevelt to East Clark Street. Jose reported this improvement

would provide a continuous corridor to a significant amount of traffic to East Cherry Street; which is the main artery of the city.

Jose reported 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 resolution sets a public hearing for January 6, 2014. Jose stated that following the hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

Jose reported the items included in the developer agreement have been included in the resolution. Discussion followed.

361-13

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING FOR CONSTRUCTION OF
CONCRETE SURFACING AND OTHER IMPROVEMENTS ALONG NORTH NORBECK
STREET FROM ROOSEVELT STREET TO EAST CLARK STREET

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

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

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

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

F. Appointment of a Director to the Business Improvement District #1

Mayor Powell reported that on November 4, 2013, the City Council confirmed the appointment of Amy Christensen, David Herbster, Joe Eckert, Steve Parker, and Jim Peterson to the Board of Directors for Business Improvement District #1. Since that time, Steve Parker has resigned as he will be relocating out-of-state. Mayor Powell stated Mr. Parker was appointed to a one-year term and that all future terms will be for three years when appointments are made beginning in 2014. Mayor Powell recommended the appointment of Dan Kenton to fill the vacancy of Steve Parker on the board.

362-13

Alderman Zimmerman moved approval of the appointment of Dan Kenton to fill the vacancy of Steve Parker on the Business Improvement District #1 board. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

Jose Dominguez, City Engineer reported the City, in conjunction with the DOT, will be constructing a shared used path along SD Hwy. 19 from Cherry Street to Highway 50. Jose noted the path will be constructed in order to diminish the amount of pedestrians and bicyclists from using the roadway to either walk or ride on. Jose reported the shared used path will be constructed from SD Hwy. 50 south to West Cherry Street along the east side of the highway. Jose reported that at this point, all of the required easements and right-of-way have been acquired for the construction of the shared used path but that the DOT is requiring that the City certify that the affected utilities have been contacted

and notified of the project. Jose noted the utilities involved are the City electric, water and wastewater. Jose stated the agreement provides that any items that would need to be relocated would need to be relocated without any Federal or State financial assistance. Jose reported that two fire hydrants that will have to be moved to allow enough clearance around the shared used path at an estimated cost of \$2,500. Discussion followed.

363-13

Alderman Zimmerman moved approval of the right-of-way and utilities certification forms for the shared used path along SD Hwy 19 from SD Hwy 50 to West Cherry Street as presented and authorize the Mayor to sign on behalf of the City. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

Jose Dominguez, City Engineer, reported on the location of the property being platted noting it is in the extraterritorial area. Jose stated the final plat will replat lot 12 and 13 into 12A and 13A. Jose reported the plat was reviewed and approved by the County's Planning Commission at their November 25 meeting. Jose reported the final plat complies with all code provisions and recommended approval.

364-13

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

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lots 12A and 13A, Addition, Rolling Hills Estates in the SW ¼ of Section 6, T92N, R51W of the 5th P.M., Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid

and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Grayson. 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. Resolution dissolving Tax Incremental District number four

Mike Carlson, Finance Officer, reported that Tax Incremental District Number Four was created in November 2004 to fund street and utility extensions in the Brooks Industrial Park. Mike stated to fund the improvements a bond was issued for \$460,000 along with state grant funds. Mike stated that the final payment was deposited with the bond trustee and as such the City Council can adopt a resolution to dissolve the Tax Incremental District. Mike stated that there are funds remaining after the final payment that will be allocated to the County, School, Water District and City based upon the current year tax levy. Discussion followed.

365-13

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

RESOLUTION DISSOLVING TAX INCREMENTAL
DISTRICT NUMBER FOUR

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

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

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

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

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

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

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

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael Carlson, Finance Officer

The motion was seconded by Alderman Grayson. 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.

J. Declaration of Surplus Street Department Wheel Loader

Mike Carlson, Finance Officer, reported the new wheel loader for the Street Department has been received by Butler Machinery in Sioux Falls and will be delivered to the City during the first week of January 2014. Mike stated the loader will replace the 2007 Caterpillar 928G that will need to be declared surplus for appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids.

366-13

Alderman Grayson moved approval of declaring the 2007 Caterpillar 928G wheel loader as surplus and authorized the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick Service on all three items.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$2.8218, Brunick's Service \$2.79; Item 2 - 3,000 gal No. 1 & No. 2 Diesel fuel dyed: Stern Oil \$3.4680, Brunick's Service \$3.40; Item 3 - 1,000 gal No. 1 & No. 2 diesel fuel-clear: Stern Oil \$3.7183, Brunick's Service \$3.63

367-13

Alderman Osborne moved approval of the low quote of Brunick's Service on all three items. Alderman Zimmerman seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that last Monday there was an opportunity for the public to review and comment on the four conceptual plans for the Prentis Park master plan. John stated that the conceptual plans are on display in the City Hall lobby and are available on the City website and requested citizen comments.

B. John reported that the VCDC Parade of Lights is this Friday and that Main Street between Elm Street and Market Street will be blocked between 6:15 p.m. and 7:00 p.m.

C. John reported that Shriner Street between Cottage Avenue and the Wal-Mart parking lot will be closed for 4 to 5 days to provide a safety zone for the water tower construction. When the dates are known, a press release will be made.

D. John reported that the Utility Committee will be meeting on Wednesday, December 11th at 1:30 p.m. in the Administration Conference Room to review electric rates.

Upon request, John reported on the VCDC contractor work in the Bliss Pointe Development.

PAYROLL ADDITIONS AND CHANGES

Ambulance: Dominick Santa Maria \$15.00/hr, Calle Sorensen \$30.00
1st/\$17.00 2nd

11. Invoices Payable

368-13

Alderman Davies moved approval of the following invoice:

UNIVERSITY CLEANERS	REPAIRS	31.00
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Alderman Zimmerman seconded the motion. Alderman Meins requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

369-13

Alderman Ward moved approval of the following invoices:

A & B BUSINESS, INC	COPIER MAINTENANCE	872.62
A-OX WELDING SUPPLY CO	SUPPLIES	695.20
ABERDEEN NEWS COMPANY	ADVERTISING	105.63
AGLAB EXPRESS	TESTING	37.00
APCO INTERNATIONAL	MEMBERSHIP DUES	575.00
AQUA-PURE INC	CHEMICALS	13,096.40
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	218.62
ARGUS LEADER	ADVERTISING	150.76
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	51.08
BAKER & TAYLOR BOOKS	BOOKS	1,529.92
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,839.05
BARNES DISTRIBUTION	SUPPLIES	49.06
BIERSCHBACH EQPT & SUPPLY	PARTS	1,612.45
BLACKSTONE AUDIO INC	BOOKS	150.00
BOMGAARS	PROTECTIVE CLOTHING	69.99
BORDER STATES ELEC SUPPLY	PARTS	222.44
BOUND TREE MEDICAL, LLC	SUPPLIES	496.02
BRUNICKS SERVICE INC	FUEL	3,695.10
BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	792.20
BUTCH'S PROPANE INC	PROPANE	1,318.65
BUTLER MACHINERY CO.	PARTS	650.61
CALLE SORENSEN	CLOTHING REIMBURSEMENT	105.97
CAM COMMERCE	REPAIRS	349.17
CAMPBELL SUPPLY	SUPPLIES	4,200.97
CASK & CORK	MERCHANDISE	1,500.24
CENTER POINT LARGE PRINT	BOOKS	398.26
CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
CENTURY BUSINESS PRODUCTS	COPIES	63.16
CENTURYLINK	TELEPHONE	741.24
CHEMCO, INC	SUPPLIES	77.74

CHERRY STREET GRILLE	MERCHANDISE	39.00
CITY OF SIOUX FALLS	TESTING	58.00
CITY OF VERMILLION	COPIES/POSTAGE	1,149.81
CITY OF VERMILLION	UTILITY BILLS	35,816.88
CLAY CO REGISTER OF DEED	FILING FEE	60.00
CLAY RURAL WATER SYSTEM	WATER USAGE	42.20
COLONIAL LIFE ACC INS.	INSURANCE	3,011.68
DAKOTA BEVERAGE	MERCHANDISE	9,570.23
DAKOTA CONST & SUE FRENCH	STORM SEWER-MICKELSON	85,047.33
DAKOTA PC WAREHOUSE	COMPUTERS/REPAIRS	1,278.83
DAKOTA SUPPLY GROUP	PARTS	1,186.44
DANIELS RESIDENTIAL INC	BALER BUILDING	73,620.00
DANKO EMERGENCY EQUIPMENT	FIRE EQUIPMENT	8,746.41
DELTA DENTAL PLAN	INSURANCE	6,264.26
DEMCO	SUPPLIES	87.38
DENNIS MARTENS	MAINTENANCE	833.34
DGR ENGINEERING	PROFESSIONAL SERVICES	9,190.50
DISPLAY SALES COMPANY	SUPPLIES	133.00
DITCH WITCH OF SD	REPAIRS	325.76
DUST TEX	MATS	80.00
EBERLE DESIGN INC	PROFESSIONAL SERVICES	178.00
ECHO ELECTRIC SUPPLY	SUPPLIES	1,689.75
ELECTRONIC ENGINEERING	SUPPLIES	690.40
EMBROIDERY & SCREEN WORKS	EMBROIDERY	24.00
ERNIE HALVERSON	SAFETY GLASSES REIMBURSEMENT	150.00
FAR FROM NORMAL	SUPPLIES	115.50
FARMER BROTHERS CO.	SUPPLIES	106.39
FASTENAL COMPANY	PARTS	75.55
FEDEX.	SHIPPING	11.50
FILTERTEC	SUPPLIES	482.97
FIRST NATIONAL BANK	TRUSTEE FEES	100.00
FOREMAN MEDIA	COUNCIL MTG	100.00
GALE	BOOKS	303.22
GARYS TREE SERVICE, INC	STUMP GRINDING	1,310.00
GEOTEK ENGINEERING	PROFESSIONAL SERVICES	1,214.00
GRAHAM TIRE CO.	TIRES	2,445.50
GRAYMONT CAPITAL INC	CHEMICALS	7,643.05
GREGG PETERS	FREIGHT	1,599.00
GREGG PETERS	RENT	937.50
HACH CO	SUPPLIES	796.86
HARLAND TECHNOLOGY SERVICE	SUPPLIES	106.00
HAUGER YARD/SNOW SERVICE	MOWING	79.50
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	13,198.82

HELMS & ASSOCIATES	PROFESSIONAL SERVICES	1,737.99
HERCULES INDUSTRIES, INC	SUPPLIES	171.09
HERREN-SCHEMPP BUILDING	SUPPLIES	506.88
HIGMAN SAND & GRAVEL	ICE SAND	3,339.55
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	26.60
HOA SOLUTIONS, INC	REPAIRS	887.50
HY VEE FOOD STORE	SUPPLIES	238.20
INDEPENDENCE WASTE	PORTABLE TOILET RENTAL	884.78
INGRAM	BOOKS	3,345.05
INTERSTATE ALL BATTERY CENTER	BATTERIES	278.07
INTERSTATE POWER SYSTEMS	REPAIRS	467.61
JACKS UNIFORM & EQPT	UNIFORM SHIRTS	85.90
JOHN A CONKLING DIST.	MERCHANDISE	6,076.09
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	17,528.82
JOHNSON CONTROLS	REPAIRS	2,000.28
JOHNSON FEED, INC	REPAIRS	39.70
JONES FOOD CENTER	SUPPLIES	743.33
JP COOKE CO	DOG TAGS/RECEIPT BOOKS	75.43
JUNIOR LIBRARY GUILD	BOOKS	963.00
KALINS INDOOR COMFORT	REPAIRS	121.80
KARSTEN MFG CORP	MERCHANDISE	99.98
KNIFE RIVER MIDWEST, LLC	ASPHALT	1,062.67
LEADSONLINE	SUBSCRIPTION	1,428.00
LEARNING OPPORTUNITIES, INC	BOOKS	1,458.58
LEISURE LAWN CARE	WINTERIZE SPRINKLER	40.00
LESSMAN ELEC. SUPPLY CO	SUPPLIES	79.20
LINCOLN MUTUAL LIFE	INSURANCE	451.27
LOCATORS AND SUPPLIES, INC	SUPPLIES	662.53
LOGIN/IACP NET	ANNUAL FEE	500.00
LUKE TROWBRIDGE	MEALS REIMBURSEMENT	63.00
MAGUIRE IRON, INC	WATER TOWER PROGRESS PAYMENT	109,657.32
MALLOY ELECTRIC	PARTS	926.77
MART AUTO BODY	TOWING	525.00
MARTY GILBERTSON	ARMORY BOILER REPLACEMENT	4,192.00
MATHESON TRI-GAS, INC	OXYGEN	426.72
MATTHEW BETZEN	MEALS REIMBURSEMENT	63.00
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,432.00
MEDICAL WASTE TRANSPORT	HAUL MEDICAL WASTE	185.57
MENARDS	SUPPLIES	136.36
MIDAMERICAN	GAS USAGE	3,968.65
MIDWEST ALARM CO	ALARM MONITORING	126.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	799.40
MIDWEST LUBRICANTS, INC	OIL	1,020.00

MIDWEST READY MIX & EQUIP	FLOWABLE FILL	200.00
MILLS & MILLER, INC	DEICING SALT	1,573.20
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,489.65
MOORE WELDING & MFG	WELDING	64.50
NCL OF WISCONSIN, INC	SUPPLIES	691.10
NETSYS+	FOREFRONT ONLINE PROTECTION	4,169.68
NEW YORK LIFE	INSURANCE	94.02
NOVELTY MACHINE & SUPPLY	SUPPLIES	542.68
OFFICE SYSTEMS CO	COPIER CONTRACT	217.13
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	339.70
OXMOOR HOUSE	BOOKS	42.91
PCC, INC	COMMISSION	2,804.32
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POLLMAN EXCAVATION	CRUSHED GRAVEL/ROCK	12,960.19
PRESSING MATTERS	SUPPLIES	714.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	49.04
PUMP N PAK	FUEL	2,189.97
QUILL	SUPPLIES	1,334.95
RACOM CORPORATION	MAINTENANCE CONTRACT	386.75
RADIANT HEAT, INC	PARTS	350.50
RANDOM HOUSE, INC	BOOKS	205.25
RASMUSSEN MECHANICAL SERVICE	PARTS	39.32
RECORDED BOOKS, INC	BOOKS	917.30
RECOVERY SYSTEMS CO, INC	BALER/CONVEYOR PROGRESS	149,249.85
REGENT BOOK CO.	BOOKS	13.82
REPUBLIC NATIONAL DIST	MERCHANDISE	31,500.24
RESCO	PARTS	106.00
ROCKMOUNT RESEARCH & ALLOY	SUPPLIES	203.47
RS HALSTEAD CORP	LEACHATE POND PROGRESS	376,968.44
RYAN HOUGH	HEALTH CLUB MEMBERSHIP	15.74
SANFORD CLINIC VERMILLION	SUPPLIES	991.27
SANITATION PRODUCTS	PARTS	1,199.18
SCHAEFFER MFG. CO	SUPPLIES	595.20
SCHUH ELECTRIC	UNDERGROUND REIMBURSEMENT	275.51
SD DEPT OF REVENUE	TRANSPORTER LICENSE	25.00
SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
SD MUNICIPAL STREET MAINT	MEMBERSHIP DUES	35.00
SD POLICE CHIEFS ASSOCIATION	MEMBERSHIP DUES	269.60
SD PUBLIC ASSURANCE ALLIANCE	LAW ENFORCEMENT/EQUIP INS	10,896.05
SD RETIREMENT SYSTEM	CONTRIBUTIONS	48,678.75
SECURITY SHREDDING SERVICE	DOCUMENT SHREDDING	35.00
SIOUX CITY FOUNDRY CO	SUPPLIES	446.42
SIOUX CITY JOURNAL	ADVERTISING	73.40

SIoux EQUIPMENT	SUPPLIES	156.00
SIoux FALLS TWO WAY RADIO	REPAIRS	387.64
SIouxLAND HUMANE SOCIETY	FEEs	111.00
SKARSHAUG TESTING LAB.	TESTING	799.42
SMARTSIGN	SUPPLIES	546.80
SOOLAND BOBCAT	PARTS	588.67
STANDARD & POOR'S	ANNUAL FEE	2,500.00
STANDARD READY MIX CONCRETE	REPAIRS	257.30
STATE STEEL	SUPPLIES	1,232.72
STEFFEN	PARTS	367.49
STEVE'S HEATING & A/C INC	REPAIRS	130.51
STEWART OIL-TIRE CO	REPAIRS	366.95
STUART C. IRBY CO.	SUPPLIES	262.20
STURDEVANTS AUTO PARTS	PARTS	1,725.39
TACTICAL SOLUTIONS	POLICE EQUIPMENT	1,480.00
TAPCO	WAY FINDING SIGN	17,448.00
TASTE OF HOME BOOKS	BOOKS	31.98
TAYLOR MADE	MERCHANDISE	104.87
TEAM GOLF	MERCHANDISE	1,500.10
THATCHER COMPANY	SODA ASH	20,202.00
THE EQUALIZER	ADVERTISING	977.50
THE RETROFIT COMPANIES, INC	BULB DISPOSAL	279.38
TOM KRUSE	MEALS REIMBURSEMENT	18.00
TOP HAT EMBROIDERY	UNIFORMS	40.00
TRUE VALUE	SUPPLIES	362.74
TSP, INC	PROFESSIONAL SERVICES	7,921.46
TURNER PLUMBING	REPAIRS	654.94
TYLER TECHNOLOGIES	BAR CODE SCANNER MAINTENANCE	1,389.60
UNITED LABORATORIES	SUPPLIES	852.95
UNITED WAY	CONTRIBUTIONS	335.20
US POSTMASTER	FIRST CLASS PRESORT FEE	200.00
VERIZON WIRELESS	WIRELESS COMMUNICATION	7,816.57
VERMILLION ACE HARDWARE	SUPPLIES	511.30
VERMILLION FORD	OIL GASKET	36.34
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	7,682.63
WALKER CONSTRUCTION	SIDEWALK REPAIRS	6,459.45
WALMART	SUPPLIES	2,483.37
WESCO DISTRIBUTION, INC	PARTS	5,940.00
WOW! BUSINESS	911 CIRCUIT	1,365.50
YANKTON FIRE & SAFETY	ANNUAL INSPECTION	154.50
YANKTON JANITORIAL SUPPLY	SUPPLIES	700.30
ZEE MEDICAL SERVICE	SUPPLIES	330.80
ZEP SALES & SERVICE	SUPPLIES	287.14

PATRICIA OLSON	BRIGHT ENERGY REBATE	50.00
ROGER KUGLER	BRIGHT ENERGY REBATE	50.00
TERRI TRUMM	BRIGHT ENERGY REBATE	275.00

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

12. Consensus Agenda

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

370-13

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

13. Adjourn

371-13

Alderman Osborne moved to adjourn the Council Meeting at 8:38 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

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

ATTEST:

BY _____
 Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: December 16, 2013

Subject: Second Reading of Ordinance No. 1308 – 2013 Supplemental Appropriations.

Presenter: Mike Carlson

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

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

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

The Council approved first reading of the Ordinance on December 2, 2013.

Discussion: The proposed budget adjustments are as follows:

General Fund Revenues:

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

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

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

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

General Fund Expenses:

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

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

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

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

Second Penny Sales Tax Fund:

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

Capital Projects Special Assessment Fund:

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

Curbside Recycling:

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

Debt Service TIF 3 Fund:

Interest – Interest revenue was increased for additional collections.

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

Debt Service TIF 4 Fund:

Interest – Interest revenue was increased for additional collections.

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

Equipment Replacement Fund:

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

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

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1308- 2013 Supplemental Appropriation Ordinance. As this is second reading of the ordinance, a roll call vote is required.

ORDINANCE NO. 1308
2013 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

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

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

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

Debt Service TIF3

Revenues:

Interest	-0-	150	150
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Expenditures:

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

Revenues:

Interest	60	120	60
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Expenditures:

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

Revenues:

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

Equipment Replacement	1,056,800	1,058,800	2,000
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Dated at Vermillion, South Dakota this 16th day of December, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

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

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 16, 2013

Subject: Resolution of Necessity and Notice of Hearing for Sidewalk Repairs
(Southwest Quadrant)

Presenter: Jose Dominguez

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

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

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

There are now two sets of statutes covering sidewalk assessments. One set of statutes requires a single publication and a mailing while the second set of statutes requires two publications but no mailing. If the Resolution setting the hearing is adopted, the City is going to send a mailing to the property owners and publish the notice twice.

In addition to sending the property owners a letter notifying them of the hearing, the City will provide packet information on the City website at www.vermillion.us. Packets will also be sent to property owners upon request. The packet will include: a list of contractors that they could use, a list of acceptable repair methods, a copy of the City's specifications and a sidewalk repair permit.

Financial Consideration: The cost will include postage and the publications of the notice. The City will need to budget in 2015 to repair sidewalks throughout the community which did not pass inspection.

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

**RESOLUTION OF NECESSITY AND NOTICE OF HEARING 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 16th day of December, 2013, that the necessity has arisen for sidewalk repairs along the parcels of land hereinafter named, viz:

VIOLATION ADDRESS	VIOLATION LEGAL DESCRIPTION	VIOLATION PARCEL NUMBER	ESTIMATED COST
10 AUSTIN	S 54' OF LOT 18 BLK 29 ORIGINAL TOWN	15530-02900-180-00	\$1,947.75
15 AUSTIN	LOTS 6 & 7 BLK 30 ORIGINAL TOWN & LOT 4, 5 ,6, & 7 OF 18, 19, 20, BLK 30	15530-03000-070-00	
102 AUSTIN	ORIGINAL TOWN	15530-03000-200-00	\$367.50
110 AUSTIN	N 1/2 OF 13 & ALL OF 14 BLK 22 ORIGINAL TOWN	15530-02200-140-00	\$1,741.95
15 BLOOMINGDALE	LOT 12 & S 1/2 OF 13 BLK 22 ORIGINAL TOWN	15530-02200-130-00	\$1,117.20
18 BLOOMINGDALE	W 80' OF 1, 2 & W 80' OF N 13.5' LOT 3 BLK 13	15530-01300-030-06	\$2,322.60
21 BLOOMINGDALE	ORIGINAL TOWN	15530-01400-140-03	\$597.33
22 BLOOMINGDALE	E 50' OF N 1/2 OF 12 & E 50' OF 13 & 14 BLK 14		
32 BLOOMINGDALE	ORIGINAL TOWN	15530-01300-030-00	\$1,205.40
12 CENTER	COMM 80' E OF NW COR LOT 1 THEN S TO 80' E OF SW COR' LOT 3 THEN E 44' THEN N TO N LINE OF LOT 1 THEN W 44' TO POINT OF BEGINNING BLK 13	15530-01400-140-00	\$489.07
24 CENTER	ORIGINAL TOWN	15530-02400-070-03	\$735.00
103 CHURCH	W 100' OF 10, 11, 12, 13 & 14 BLK 14 ORIGINAL TOWN	15720-03500-250-03	\$1,885.28
107 CHURCH	LOTS 6 & 7 EXC W 62' BLK 24 ORIGINAL TOWN	15720-03500-020-03	\$6,372.45
111 CHURCH	N 38.5' OF LOT 25 BLK 35 SNYDERS	15530-02400-010-00	\$183.75
	S 12' OF LOT 2 BLK 35 SNYDERS	15530-02400-030-00	\$735.00
	LOT 1 BLK 24 ORIGINAL TOWN	15530-02400-040-00	\$367.50
	LOT 2 & N 15' OF LOT 3 BLK 24 ORIGINAL TOWN		
	S 29' OF LOT 3 & N 15' OF LOT 4 BLK 24 ORIGINAL TOWN		

7 COURT	S 34' OF LOT 4 & N 14' OF LOT 5 BLK 28 ORIGINAL TOWNSITE OF VERMILLION	15530-02800-040-00	\$2,903.25
9 COURT	N 18' OF 6 & S 30' OF 5 BLK 28 ORIGINAL TOWN	15530-02800-050-00	\$2,646.00
11 COURT	S 20' OF N 38' OF LOT 6 BLK 28 ORIGINAL TOWN	15530-02800-060-00	\$1,617.00
15 COURT	S 6' OF 6 & ALL OF LOT 7 BLK 28 ORIGINAL TOWN	15530-02800-070-00	\$4,178.48
16 COURT	LOTS 8,9,10 & 11 BLK 27 ORIGINAL TOWN	15530-02700-110-00	\$4,678.28
104 COURT	W 93' OF N 1/2 OF LOT 12 & W 93' OF 13 & 14 BLK 24 ORIGINAL TOWN	15530-02400-140-00	\$1,617.00
110 COURT	N 26' OF 11 & S 1/2 OF LOT 12 BLK 24 ORIGINAL TOWN	15530-02400-120-00	\$1,052.33
111 COURT	LOTS 1, 2, 3 & 4 BLK 23 ORIGINAL TOWN	15530-02300-020-00	\$2,256.33
116 COURT	N 1/2 OF LOT 10 & S 18' OF LOT 11 BLK 24 ORIGINAL TOWN	15530-02400-110-00	\$367.50
117 COURT	LOT 5 BLK 23 ORIGINAL TOWN	15530-02300-050-00	\$1,286.25
122 COURT	LOT 9 & S 1/2 OF LOT 10 BLK 24 ORIGINAL TOWN	15530-02400-100-00	\$1,212.75
124 COURT	LOT 8 BLK 24 ORIGINAL TOWN	15530-02400-080-00	\$1,617.00
125 COURT	LOT 7 BLK 23 ORIGINAL TOWN	15530-02300-070-00	\$551.25
203 COURT	LOTS 1 & 2 BLK 14 ORIGINAL TOWN	15530-01400-020-00	\$705.60
204 COURT	N 32' OF 13 & ALL OF 14 BLK 13 ORIGINAL TOWN	15530-01300-140-00	\$1,256.85
215 COURT	W 1/2 OF VAC COURT ST LOCATED BTWN S 34' OF LOT 5 & ALL LOTS 6 & 7 BLK 14 & S 34' OF LOT 10 & ALL OF LT 8 & 9 BLK 12 BLK 14 ORIGINAL TOWN & LOTS 3, 4, 5, 6, 7, BLK 14 ORIGINAL TOWN	15530-01400-010-00 15530-01400-070-00	\$367.50
2 E. MAIN	LOTS 15 & 16 BLK 34 SNYDERS	15720-03400-160-00	\$6,236.48
6 E. MAIN	LOT 17 BLK 34 SNYDERS	15720-03400-170-00	\$551.25
8 E. MAIN	LOT 18 BLK 34 SNYDERS	15720-03400-180-00	\$183.75
10 E. MAIN	LOT 19 BLK 34 SNYDERS	15720-03400-190-00	\$918.75

12 E. MAIN	LOT 20 BLK 34 SNYDERS LOTS 3 THRU 7 & 21 THRU 24 & LOT V1 BLK 27	15720-03400-200-00	\$183.75
15 E. MAIN	ORIGINAL TOWN LOTS 21 & W 6' OF 22 BLK 34	15530-02700-000-00	\$3,704.17
14 E. MAIN	SNYDERS E 47' OF 22 & ALL OF 23 BLK	15720-03400-220-00	\$367.50
20 E. MAIN	34 SNYDERS W 20.1' OF LOT 15 BLK 33	15720-03400-230-00	\$1,543.50
100 E. MAIN	SNYDERS LOTS 15, 16 & 17 BLK 26 REPLAT OF LOTS 13 & 14	15720-03300-150-00	\$2,315.25
101 E. MAIN	ORIGINAL TOWN E 9.9' OF LOT 15 & W 10' OF	15530-02600-170-00	\$8,011.50
102 E. MAIN	LOT 16 BLK 33 SNYDERS E 16' OF LOT 16 & W 4' OF	15720-03300-160-00	\$183.75
104 E. MAIN	LOT 17 BLK 33 SNYDERS E 23' OF LOT 17 BLK 33	15720-03300-170-02	\$183.75
106 E. MAIN	SNYDERS LOT 18 EXC 18A BLK 33	15720-03300-170-00	\$367.50
108 E. MAIN	SNYDERS	15720-03300-180-00	\$183.75
110 E. MAIN	LOT 18A BLK 33 SNYDERS LOT 19 & W 11' OF 20 BLK 33	15720-03300-180-02	\$183.75
112 E. MAIN	SNYDERS W 31' OF LOTS 1, 2, 3 & 4	15720-03300-200-00	\$477.75
113 E. MAIN	BLK 26 ORIGINAL TOWN E 20' OF W 51' OF LOTS 1, 2, 3	15530-02600-040-12	\$183.75
115 E. MAIN	& 4 BLK 26 ORIGINAL TOWN E 15' OF W 66' OF LOTS 1, 2, 3	15530-02600-040-09	\$551.25
117 E. MAIN	& 4 BLK 26 ORIGINAL TOWN E 29.5' OF W 95.5' OF LOTS 2, 3, 4, & E 66' OF W 32' OF LOT	15530-02600-040-06	\$367.50
119 E. MAIN	1 BLK 26 ORIGINAL TOWN & E 15' OF S 90' OF LOT 20 & S	15530-02600-040-03	\$551.25
120 E. MAIN	90 OF LOTS 21, 22, 23, 24, & 25 BLK 33 SNYDERS ADDN W 41' OF VACATED DAKOTA ST ABUTTING LOT	15720-03300-250-03	\$551.25
125 E. MAIN	1 & E 18' OF LOT 1 BLK 26 ORIGINAL TOWN E 48' OF N 20' OF LOT 13 & E	15530-02600-010-00	\$183.75
109 E. NATIONAL	48' OF LOT 14 BLK 33 SNYDERS	15720-03300-140-03	\$1,580.25
17 ELM	LOT 11 BLK 33 SNYDERS W 85' OF LOT 14 & W 85' OF	15720-03300-110-00	\$330.75
23 ELM	N 20' OF LOT 13 BLK 33	15720-03300-140-00	\$918.75

SNYDERS			
121 KIDDER	LOTS 14, 15, 16 & 17 BLK 29 ORIGINAL TOWN	15530-02900-170-00	\$1,800.75
5 LUXEMBURG	N 70' OF 18, 19 & 20 BLK 31 ORIGINAL TOWN	15530-03100-200-00	\$3,057.60
9 LUXEMBURG	S 52' OF 18, 19 & 20 BLK 31 ORIGINAL TOWN	15530-03100-200-03	\$235.20
5 MARKET	N 23'4 OF S 27' 2 1/2 OF LOT 2 BLK 29 ORIGINAL TOWN	15530-02900-020-03	\$1,396.50
11 MARKET	LOT 5 & 6 BLK 29 ORIGINAL TOWN	15530-02900-050-00	\$2,164.58
14 MARKET	LOT 10 & N 20' OF E 50' & S 24' OF LOT 11 BLK 28 ORIGINAL TOWN	15530-02800-100-00	\$3,307.50
17 MARKET	LOTS 7, 8 & 9 BLK 29 ORIGINAL TOWN	15530-02900-070-00	\$3,770.55
19 MARKET	LOT 11 BLK 29 ORIGINAL TOWN	15530-02900-100-00	\$1,675.80
21 MARKET	LOT 11 BLK 29 ORIGINAL TOWN	15530-02900-110-00	\$404.25
23 MARKET	LOT 12 BLK 29 ORIGINAL TOWN	15530-02900-120-00	\$588.00
24 MARKET	LOT 9 BLK 28 ORIGINAL TOWN	15530-02800-090-00	\$3,381.00
26 MARKET	LOT 8 BLK 28 ORIGINAL TOWN	15530-02800-080-00	\$6,438.60
116 MARKET	LOTS 10, 11 & 12 BLK 23 ORIGINAL TOWN	15530-02300-110-00	\$595.00
5 PROSPECT	LOT HD-1 LOT 15 BLK 35 SNYDERS	15720-03500-150-03	\$1,521.45
16 PROSPECT	LOT 3 BLK 36 SNYDERS	15720-03600-030-00	\$1,102.50
25 PROSPECT	N 1/2 OF LOT 13 & ALL OF LOT 14 BLK 35 SNYDERS	15720-03500-140-00	\$441.00
111 W. KIDDER	LOT 13 BLK 29 ORIGINAL TOWN	15530-02900-130-00	\$3,351.60
121 W. KIDDER	LOTS 14, 15, 16 & 17 BLK 29 ORIGINAL TOWN	15530-02900-170-00	\$10,032.17
1 W. MAIN	S 60.5' OF LOT 25 BLK 35 SNYDERS ADDN	15720-03500-250-00	\$6,618.68
2 W. MAIN	LOT 25 BLK 28 ORIGINAL TOWN	15530-02800-250-00	\$11,502.75
3 W. MAIN	LOT 24 BLK 35 SNYDERS	15720-03500-240-00	\$771.75
4 W. MAIN	LOT 24 BLK 28 ORIGINAL TOWN	15530-02800-240-00	\$367.50
5 W. MAIN	LOTS 22 & 23 BLK 35 SNYDERS	15720-03500-230-00	\$735.00
9 W. MAIN	LOT 21 BLK 35 SNYDERS	15720-03500-210-00	

			\$183.75
10 W. MAIN	LOT 21 BLK 28 ORIGINAL TOWN	15530-02800-210-00	\$551.25
12 W. MAIN	LOT 20 & ALL VAC ALLEY ADJ TO LOT 20 BLK 28 ORIGINAL TOWN	15530-02800-200-00	\$955.50
13 W. MAIN	E 23 1/2' OF LOT 19 BLK 35 & ALL OF VAC ALLEY SNYDERS	15720-03500-190-03	\$661.50
16 W. MAIN	LOT 18 & W 25' OF E 50' OF LOT 12 BLK 28 ORIGINAL TOWN OF VERMILLION	15530-02800-180-00	\$367.50
15 W. MAIN	E 5.5' OF LOT 18 & W 12.5' OF LOT 19 BLK 35 SNYDERS	15720-03500-190-00	\$183.75
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	\$183.75
19 W. MAIN	LOT 17 & W 12.5' OF 18 BLK 35 SNYDERS	15720-03500-180-00	\$183.75
23 W. MAIN	E 25' OF LOT 15 BLK 35 SNYDERS	15720-03500-150-06	\$183.75
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	\$6,063.75
25 W. MAIN	W 25' OF LOT 15 EXC LOT HD-1 BLK 35 SNYDERS	15720-03500-150-00	\$6,004.95
101 W. MAIN	LOT 24 BLK 36 SNYDERS ADDN	15720-03600-230-00	\$4,134.38
108 W. MAIN	LOT B BLK 29 ORIGINAL TOWN	15530-02900-020-00	\$3,333.17
113 W. MAIN	LOTS 15, 16 & 17 BLK 36 SNYDERS	15720-03600-170-00	\$4,005.75
114 W. MAIN	LOTS 19 & 20 BLK 29 ORIGINAL TOWN	15530-02900-200-00	\$3,785.25
120 W. MAIN	N 78' OF LOT 18 BLK 29 ORIGINAL TOWN	15530-02900-180-03	\$477.75
200 W. MAIN	N 125' OF LOTS 18, 19, 20 BLK 30 ORIGINAL TOWN	15530-03000-200-03	\$1,433.25
211 W. MAIN	LOTS 1 TO 14 BLK 37 SNYDERS	15720-03700-140-00	\$3,675.00
212 W. MAIN	E 10' OF 16 & ALL IF 17 BLK 30 ORIGINAL TOWN	15530-03000-170-00	\$1,102.50
222 W. MAIN	LOT 15 & W 40' OF 16 BLK 30 ORIGINAL TOWN	15530-03000-160-00	\$3,439.80
301 W. MAIN	LOT PE-1 A PT OF LOTS 5 & 6 BLK 38 SNYDERS	15720-03800-000-00	\$4,998.00
309 W. MAIN	TRACT D-1 BLK 38	15720-03800-000-06	

	SNYDERS		\$1,653.75
	E 100' OF S 24' OF 11 BLK 38		
	SNYDERS & LOT 16 & 17	15720-03800-110-06	
315 W. MAIN	BLK 38 SNYDERS	15720-03800-170-00	\$1,929.38
	LOT 15 & W 50' OF S 24' OF		
	LOT 11 BLK 38 SNYDER'S		
317 W. MAIN	ADDN	15720-03800-150-00	\$1,837.50
	LOTS 4 & 5 & N 1/2 OF 6 BLK		
	31 ORIGINAL TOWN & LOTS		
	15, 16, 17 BLK 31 ORIGINAL	15530-03100-060-00	
	TOWN & LOTS 8, 9, 10, & 11	15530-03100-110-00	
320 W. MAIN	BLK 31 ORIGINAL TOWN	15530-03100-170-00	\$551.25
14 WASHINGTON	LOT 4 BLK 38 SNYDERS	15720-03800-040-00	\$1,286.25
	S 1' OF LOT 2 & ALL 3 BLK		
16 WASHINGTON	38 SNYDERS	15720-03800-030-00	\$1,653.75
	LOT 1 & N 43' OF LOT 2 BLK		
22 WASHINGTON	38 SNYDERS	15720-03800-020-00	\$955.50
	LOTS 4, 5, 6 & 7 BLK 22		
115 MARKET	ORIGINAL TOWN	15530-02200-070-00	\$3,601.50
	S 3' 10.5" OF LOT 2 & N 19'		
	10.5" OF LOT 3 BLK 29		
7 MARKET	ORIGINAL TOWN	15530-02900-030-00	\$1,675.80

The estimate is based on 2013 estimated costs.

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 completed by the 30th day of June, 2015, or be under contract to be completed no later than the end of 2015. A no cost permit is required to be filed at the City for any repairs performed to the sidewalks. This permit is required to be filled whether the owner is performing the work himself, hiring a contractor to complete the work or electing to have the City perform the work. The permits will be due to the City no later than June 30, 2015.

BE IT FURTHER RESOLVED, that if a property owner does not repair their sidewalk properly within the time specified, the City of Vermillion will cause the repairs to be made and assess the costs, plus a fiscal fee. The fiscal fee will be EIGHT PERCENT (8%) of the cost or FIFTY DOLLARS (\$50.00), whichever is greater.

BE IT FURTHER RESOLVED, that the assessment shall be payable in two (2) equal annual installments. Any assessment or installment not paid within THIRTY (30) days after filing the approved assessment roll in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of TEN PERCENT (10%) per annum.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00

p.m. on the 6th day of January, 2014 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 16th day of December, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Published on December 20th and December 27th, 2013

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 16, 2013

Subject: Developer's Agreement with Dr. Duane Mehlhaf owner of Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Dr. Duane Mehlhaf is in the process of platting a portion of his land for the construction of a 15-unit multi-family apartment. The property is located at the northeast corner of E. Clark Street and N. Norbeck Street.

Discussion: City ordinance requires that the property owner construct sidewalks, grading, curb and gutter, street surfacing, street lights, water and sewer improvements on all streets abutting a property to be developed. The lot in question is a corner lot that will front North Norbeck Street and East Clark Street. The agreement will require that the owner do the following:

- Construct any required sidewalks as a condition to the building permit.
- Construction of East Clark Street would be delayed until it's either requested by the City Council, or additional development east of Dr. Mehlhaf's property needing the street is constructed.
- The access point off North Norbeck Street will be temporary in nature and may be modified, or removed, once East Clark Street is constructed.
- All sanitary sewer and water main extensions required along East Clark Street will be completed when either the City Council requests the improvements, or when East Clark Street is constructed.
- Will not remonstrate against any assessments required along East Clark Street regarding street or utility construction.

Financial Considerations: The City will incur the \$30.00 filing fee.

Conclusion/Recommendations: Administration recommends the City Council authorize the Mayor to sign the Developer's Agreement with the owner of Lot 1, Block 3, Mehlhaf Addition.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 16, 2013

Subject: Final Plat of Lot 1, Block 3, Mehlhaf Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Brandt Land Surveying has submitted a final plat for Lot 1, Block 3 on behalf of the owner. The area to be final platted is roughly 0.68-acres in area and is bordered on the south by East Clark Street and on the west by North Norbeck Street. The proposed plat will create one lot. This lot falls within the R-3 zoning district. At this point the property owner is planning on constructing a 15-plex multi-family building.

The plat was reviewed by the Planning Commission at their December 9th meeting. At that meeting, the Planning Commission recommended that the City Council approve the plat contingent on a developer's agreement regarding access to the proposed lot and the construction of East Clark Street (road and utilities).

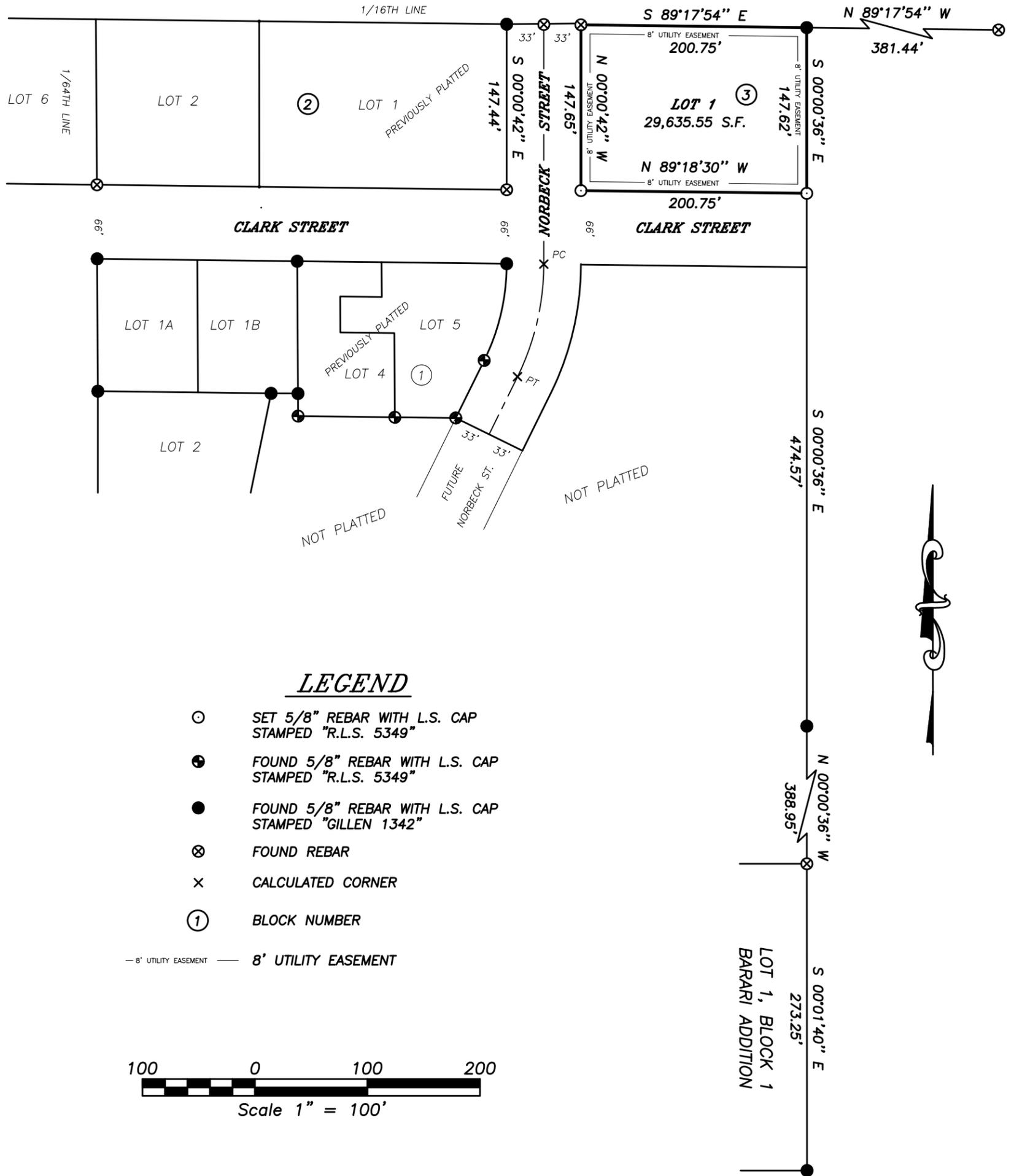
Discussion: Staff reviewed the final plat and finds that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the lot along with the right-of-way for East Clark Street.

In addition to the plat, Staff has been in the process of working with the property owner to finalize a developer's agreement. The agreement will address the future construction of East Clark Street, any utility extensions along East Clark Street and access points to the proposed lot.

Financial Considerations: All required platting fees have been paid.

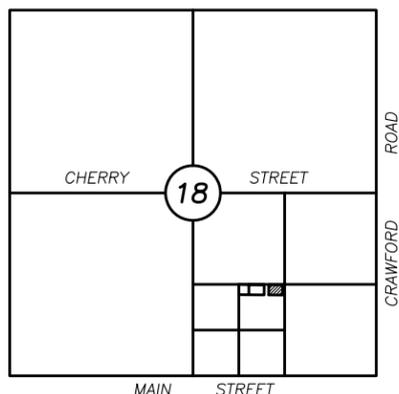
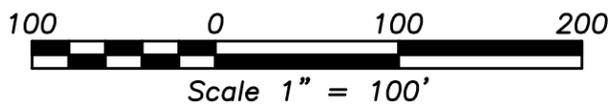
Conclusion/Recommendations: Administration finds that the final plat meets all of the ordinance requirements and recommends approval of the final plat *only if* a developer's agreement has been signed by the owner and approved with the previous agenda item.

**A PLAT OF LOT 1, BLOCK 3, MEHLHAF ADDITION TO THE CITY OF VERMILLION,
CLAY COUNTY, SOUTH DAKOTA.**



LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "R.L.S. 5349"
 - ⊕ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "R.L.S. 5349"
 - FOUND 5/8" REBAR WITH L.S. CAP STAMPED "GILLEN 1342"
 - ⊗ FOUND REBAR
 - × CALCULATED CORNER
 - ① BLOCK NUMBER
- 8' UTILITY EASEMENT — 8' UTILITY EASEMENT



LOCATION (N.T.S.)

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

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

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 16, 2013
Subject: Commercial Collectors License Renewal
Presenter: Mike Carlson

Background: City ordinance requires approval by the City Council for the issuance of a commercial collector's license. The ordinance sections are as follows:

Sec. 52.09 License-Required.

It shall be unlawful for contract or commercial haulers to use the streets for the collection, removal or disposal of any receivable solid waste and yard waste without first having obtained a license to perform such services from the finance officer. As a condition to the granting of any said license, all commercial haulers shall agree to abide by all city ordinances or landfill regulation involving the collection or depositing of any receivable solid waste and yard waste, including the requirements of sections 52.07, 52.12 and 52-13. In the event any commercial garbage hauler fails to abide by these said ordinances or regulations, the City of Vermillion reserves the right to terminate said license. This requirement does not apply to building contractors removing and disposing of receivable solid waste incidental to a construction contract, nor to any firm or individual who, for a fee, engages in the removal of receivable solid waste for disposal for fewer than two days in any calendar year.

Sec. 52.10. Same-Application; plate to be displayed. Application for license shall be filed at the office of the finance officer five (5) days prior to any consideration and approval by the council. The license fee shall be three hundred dollars (\$300.00) per year for commercial collectors or contract haulers collecting and transporting receivable solid waste including any one of the following types of material: garbage, household waste, industrial waste, and commercial waste. Such license shall also entitle holder to collect and transport yard waste and large trees and limbs. All licenses expire December 31 in the year that they are issued. The license plate or placard issued shall be displayed on each such vehicle at all times. Each license applicant shall, at the time of the submission of the license application, provide written verification to the City that the applicant met the financial liability requirement of state.

Sec. 52.13 Duty of Collectors. Licensed collectors or haulers shall obey all the ordinances and all the rules and regulations of the City of Vermillion or its designated officer and report to the supervising department any violation of this subchapter which may come to their notice. All licensed collectors or haulers may provide a subscription service for each customer. All charges for the collection of yard waste shall be made separate and distinct from any basic charges for all other collection services of receivable solid waste. Any violation of this subchapter or other rules and regulations that may be made from time to time by the City of Vermillion or any nonpayment of the fees provided by this subchapter will result in the suspension or revocation of the license to haul.

Discussion: The following firms have submitted an application to renew their commercial collector's license:

Loren Fischer Disposal - Loren Fischer, Owner
Fischer Disposal, LLC - Lonnie Fischer, Operator
Art's Garbage Service - Division of Waste Connections
Vermillion Garbage Service - Marty Johnson, Owner
Independence Waste - K & P Services Inc, Owner
Waste Management of South Dakota

I have talked to the Matt Mulheron, owner of Little Garbage Guys who stated that he is currently reviewing his options with the business and is uncertain if he is going to apply for a license. Nicole Mundy with Giedd Sanitation, LLC stated they were going to renew their license and that the application was mailed but as of packet preparation time was not received. I will provide an update on Monday evening if the applications are received.

The licensing requires those licensed to abide by City Ordinances. As part of the application process, the City requests, upon renewal, that they list any violations of City Ordinances during the past year. No violations were listed by the applicants on their applications. A follow up letter was sent to Fischer Disposal, LLC, Lonnie Fischer Operator, stating that he left that section blank and that the Police Chief has reports of City Ordinance violations. A copy of the first page of the applications is attached.

The license applications were sent to the Chief of Police and his report on the records check is attached. It should be noted the Police Chief's review only covers violations of city code or state statutes in the City limits.

Financial Consideration: The annual license fee is \$300 per year.

Conclusion/Recommendations: Administration recommends the City Council review the information on the commercial collections license applications to determine if the licenses should be renewed for 2014.

APPLICATION FOR CONTRACT OR COMMERCIAL HAULERS LICENSE
TO OPERATE IN THE CITY OF VERMILLION

Date: 12/9, 2013

Governing Body
City of Vermillion
25 Center Street
Vermillion, SD 57069

Gentlemen:

I hereby make application for a contract or commercial haulers license to use the streets for the collection, removal, or disposal of any receivable solid waste and yard waste. Attached hereto is my license fee of \$300 which will expire on December 31 of said year unless suspended or revoked.

Loren Fischer Disposal
Loren Fischer
31383 SD HWY 19, Vermillion, SD 57069
Phone
Daytime: 677-9304 Evening: _____ Cell: 677-9304

I have listed on the second page all vehicles to be included in this license and agree to notify the City Finance Officer of any changes in vehicles during the licensing period.

Attached hereto are copies of the insurance coverage for the vehicles listed and of the workers compensation coverage for the business.

Please list any moving violations while in the city, violations of city ordinances, collection requirements or landfill regulations by the applicant or their employees since the last license application.

The undersigned applicant certifies that all statements herein are true and correct and that the applicant complies with all of the city ordinances, collection requirements or landfill regulations.

Signature Loren Fischer Date 12/6/13
Print Name Loren Fischer Title owner

APPLICATION FOR CONTRACT OR COMMERCIAL HAULERS LICENSE
TO OPERATE IN THE CITY OF VERMILLION

Date: 11/29, 2013

Governing Body
City of Vermillion
25 Center Street
Vermillion, SD 57069

Gentlemen:

I hereby make application for a contract or commercial haulers license to use the streets for the collection, removal, or disposal of any receivable solid waste and yard waste. Attached hereto is my license fee of \$300 which will expire on December 31 of said year unless suspended or revoked.

Fischers Disposal LLC
Lonnie Fischer
46180 313th Street, Vermillion, SD 57069
Phone
Daytime: 624-8090 Evening: 624-8090 Cell: _____

I have listed on the second page all vehicles to be included in this license and agree to notify the City Finance Officer of any changes in vehicles during the licensing period.

Attached hereto are copies of the insurance coverage for the vehicles listed and of the workers compensation coverage for the business.

Please list any moving violations while in the city, violations of city ordinances, collection requirements or landfill regulations by the applicant or their employees since the last license application.

The undersigned applicant certifies that all statements herein are true and correct and that the applicant complies with all of the city ordinances, collection requirements or landfill regulations.

Signature Lonnie Fischer Date 11/29/13

Print Name Lonnie Fischer Title owner

APPLICATION FOR CONTRACT OR COMMERCIAL HAULERS LICENSE
TO OPERATE IN THE CITY OF VERMILLION

Date: 12-4, 2013

Governing Body
City of Vermillion
25 Center Street
Vermillion, SD 57069

Gentlemen:

I hereby make application for a contract or commercial haulers license to use the streets for the collection, removal, or disposal of any receivable solid waste and yard waste. Attached hereto is my license fee of \$300 which will expire on December 31 of said year unless suspended or revoked.

Art's Garbage Service div of Waste Connection
Vicki Bergman
1801 Wood Street, Norfolk, NE 68701
Phone

Daytime: 4026448300 Evening: 402-649-3488 Cell: 402649-3488

I have listed on the second page all vehicles to be included in this license and agree to notify the City Finance Officer of any changes in vehicles during the licensing period.

Attached hereto are copies of the insurance coverage for the vehicles listed and of the workers compensation coverage for the business.

Please list any moving violations while in the city, violations of city ordinances, collection requirements or landfill regulations by the applicant or their employees since the last license application.

The undersigned applicant certifies that all statements herein are true and correct and that the applicant complies with all of the city ordinances, collection requirements or landfill regulations.

Signature Kristi Hansen Date 12-4-13
Print Name Kristi Hansen Title CAR- AP/AR

APPLICATION FOR CONTRACT OR COMMERCIAL HAULERS LICENSE
TO OPERATE IN THE CITY OF VERMILLION

Date: 12/8, 2013

Governing Body
City of Vermillion
25 Center Street
Vermillion, SD 57069

Gentlemen:

I hereby make application for a contract or commercial haulers license to use the streets for the collection, removal, or disposal of any receivable solid waste and yard waste. Attached hereto is my license fee of \$300 which will expire on December 31 of said year unless suspended or revoked.

Vermillion Garbage Service
Marty Johnson
P.O. Box 424, Vermillion, SD 57069
Phone

Daytime: 677-8501 Evening: 674-5460 Cell: 677-8501

I have listed on the second page all vehicles to be included in this license and agree to notify the City Finance Officer of any changes in vehicles during the licensing period.

Attached hereto are copies of the insurance coverage for the vehicles listed and of the workers compensation coverage for the business.

Please list any moving violations while in the city, violations of city ordinances, collection requirements or landfill regulations by the applicant or their employees since the last license application.

none

The undersigned applicant certifies that all statements herein are true and correct and that the applicant complies with all of the city ordinances, collection requirements or landfill regulations.

Signature Marty Johnson Date 12/8/13

Print Name Marty Johnson Title Owner

APPLICATION FOR CONTRACT OR COMMERCIAL HAULERS LICENSE
TO OPERATE IN THE CITY OF VERMILLION

Date: 11/26, 2013

Governing Body
City of Vermillion
25 Center Street
Vermillion, SD 57069

Gentlemen:

I hereby make application for a contract or commercial haulers license to use the streets for the collection, removal, or disposal of any receivable solid waste and yard waste. Attached hereto is my license fee of \$300 which will expire on December 31 of said year unless suspended or revoked.

Independence Waste
K & P Services Inc. % Burt Mason
P.O. Box 1010, Elk Point, SD 57025
Phone
Daytime: 605-356-2909 Evening: _____ Cell: _____

I have listed on the second page all vehicles to be included in this license and agree to notify the City Finance Officer of any changes in vehicles during the licensing period.

Attached hereto are copies of the insurance coverage for the vehicles listed and of the workers compensation coverage for the business.

Please list any moving violations while in the city, violations of city ordinances, collection requirements or landfill regulations by the applicant or their employees since the last license application.

The undersigned applicant certifies that all statements herein are true and correct and that the applicant complies with all of the city ordinances, collection requirements or landfill regulations.

Signature Aaron Kewen

Date 11/26/13

Print Name Aaron Kewen

Title Operations Manager

APPLICATION FOR CONTRACT OR COMMERCIAL HAULERS LICENSE
TO OPERATE IN THE CITY OF VERMILLION

Date: 12-12, 2013

Governing Body
City of Vermillion
25 Center Street
Vermillion, SD 57069

Gentlemen:

I hereby make application for a contract or commercial haulers license to use the streets for the collection, removal, or disposal of any receivable solid waste and yard waste. Attached hereto is my license fee of \$300 which will expire on December 31 of said year unless suspended or revoked.

Waste Management of South Dakota
Chet Jones
2221 E Rice Street, Sioux Falls, SD 57103
Phone

Daytime: 605-906-6036 Evening: 605-376-2914 Cell: 605-376-2914

I have listed on the second page all vehicles to be included in this license and agree to notify the City Finance Officer of any changes in vehicles during the licensing period.

Attached hereto are copies of the insurance coverage for the vehicles listed and of the workers compensation coverage for the business.

Please list any moving violations while in the city, violations of city ordinances, collection requirements or landfill regulations by the applicant or their employees since the last license application.

None

The undersigned applicant certifies that all statements herein are true and correct and that the applicant complies with all of the city ordinances, collection requirements or landfill regulations.

Signature Chet Jones

Date 12/12/13

Print Name Chet Jones

Title District Manager

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



December 11, 2013

To: Mike Carlson, Finance Officer

From: Matt Betzen, Chief of Police

Re: Renewal of Commercial Collector's Licenses

Sir,

The following collectors have applied for renewal of their Commercial Collector's License. A check of the Vermillion Police Department Records reveals the following.

Giedd Sanitation LLC. – Travis Giedd and Nicole Mundy, Owners

- In 2013, there were no reported Ordinance Violations involving Giedd Sanitation.

Independence Waste – K & P Services Inc., Owner

- In 2013, there were no reported Ordinance Violations involving Independence Waste.

Loren Fischer Disposal – Loren Fischer, Owner

- On 6/5/13, a citizen called in a complaint on a Loren Fischer Dump Truck claiming the vehicle had run a stop sign and almost caused an accident.
- On 6/19/13, the Loren Fischer Dump Truck was stopped and warned about driving on the wrong side of the roadway while picking up garbage.
- On 11/13/13, a citizen called to report a fight in his front yard. The fight turned out to be a dispute between Loren Fischer and one of his employees.

Fischer Disposal, LLC – Lonnie Fischer, Owner

- On 8/13/13 and 8/16/13, Lonnie Fischer was contacted by an officer and warned about picking up garbage in residential areas prior to 0600.
- On 10/24/13, Lonnie Fischer was cited for picking up garbage in a residential area prior to 0600.
- On 11/18/13, Lonnie Fischer was cited for picking up garbage in a residential area prior to 0600.

Art's Garbage Service – Division of Waste Connections – Vicki Bergman, owner

- In 2013, there were no reported Ordinance Violations involving Art's Garbage Service.

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



Vermillion Garbage Service – Marty Johnson, Owner

- In 2013, there were no reported Ordinance Violations involving Vermillion Garbage Service.

Little Garbage Guys – Matt Mulheron, Owner

- In 2013, there were no reported Ordinance Violations involving Little Garbage Guys.

Waste Management of South Dakota – Chet Jones, District Manager

- This is a new application and there is not information in the Vermillion Police Records regarding this applicant.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 16, 2016
Subject: Report of Utility Committee Meeting on Electric rate adjustment
Presenter: John Prescott, City Manager

Background: The City of Vermillion Utility Committee met on December 11, 2013 to review electric rates in response to a rate increase in 2014 from our supplemental power supplier, Missouri River Energy Services (MRES). This rate increase is projected to result in a cost increase to the City of approximately \$85,000/year; or 1.4% of retail revenues.

The Western Area Power Administration (WAPA), our base power supplier, is not projecting any rate changes for 2014. Due to uncertain responses from WAPA, MRES staff is projecting a 2% rate increase from WAPA for 2015 in the current rate studies that they are conducting for other MRES customers. A 2% WAPA increase in 2015 would increase our energy purchasing cost by approximately \$30,000/year.

The City Council last adopted a resolution to adjust electric rates in May 2011. The resolution called for a 2.2% rate increase for bills due in July 2011. As part of the resolution, revenue neutral season rates were also adopted starting in 2012. The revenue neutral rates provided for a higher rate during three summer months and a lower rate during the other nine months.

The minutes of the Utility Committee are attached.

Discussion: City staff and MRES are proposing an overall 2.2% Vermillion Light & Power (VLP) electric rate increase to provide the necessary revenue to meet increased expenses. The rate increase of \$0.002/kWh will be uniform across all rate classes and would generate an additional \$130,000 if applied to all twelve 2014 billing periods. The rate increase would be implemented with the billing sent out in February that is due no later than March 10, 2014 thus generating about \$100,000 of increased revenue for 2014. The committee discussed the proposed rate increase along with other capital projections for the electric utility.

Financial Consideration: None at this time.

Conclusion/Recommendations: The recommendation of the Utility to the City Council is to increase the electric rates as proposed by 2.2% or \$0.002/kWh for all rate classes to be effective with the bills sent in February that are due March 10, 2014. As the City Council cannot act on a report of a committee at the same meeting the report is received, the City Council will need to accept the report and request the rate resolution for consideration at the January 6th meeting.

City of Vermillion
Utility Committee Meeting
Wednesday, December 11, 2013
1:30 p.m. City Hall first floor conference room

The meeting of the City of Vermillion Utility Committee was called to order by Chairman Powell on Wednesday, December 11, 2013 at 1:30 a.m. in the City Hall first floor conference room.

Present: Powell, Ward, Willson, Grayson

Also present: John Prescott, Mike Carlson

Chairman Powell stated the meeting was to consider an increase in electric rates to pass along the increased cost the city will have starting in 2014 for the purchase of supplemental power from Missouri River Energy Services (MRES) our supplemental power supplier. Chairman Powell provided background of the city's contractual relationship with MRES that supplies approximately 40% of the city's power needs with the balance being supplied by Western Area Power Administration (WAPA).

John Prescott, City Manager, reported the last electric rate increase was in May 2011 and the revenue neutral seasonal rates started in 2012 whereby the three summer months were higher than the other nine months of the year. John reported that MRES has implemented a rate increase for 2014 that will result in a cost increase to the City of approximately \$85,000 for 2014. John noted that WAPA is not projecting any rate changes for 2014 but is looking at a 2% increase for 2015 that would cost the city approximately \$30,000 per year. John stated that City staff in working with MRES is proposing an overall 2.2% electric rate increase to provide the necessary revenue to meet the increased cost of supplemental power. The rate increase of \$0.002/kWh will be uniform across all rate classes and is projected to generate an additional \$130,000 if applied to all twelve months for 2014. The proposal is to implement the rate increase with the bills sent out in February that are due by March 10, 2014 thus there will be 10 months of the rate increase in 2014. If the WAPA rate increase for 2015 is what is projected this rate increase will cover the increased power costs for 2014 and 2015. John reviewed the current and proposed rates along with graph comparison of monthly rates for each rate class. Discussion followed on the electric rates as well as the projects planned for the next few years in the electric utility.

Ward moved to recommend to the City Council the increase in electric rates as proposed of 2.2% of \$0.002/kWh for all rate classes to be effective with the bills sent in February that are due March 10, 2014. Willson seconded the motion. Motion carried 4 to 0. John Prescott noted that the committee will report to the City Council at the December 16th meeting and the resolution to adjust rates will be on the January 6th meeting agenda.

With no other business before the committee Chairman Powell declared the meeting adjourned at 1:55 p.m.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 16, 2013
Subject: Public Safety Center Board Appointment
Presenter: Mike Carlson

Background: When the Public Safety Center was built, there was a Construction and Use Agreement entered into between the City and County on January 21, 1988. The agreement provided for a Public Safety Center Board that would resolve any issues and/or conflicts between the City and County in the use of the facility. Article III of the agreement is as follows:

The County and City agree to form a Public Safety Center Board which shall be the governing body of the Joint Law Enforcement center. The Board shall be comprised of the Sheriff, Chief of Police, Mayor, Chairman of Clay County Commissioners and three residents of Clay County. The political officials shall remain on the Board during their respective terms of office. The residents shall be appointed for a three (3) year term with the first appointees serving a three (3) year term, a two (2) year term, and a one (1) year term, respectively. All appointees to the Board shall be nominated jointly by the Clay County Commission and the Vermillion City Council.

As far as we can determine, the board has never had to meet.

Discussion: The current members of the board and the expiration of their current term are Dave Thiesse (2015), Bruce Plate (2014) and John Storm (2013). As John Storm has moved, Sheriff Howe and Police Chief Betzen are recommending the appointment of Robert Fuller for a term ending December 31, 2016. Sheriff Howe will be recommending to the County Commissioners the appointment of Robert Fuller to the Public Safety Center Board.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends appointing Robert Fuller to the Public Safety Center Board with a term expiring December 31, 2016.

Council Agenda Memo

From: Jason Anderson, Asst. City Engineer
Meeting: December 16, 2013
Subject: Purchase of Electric Pad-mount Switches
Presenter: Jason Anderson

Background: The City of Vermillion has elected for several years to purchase electrical pad-mount switchgear for the Electric Department off of other governmental bids to either save on annual price increases, take advantage of volume discounts, or save on the preparation of bid specifications and associated bidding costs. The City of Watertown recently took bids on six switches meeting our standards from two bidders. One bid was rejected as it did not meet specifications. The bid was awarded to Stuart C. Irby Co., Eagan, Minnesota. The Stuart C. Irby Co. is willing to sell four pad-mount switches to the City of Vermillion at the same amount as the Watertown bid price.

Discussion: The switchgear bid meets our standards and saves the City from having to prepare bid specifications, advertise, and other associated bidding costs.

Financial Consideration: The cost of the four pad-mount switches to the Electric Distribution fund would be \$55,620. The 2014 budget in line item 3810 (Electric Construction) includes adequate funding for capital purchases such as pad-mount switches.

Conclusion/Recommendations: Administration recommends purchasing the four pad-mount switches off the City of Watertown bid from Stuart C. Irby Co. for \$55,620. Attached is a resolution authorizing the purchase of the switchgear at the Watertown bid price.

**RESOLUTION
AUTHORIZING PURCHASE OF
PAD-MOUNT SWITCHES**

WHEREAS, SDCL 5-18A-22 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State or United States 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 City of Watertown, South Dakota for pad-mount switches from Stuart C. Irby Co. in the amount of \$13,765 each for S&C PME-9 and \$14,325 each for S&C PME-11 pad-mount switchgear offers an advantageous price to the City for said items; and

WHEREAS, the City has contacted Stuart C. Irby Co. and they have agreed to allow the City to purchase three S&C PME-9 and one S&C PME-11 pad-mount switches for the awarded prices and terms as they have contracted with the City of Watertown, South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the City Finance Officer is hereby authorized to purchase **three (3) S&C PME-9 and one (1) S&C PME-11 pad-mount switches** at the awarded prices and under the same terms as the City of Watertown, South Dakota for a total amount of \$55,620.

Dated at Vermillion, South Dakota this 16th day of December 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Jason Anderson, Asst. City Engineer
Meeting: December 16, 2013
Subject: Declaration of Surplus Street Department Skid Steer Loader
Presenter: Jason Anderson

Background: A new skid loader for the Street Department will be delivered to Vermillion during the first week of January 2014. The skid loader that is being replaced, a 2001 Bobcat 773T Hi-Flow and related attachment, is now ready to be declared surplus and appraised prior to being sold by sealed bids.

Discussion: To sell the skid loader, the City Council will need to declare the item surplus and have the Surplus Property Appraisal Committee appraise the item. Staff recommends appraising this skid loader at \$11,500.

A breaker attachment will be sold separately, but in conjunction with this skid loader. Staff recommends appraising the breaker at \$3,300.

The two items will be advertised and sold by sealed bids with a proposed bid opening date of February 11, 2014. The Consensus Agenda includes setting the bid opening date.

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

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

Council Agenda Memo

From: Jason Anderson, Assistant City Engineer
Meeting: December 16, 2013
Subject: Purchase of Police Patrol Car at the State Contract Price
Presenter: Jason Anderson

Background: The replacement of one 2011 police patrol car was budgeted in the 2014 Equipment Replacement Fund. Patrol cars are on a three year rotation and the 2011 car will have around 75,000 miles when replaced.

Discussion: The State of South Dakota awarded its annual contracts for vehicle acquisition on October 12, 2013 for the 2014 model year vehicles. The State contract for a Police 4-Door Sedan, was awarded to Billion Auto of Sioux Falls. The vehicle is a Chevrolet Caprice for a base price of \$25,899. Billion Auto has agreed to honor the state bid and sell the City a 2014 Chevy Caprice for the base price of \$25,899, with additional options in the amount of \$820, for a total of \$26,719.

In the past the City has purchased Ford Crown Victoria police cars. Since Ford no longer offers the Crown Victoria police package, the City has been forced to analyze alternative options. Ford offers Interceptor sedans that are built on the Taurus chassis, while Chevrolet offers the front wheel drive Impala and rear wheel drive Caprice.

In December 2012 the VPD conducted an analysis of the Ford Interceptor and Chevrolet Caprice police vehicles. Officers from the VPD traveled to Sioux Falls and Yankton to test drive the Ford Interceptor and Chevrolet Caprice police vehicles, respectively. The report concluded that the Caprice provides officers with greater interior space that is particularly important for larger individuals and the gear worn by an Officer. The amount of and access to the rear seat space are also better with the Caprice.

Financial Consideration: The 2014 Equipment Replacement Fund includes the purchase of a police car for \$29,500. The 2011 patrol car will be declared surplus after delivery of the new vehicle and sold by sealed bids. The revenue from the sale of the surplus vehicle will be returned to the equipment replacement fund.

Conclusion/Recommendations: Administration recommends purchasing one Chevy Caprice Police Car from Billion Auto of Sioux Falls for the State Contract base price of \$25,899, plus additional options for a total of \$26,719. Attached is a resolution authorizing the purchase of the police car from the State contract.

**RESOLUTION
AUTHORIZING THE PURCHASE OF
A POLICE VEHICLE**

WHEREAS, SDCL 5-18-18 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the 2014 bid awarded by the State of South Dakota for a Chevrolet Caprice police vehicle from Billion Auto of Sioux Falls, South Dakota for the base bid of \$25,899 plus additional options in the amount of \$820, for a total cost of \$26,719, offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Billion Auto and they have agreed to allow the City to purchase the police vehicle for the awarded price and terms as they have contracted with the State of South Dakota in October 2013.

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 2014 Chevrolet Caprice police package vehicle from Billion Auto of Sioux Falls, South Dakota at the above stated price and under the same terms as the State of South Dakota 2013 bid.

Dated at Vermillion, South Dakota this 16th day of December, 2013.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

(SEAL)

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 16, 2013
Subject: Professional services agreement for annual audit – Williams & Company
Presenter: Mike Carlson

Background: The city is required to have an annual audit. The Department of Legislative Audit has oversight on all local government audits. The City was informed that, due to their workload, the Department of Legislative Audit would not be auditing the city for 2013 and the City would need to contract with an independent public accountant for an audit.

Discussion: Williams & Company was contacted about their ability to do the city audit since they have conducted the audit since 1999. In discussing the fee, it was offered that if the city would enter into a five year agreement for 2013 through 2017 the fee would be \$22,200, \$22,900, \$23,500, \$24,300 and \$25,000 respectively. In addition, there will be a \$2,600 fee for each major federal program (\$300,000 or more) required to be audited. The annual fee has increased since the last contract which was for three years. The 2012 fee was \$21,600 plus \$2,500 for each of the two major federal grants (airport and bike path).

The City is required to have an annual audit according to the city hall lease/purchase, wastewater refunding bond and electric revenue bonds resolutions.

Financial Consideration: The cost will be \$22,200 for 2013, \$22,900 for 2014, \$23,500 for 2015, \$24,300 for 2016 and \$25,000 for 2017, plus \$2,600 for each major federal grant for the annual audit. In 2012, we had two major federal grants being the airport improvements and bike path.

Conclusion/Recommendations: Administration recommends approval of the agreement with Williams & Company for the auditing services for the next five years contingent upon Department of Legislative Audit approval.

**AGREEMENT BETWEEN
THE CITY OF VERMILLION
AND
WILLIAMS & COMPANY, P.C.**

THIS AGREEMENT made and entered into the 4th day of December by and between the City of Vermillion, South Dakota, hereinafter called "the City" and Williams & Company, P.C., hereinafter called "CPA".

WHEREAS, the City is required by law to annually make a complete audit of every department of the City; and

WHEREAS, the City wishes to obtain the services of the CPA to perform the annual audit of the City's Accounts.

WHEREAS, this agreement is in the best interest of the public in fulfilling the above audit requirement.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED:

1. That the CPA will:
 - a. Provide auditors of various classifications.
 - b. Begin work on the audit engagement as specifically agreed upon by the City.
 - c. Perform all work in accordance with U.S. generally accepted auditing standards, Government Auditing Standards, and OMB Circular A-133 as applicable.
 - d. Assist with reviewing the financial statements in accordance with GASB 34 reporting model.
 - e. Provide access to the working papers of the City and/or its designee for the period of five years after issuance of the audit report.

2. Conditions of Payment:
 - a. The proposed audit fee for the City for the years ended December 31 are as follows:

December 31, 2013	\$22,200
December 31, 2014	\$22,900
December 31, 2015	\$23,500
December 31, 2016	\$24,300
December 31, 2017	\$25,000

In addition, there will be a \$2,600 fee for each major program required to be audited under OMB Circular A-133 for each applicable year. The only situations that would create additional increases in our budgeted costs would be any additional changes in auditing standards or reporting requirements of the AICPA; a deterioration of internal controls; or missing or inaccurate records making various reconciliations impossible or impractical, or a change in the reporting entity or reporting format. We do not anticipate any additional changes and we would certainly be able to recognize such an event soon enough that it could be discussed before proceeding with our work.

3. Termination of Agreement:
 - a. The City may terminate this contract without notice if the CPA fails to perform the covenants or agreements contained herein.
 - b. The CPA shall be paid for all work satisfactorily performed to the date of termination.

4. The City accepts the proposals for the 2013, 2014, 2015, 2016 and 2017 audit years, subject to the Department of Legislative Audit's preemptive right to conduct an audit in lieu of CPA in any of those years.

IN WITNESS THEREOF, the City and CPA have executed this AGREEMENT as of the date indicated below:

CPA

CITY OF VERMILLION

By Jane Scheitler, CPA

By _____

Title Manager

Title _____

Date 12-5-13

Date _____

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: December 16, 2013

Subject: Letting Authorization for Shared Used Path along SD Hwy. 19 from SD Hwy. 50 to West Cherry Street

Presenter: Jose Dominguez

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

Discussion: At this point, all of the required easements and right-of-way have been acquired for the construction of the shared used path. The document that the DOT is requesting will allow them to bid, review and award the bid without the City's review. This process was followed during the Stanford Street reconstruction project in 2012, and will be used during the W. Main Street Mill and Overlay project.

Financial Consideration: There is no additional cost, besides postage, associated with these forms. The DOT is estimating that the cost of the construction for the shared used path will be around \$187,000. When you include the engineering fees and the construction administration fees the total project cost would be closer to \$244,000. However, it should be noted that the City has already paid for all of the engineering fees associated with the design of the project. Removing this amount brings the project total closer to \$207,000. At this point we estimate that the City has approximately \$228,000 left of the original grant. We estimate that once all of the reimbursements are made to the City, the City will have paid a total of \$37,365.

Conclusion/Recommendations: Administration recommends signing the form authorizing the DOT to let the project.

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

RE: LETTING AUTHORIZATION FOR PROJECT NO. EM 8014(33) PCN 03WA
IN Clay COUNTY

This acknowledges that the South Dakota Department of Transportation, Office of Local Government Assistance, estimates the following costs for the noted project:

Preliminary Engineering	\$37,311.33
Utilities Relocations	\$ -0-
ROW Acquisitions	\$ -0-
Construction (LOW BID)	\$186,459.67
Non-participating Costs	\$ -0-
Construction Engineering	<u>\$20,000.00</u>
Estimated Total Project Cost	\$243,771.00

The cost of the project will be covered by 81.95% Federal participation and 18.05% in City matching funds. City matching funds are payable upon billing by the State. Non-participating costs will be paid for by the City.

The South Dakota Department of Transportation is hereby authorized and requested to advertise the project for bids.

The Transportation Commission, under their authority, will review the bids. Approved bids shall be awarded solely by the Transportation Commission.

DATED THIS _____ DAY OF _____, 20 ____.

CITY COMMISSION / COUNCIL

OF _____ (CITY)

BY: _____
MAYOR OR CITY MANAGER

ATTEST: _____
CITY CLERK OR
FINANCE OFFICER
(SEAL)

Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: December 16, 2013

Subject: 115kV Breakers & CVTs

Presenter: Jason Anderson

Background: On December 10, 2013 bids were opened for the furnishing of materials for the upcoming 115kV Substation Improvements project. The 115kV Substation Improvement project is intended to improve the reliability of the electric system and upgrade existing equipment. The materials to be furnished with this bid are 115kV breakers and CVTs or PTs.

Discussion: Three acceptable bids for 115kV breakers were received, ranging in price from \$98,800 to \$121,260. The low bidder was ABB, Inc. with a bid of \$98,000.

Two acceptable bids for the CVTs were received, with one alternate bid received for the use of PTs instead of CVTs. The bids for CVTs ranged from \$35,955 to \$36,990; the lone alternate to provide PTs was \$39,955. The option to bid the PTs instead of the CVTs provided us with a cost comparison between each instrument. The advantage of the PT is greater metering accuracy. Due to minimal cost difference, it is the opinion of DGR and City staff that the City should award the alternate bid 2A (purchase PTs in lieu of CVTs).

A copy of the bid tabulation sheet and consulting engineer recommendation are attached.

Financial Consideration: The 115kV Substation Improvements project has been budgeted for in the 2014 Electric Distribution fund. The breakers were expected to cost approximately \$125,000 and the CVTs (or PTs) were expected to cost approximately \$40,000.

Conclusion/Recommendations: The recommendation of Administration and DGR is to award both Bids 1 and 2A to the low bidder, ABB, Inc., for a total amount of \$138,755.

BID SUMMARY

**Bid No. #1: FURNISHING 115 KV SF6 CIRCUIT BREAKERS
CITY OF VERMILLION
VERMILLION, SOUTH DAKOTA**



1302 South Union Street
Rock Rapids, Iowa 51246
DGR Project No. 414813

Bid Letting: December 10, 2013 - 1:30 PM
City Hall
25 Center Street
Vermillion, SD 57069
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Bidder and Address	Bid Security	Acknowledge Addendum No. 1	Bid No. 1 115 kV Circuit Breaker Unit Price	Bid No. 1 115 kV Circuit Breaker Total Base Bid	Comments
ABB Inc. 100 Distribution Circle Mt. Pleasant, PA 15666	10% Bid Bond	YES	\$49,400.00	\$98,800.00	
Alstom Grid One Power Lane Charleroi, PA 15022	10% Bid Bond	YES	\$50,650.00	\$101,300.00	
Mitsubishi Electric 512 Keystone Drive Warrendale, PA 15086	10% Bid Bond	YES	\$60,630.00	\$121,260.00	
HICO	Bid Bond \$6,355	YES			Rejected Insufficient bid bond.
Sieman's 444 Hwy 49 S Richland, MS 39218	5% Bond Bond	YES			Rejected Insufficient bid bond and not signed.

Base Bid includes: Two (2) 115 kV SF6 Circuit Breaker

BID SUMMARY

**Bid No. #2: FURNISHING 115 KV CAPACITOR VOLTAGE TRANSFORMER (CVT)
CITY OF VERMILLION
VERMILLION, SOUTH DAKOTA**

DGR
ENGINEERING
1302 South Union Street
Rock Rapids, Iowa 51246
DGR Project No. 414813

Bid Letting: December 10, 2013 - 1:30 PM
City Hall
25 Center Street
Vermillion, SD 57069
Page 1 of 1

Bidder and Address	Bid Security	Acknowledge Addendum No. 1 & 2	Bid No. 2 115 kV 1Ø CVT Unit Price	Bid No. 2 115 kV 1Ø CVT Total Base Bid	Alt. Bid No. 2A 115 kV 1Ø PT Unit Price	Alt. Bid No. 2A 115 kV 1Ø PT Total Alternate Bid	Comments
ABB Inc. 3101 Beaumont Center Cir Ste 225 Lexington, KY 40513	10% Bid Bond	YES	\$7,191.00	\$35,955.00	\$7,991.00	\$39,955.00	
Alstrom Grid One Ritz Avenue Waynesboro, GA 30830	10% Bid Bond	YES	\$7,398.00	\$36,990.00	-	-	

Base Bid No.2 Includes: Five (5) 115 Kv Capacitor Voltage Transformers (CVT), 1Ø



December 12, 2013

Jason Anderson
Assistant City Engineer
City of Vermillion
25 Center Street
Vermillion, SD 57069

RE: Award Recommendation
Furnishing Substation Materials
City of Vermillion, SD
DGR File No. 414813

Dear Jason:

We have completed our review of the bids that were received on December 10, 2013 for Furnishing of Substation Materials for the City of Vermillion. A bid summary form is included which shows a tabulation of the bids. We will send a copy of the bid summary to all of the bidders. Our recommendations are as follows:

115 kV Circuit Breakers:

There were five bids received for item number 1, 115 kV breakers.

The low bidder for two (2) 115 kV circuit breakers was ABB Inc. We recommend awarding the bid to ABB Inc. in the amount of \$98,800.00. A five year warranty has been included with the 115 kV breakers.

Capacitor Voltage Transformer (CVT) or Potential Transformer (PT):

There were two bids received for item 2, for CVTs and one for the Alternate 2A PTs.

This alternate bid replaced the CVTs with 115 kV single phase PTs and provided us with a cost comparison between each instrument. The PTs submitted provide superior metering accuracy to the CVTs and provide increased performance during faults. We believe the added benefits of the PTs greatly outweigh the minimal cost savings of the CVTs. After taking into consideration current and possible future uses for bid item number 2A, we recommend the City of Vermillion award the alternate bid in the amount of \$39,955.00 to ABB Inc.

We ask that you pass on our recommendations to the Council, and let us know when the contract award has been made, so we can prepare the contract documents for signature. Please feel free to contact us at 800-446-2531 with any questions you may have.

Sincerely yours,
DGR Engineering

Paul A. Davis, P.E.

PAD:swa

Council Agenda Memo

From: Jim Goblirsch, Parks and Recreation Director

Meeting: December 16, 2013

Subject: Bluffs Golf Carts Lease

Presenter: Jim Goblirsch

Background: On December 11, 2013, the City opened bids for a new five-year golf cart lease for the Bluffs Golf Course. The Bluffs Golf Course does not own its golf carts; like many other golf courses, the carts are leased for several years and returned to the owner. The golf carts are leased from a dealer/distributor, with the cost of annual maintenance covered by the dealer. The Bluffs has typically leased forty (40) golf carts for a five year period. Currently, the Bluffs also lease one beverage cart.

Discussion: The current golf cart lease agreement with Midwest Golf Car, Inc. expires on February 1, 2014. The new lease agreement will run from February 1, 2014 to February 1, 2019. Bid specs for forty (40) new golf cars were prepared and provided to area dealers/distributors. Three proposals were considered: Proposal 1 for forty (40) new golf carts; Proposal 2 for up to two (2) beverage carts if awarded Proposal 1; and Proposal 3 for up to two (2) beverage carts if not awarded Proposal 1. Including both Proposals 2 and 3 allowed for a dealer to provide a more advantageous price on the beverage cart(s) if also awarded the larger Proposal 1 contract.

Four bids were received for Proposal 1 and three bids were received for Proposals 2 & 3. The two lowest bids were received from Yamaha Golf & Utility of Burnsville, MN. Yamaha Golf & Utility is the region's Yamaha distributor. The low bid of Yamaha Golf & Utility (labeled #2) did not meet specifications as it required the City to enter into a lease/purchase agreement with Yamaha that included a balloon payment at the end of the fifth year. Administration recommends rejection of this bid.

The next lowest bid was also submitted by Yamaha Golf & Utility (labeled #1), for the amount of \$22,084.80 for Proposal 1 and up to \$1,106.02 for Proposal 2. This bid does not require a 3rd party lease or a balloon payment.

Financial Consideration: The last lease agreement was \$22,449.60 per year for five years for forty (40) golf carts. The new low bid from Yamaha Golf & Utility for a fleet of

forty (40) new Yamaha golf carts is \$22,084.80 per year for five years. The 2014 budget includes funding for a golf cart lease.

Conclusion/Recommendations: Administration recommends rejecting the low bid from Yamaha Golf & Utility (2) as it did not meet specifications and awarding both Proposals 1 and 2 to the lowest responsible bid from Yamaha Golf & Utility (1).



BID SUMMARY
5 Year Golf Cart Lease

25 Center St. Vermillion, SD 57609

December 11, 2013 -- 2:00 P.M.

BIDDER: ADDRESS:	Mr. Golf Car Box 70 Springfield, SD 57062	NB Golf Cars 27140 Parklane Drive Sioux Falls, SD 57106	Yamaha Golf & Utility (1) 3350 West Hwy 13 Burnsville, MN 55337	Yamaha Golf & Utility (2) 3350 West Hwy 13 Burnsville, MN 55337				
BID SECURITY:	\$5,692.20 C.C.	\$1,197 C.C	\$7,800 C.C.	\$7,800 C.C.				
PROPOSAL NO. 1	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Forty (40) 2014 Model Year Golf Carts	\$ 569.22	\$ 22,768.80	\$ 573.00	\$22,920.00	\$ 552.12	\$ 22,084.80	\$ 534.90	\$21,396.00
Make _____	EZ GO		Club Car		Yamaha		Yamaha	
Model _____	TXT		Precedent I2		Drive		Drive	
PROPOSAL NO. 2	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Up to Two (2) 2010 Model Year, or newer, beverage cart(s) w/ Proposal 1 contract	--	--	\$ 510.00	\$ 1,020.00	\$ 553.01	\$ 1,106.02	\$ 535.07	\$ 1,070.14
Make _____	--		Club Car		Yamaha		Yamaha	
Model _____	--		Turf 2 w/PRC		U Max		U Max	
PROPOSAL NO. 3	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Up to Two (2) 2010 Model Year, or newer, beverage cart(s) w/o Proposal 1 contract	--	--	\$ 1,500.00	\$ 3,000.00	\$ 570.90	\$ 1,141.80	\$ 538.50	\$ 1,077.00
Make _____	--		Club Car		Yamaha		Yamaha	
Model _____	--		Turf 2 w/PRC		U Max		U Max	

*All are gas engine models.

Bolded is the lowest responsible bid.

Yamaha Golf & Utility bid (2) was rejected as it required the City to enter into a lease/purchase option agreement with Yamaha.

CITY OF VERMILLION
 INVOICES PAYABLE-DECEMBER 16, 2013

1 BOUND TREE MEDICAL, LLC	SUPPLIES	277.54
2 BRANDON HANSEN	REGISTRATION REIMBURSEMENT	100.00
3 BROADCASTER PRESS	ADVERTISING	6,577.28
4 BRUNICKS SERVICE INC	FUEL	11,083.79
5 BUREAU OF ADMINISTRATION	TELEPHONE	332.26
6 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
7 CENTURYLINK	TELEPHONE	1,485.99
8 CITY OF VERMILLION	LANDFILL VOUCHER	240.00
9 CLAY CO REGISTER OF DEED	FILING FEE	30.00
10 CLAY COUNTY AUDITOR	TIF 3 & TIF 4 REFUND	12,576.67
11 CLAY-UNION ELECTRIC CORP	ELECTRICITY	788.16
12 CUSTOM UPHOLSTERY BY DIANNE	LIBRARY FURNISHINGS	1,020.00
13 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,677.89
14 DIVISION OF MOTOR VEHICLE	TITLE/PLATES	10.00
15 ERIC RUPE	REGISTRATION REIMBURSEMENT	100.00
16 GREGG PETERS	MANAGERS FEE	5,375.00
17 INSURANCE BENEFITS INC.	AIRPORT LIABILITY POLICY	2,431.00
18 JONES LIBRARY SALES, INC	LIBRARY FURNISHINGS	1,140.00
19 KINETIC LEASING	MOTOR GRADER LEASE	27,818.62
20 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
21 MATHESON TRI-GAS, INC	SUPPLIES	210.89
22 MICHAEL HEINE	SAFETY BOOTS REIMBURSEMENT	100.00
23 MIDCONTINENT COMMUNICATIONS	CABLE/INTERNET SERVICE	118.55
24 PRESSING MATTERS	SUPPLIES	23.00
25 RESCO	TRANSFORMER	10,893.00
26 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
27 STERN OIL CO.	OIL	4,646.28
28 THE EQUALIZER	ADVERTISING	896.50
29 THE HIGHSMITH CO.	SUPPLIES	374.99
30 UNITED PARCEL SERVICE	SHIPPING	47.32
31 US POSTMASTER	UTILITY BILLS POSTAGE	1,050.00
32 VERIZON WIRELESS	WIRELESS COMMUNICATIONS	122.53
33 VERMILLION BASIN WATER DIST	TIF 3 & TIF 4 REFUND	98.89
34 VERMILLION NOW!	CONTRIBUTION	105,991.41
35 VERMILLION SCHOOL DISTRICT	TIF 3 & TIF 4 REFUND	41,589.37
36 WOW! BUSINESS	DIALUP SERVICES	49.95
37 KOLLY FOSTVEDT	BRIGHT ENERGY REBATE	21.00
38 BRENDA FERGEN	BRIGHT ENERGY REBATE	150.00
39 TODD AXTELL	BRIGHT ENERGY REBATE	250.00
40 TODD MECKLING	BRIGHT ENERGY REBATE	125.00
	SUBTOTAL 2013	\$242,109.15
2014 INVOICES PAYABLE		
36 SDML WORKERS COMP FUND	WORKERS COMP INSURANCE	97,401.00
37 SD PUBLIC ASSURANCE ALLIANCE	BOILER INSURANCE	12,682.00
	SUBTOTAL 2014	110,083.00
	GRAND TOTAL	\$352,192.15

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

- Date: 12/11/13
- Name of organization/group Fraternal Order of Eagles
Contact person: Name: Kent Osborne
 - Date(s) that tickets/chances will be sold: from 12/2013 to 4/2014
Cost of tickets/chances: \$20
 - Date(s) of drawing(s): March 29, 2014
 - Can anyone purchase tickets? over 18 years of age
 - Will the prize winner(s) be selected at random? Yes No
 - Description and approximate value of top prize: long gun - \$1000

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.

The Fraternal Order of Eagles, Sunshine Aerie #2421 is selling raffle tickets for a chance to win 1 of 75 guns raffled.

Ticket for the raffle also entitles holder for dinner the evening of the drawing.

You must clear your federal background check and be old enough to own a firearm.

Proceeds support many local and state FOE charities.


Applicant's Signature

Approval: John Prescott 12-11-13
City Manager Date

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

EMAIL: _____

SOLD BY: _____

0451

\$20.00

EAGLES GUN RAFFLE

\$20.00

Ticket VERMILLION EAGLES, AERIE #2421 - DRAWING WILL BE MARCH 29, 2014, STARTING AT 5 P.M. **Ticket**
Limit of 2400 tickets sold. Need not be present to win. Must be 21 years old. Drawings throughout the evening, door prizes that night, guns will be on display that evening. Free Pulled Pork dinner for ticket holders, 5 to 7 pm. **Winners must pass state and federal regulations to transfer firearms. Winners will be notified. Winners pay all transfer, taxes and shipping fees. All guns must be picked up at K&S Gun & Rack Shop, 1517 Edwards Ave., South Sioux City, NE, 402-494-2770.**

- | | | |
|--|---|--|
| 1. United States Sporting Goods (Baikal) 20 ga o/u | 27. Ruger 10/22 RB 16 22 Autoloader | 53. Remington 770 270 Rifle |
| 2. Ruger American 22 WMR | 28. Thompson/Center Venture 270LOSM Rifle | 54. Beretta 3901 12ga Autoloader |
| 3. Savage Axis 25-06 | 29. Remington 597 22 Magnum Autoloading Rifle | 55. Savage Axis 243 Rifle |
| 4. Tri-Star Viper G2 20 ga. Autoloader | 30. Remington 887 Pump 12ga Shotgun | 56. Savage 93r17 GVXP |
| 5. Remington 770 270 Bolt Action Rifle | 31. Thompson/Center Impact 50 cal Muselloader | 57. Smith & Wesson M&P 15 22 Auto |
| 6. Savage Rifle 17 Hornet | 32. Remington 77 243 Bolt Action Rifle | 58. Hi Point 40 cal Carbine |
| 7. Mossberg 835 Pump Shotgun 12 ga | 33. Savage Axis 22-250 Rifle | 59. Mossberg ATR 30-06 Rifle |
| 8. CVA Accura 50 Cal. Muzzleloader | 34. Ruger American 243 Rifle | 60. Mossberg 715r 22 Rifle |
| 9. Mossberg 715r 22 | 35. Henry Golden Boy 22 Lever Action Rifle | 61. Smith & Wesson M&P 223 Rifle |
| 10. Henry Hall L 22 Rifle | 36. Savage 93R17 GVXP 17 HMR Rifle | 62. Thompson Venture 7mm Mag Rifle |
| 11. Charles Daly 300 12 ga Pump Shotgun | 37. Remington 770 30-06 Rifle | 63. Savage Axis 22-250 Rifle |
| 12. Savage 93r17 17HMR | 38. Weatherby Vanguard 30-06 Rifle | 64. Ruger American 270 Rifle |
| 13. Remington 597 22 Auto | 39. Savage M25 Hornet Rifle | 65. Remington 870 Express 20ga Combo Shotgun |
| 14. Ruger American 22-250 Rifle | 40. Mossberg 75r 22 Rifle | 66. Savage Axis 270 Rifle |
| 15. Knight 50 Cal. Muzzleloader | 41. Ruger K10/22 Rifle | 67. Remington 597 22 Auto |
| 16. Marlin 336W 30/30 Lever Action Rifle | 42. Ruger American 22 Bolt Action Rifle | 68. Ruger American 7mm 08 Rifle |
| 17. Remington 770 270 Bolt Action Rifle | 43. Remington 870 Express 12 ga Shotgun | 69. Remington 887 Pump 12ga Shotgun |
| 18. Mossberg 4x4 270 Rifle | 44. CZ USA Waterfowl 12 ga Shotgun | 70. Winchester Super III 12ga Auto Shotgun |
| 19. Ruger 10/22 | 45. Thompson Venture Rifle 7mm Rem Mag | 71. Henry Golden Boy 22 Rifle |
| 20. Henry Lever Action 30/30 Winchester | 46. Ruger American 30-06 Rifle | 72. Ruger 10/22 88Z 22 Rifle |
| 21. Rossi 92 Lever Action 357 Magnum | 47. Remington 750 30-06 Rifle | 73. Savage Axis 223 Rifle |
| 22. Weatherby PA-08 Pump 12 ga Shotgun | 48. Thompson Center Venture 308 Rifle | 74. Thompson Venture 223 Rifle |
| 23. Marlin XL7 25-06 Rifle | 49. Ruger American 22 WMR | 75. Savage Axis 308 Rifle |
| 24. Thompson Venture | 50. Ruger 10/22 Take Apart 22 Rifle | |
| 25. Mossberg 75r 22 | 51. Tristar Setter o/u 12 ga Shotgun | |
| 26. Henry Survival Rifle 223 Bolt Action | 52. Thompson/Center Venture 300 Magnum Rifle | |

0451