



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, December 5, 2011
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Joint Jurisdictional Zoning Ordinance Update – Andy Colvin.**
3. **Informational Session – Update on proposed changes to House Moving ordinance – John Prescott.**
4. **Briefing on the December 5, 2011 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, December 5, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. November 21, 2011 Special Session; November 21, 2011 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Annual liquor and wine license renewals.
 - b. Site expansion of retail on-off sale malt beverage license for RED Steakhouse, Inc to expand into what was formerly known as 5 E Main.
7. **Old Business**
 - a. Second Reading of Ordinance No. 1266 - Amending Title 15 Chapter 155 Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use.
 - b. First Reading of Ordinance No. 1267 –Amending Title 15 Chapter 155 Section 155.101, Amendments and Change of Zone, to require property owner consent.
8. **New Business**
 - a. Plans & Specs for Library addition and renovation.
 - b. Seiler's Second Road District (DePaul, Creighton and Purdue Streets).
 - c. 2012 Bluffs Golf course rates.
 - d. 2012 Prentis Park swimming pool rates.
 - e. Funding Agreement for the Design of the Parallel Taxiway at Harold Davidson Field.
 - f. First reading of Ordinance 1268 – 2011 Budget Supplemental Appropriations Ordinance.
 - g. Landfill Facility Plan for SRF Loan.
9. **Bid Openings**
 - a. Fuel quotes.
 - b. Electric wire and transformers.
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
 - a. Set a bid opening date of December 22, 2011 for the Vermillion electric substation relay upgrade.

13. Adjourn

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

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

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

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
November 21, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 21, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Grayson, Ward

2. Informational Session - Curbside Recycling and Recycling Center update - Bob Iverson

Bob Iverson, Solid Waste Director, introduced Dan Hanson and Matt Puthoff, the curbside recycling collectors. Bob reported that there are just over 2,400 curbside accounts and that there are about 700 stops per week. Bob noted that not all accounts put out their curbside each week so it is hard to determine the exact amount of participation. The pickup schedule is Tuesday - Friday with Monday for collection of a holiday that fell in the previous week, other pickups and equipment maintenance. He reported that the Curbside Program has collected over 114 tons so far this year. The Recycling Center has received over 900 tons so far this year and should exceed the 1,000 tons that were received in 2010. Bob noted that the number of materials that is received is restricted by the size of the facility and the markets. He noted that there is not much of a market for glass and it is very hard to process. As to other plastics, the amount of storage space needed restricts the number of items that can be recycled. Bob explained the Sharps Program where containers are furnished to collect needles that are disposed of through a contractor to keep the needles out of the waste stream. He reported that on the electronics recycling he has found a contractor who will only charge for TVs and monitors. Bob stated that one load was processed with this contractor and a revised resolution will be coming forward to adjust the rates charged customers at the Landfill for these materials to only charge for TVs and monitors. Bob answered questions of the City Council on the Curbside Recycling Program and the Recycling Center.

3. Informational Session - Police vehicle purchase options for 2012
- Matt Betzen

Matt Betzen, Police Chief, reported that the Ford Crown Victoria is no longer being built and, as such, the process was created to review the replacement vehicle options. Matt stated that he created a committee to do a SWAT analysis of the Police Department fleet. The current fleet limitations are that it does not provide adequate vehicle coverage during inclement weather and some duties require a larger vehicle. The proposal is to replace the patrol sedan with an SUV vehicle. Matt reviewed the vehicle purchase costs, fuel consumption and cost of outfitting. He answered questions of the City Council on the vehicle replacement proposal with the consensus to replace the sedan with an SUV.

4. Briefing on the November 21, 2011 City Council Regular Meeting Agenda

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

5. Adjourn

340-11

Alderman Zimmerman moved to adjourn the Council special session at 12:56 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of November, 2011.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
November 21, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on November 21, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French (arrived at 7:26 p.m.), Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

Absent: Grayson

2. Pledge of Allegiance

3. Minutes

A. November 7, 2011 Special Session; November 7, 2011 Regular Session

341-11

Alderman Osborne moved approval of the November 7, 2011 special session minutes and the November 7, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

342-11

Alderman Meins moved approval of the agenda with the addition of Item 8F - Developer Agreement with Joanne R. Freidel. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. First Reading of Ordinance No. 1265 - Petition for Change of Zoning from GB General Business to GI General Industrial for Lots 5 and 6, except the south 103 feet, Oden Addition to the City of Vermillion

Farrel Christensen, Building Official, reported that on September 23, 2011 it came to the attention of the Code Enforcement Office that the building located at 1222 W. Cherry Street was in violation of the City's zoning laws. The occupant, Will Pratt, was operating a factory industrial group business in a General Business District. Industrial uses are prohibited as the General Business District is

reserved for retail, sales, service and office type uses. Letters were sent to the building owner and the occupant ordering them to remove the unlawful occupancy on or before October 23, 2011. After several discussions with the building owner, a petition for zone change was filed on October 20th.

Farrel stated that the request for zone change was heard by the Planning Commission on November 14th. The issue presented to the Planning Commission was that the proposed zone change was not in keeping with the adopted Comprehensive Plan that was to preserve Cherry Street for future business growth as the main commercial corridor of the community. The proposed location of this industrial district is also adjacent to an area reserved for future residential uses and mixed-business uses, known most commonly as the Bliss Property. This proximity would likely produce a negative impact on both the development and future occupancy of this area. The site is currently located in the General Business District and is more than 770 feet from the nearest General Industrial property line and, if adopted, would create a spot zone. Although the property was located in the Light Industrial District prior to 2008, the site was used for general business and has never been "grandfathered" for industrial use. Farrel reported that the Planning Commission recommended denial of the zone change with the recommendation to explore the options to retain this business in the community.

Woodrow Houser, owner of the property, stated that the zone change was his only option noting that the property was zoned light industrial prior to the 2008 rezone. He stated that he did not know the zoning was changed until he received this notice. He stated that, in talking to John Prescott, there may be options such as a conditional use permit or a planned development if the zone change is not approved. Mr. Houser stated that he wanted to work with the City to see if it would be possible to keep the business and jobs in the community.

Alderman Willson requested to abstain as he owns property adjoining the property requesting the zone change.

Discussion followed on the zone change, other alternatives and what was the process used in the comprehensive zoning update in 2008.

Farrel reviewed the process used in the comprehensive zoning ordinance in 2008 that consisted of public hearings by the Planning Commission noting that realtors and other stakeholders were sent notice of the meetings. Following the work of the Planning Commission, the City Council then had two readings on the ordinance.

343-11

Alderman Zimmerman moved to concur with the recommendation of the Planning Commission and deny the zone change request contained in Ordinance No. 1265 and request City staff to review and report on options that would be available to the City Council to allow for this type of business to continue at the current location. Alderman Davies seconded the motion. Discussion followed with John Prescott stating that he felt a report would be made at one of the December meetings noting that, if an ordinance change was involved, the process may take a few months. John stated that notice can be sent to the property owner and occupant that the notice to remove the unlawful occupancy would be continued during this process. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance No. 1266 - Amending Title 15 Chapter 155 Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use

Andy Colvin, Assistant to the City Manager, reported that the Planning commission considered a conditional use permit application to allow light manufacturing in the Heavy Industrial District. At the hearing, the Planning Commission members expressed concerns as to why a conditional use permit was required. The primary concern was that such a requirement could be perceived as an unreasonable barrier to development. The amendment will allow general manufacturing uses within the special permit, but still require uses involving refining, noise pollution, or that may harm the quality of life and input safety, to go through the conditional use permit process. This change was approved by the Planning Commission.

344-11

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1266 - Amending Title 15 Chapter 155 Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21st day of November, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted

in opposition to the motion. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1267 - Amending Title 15 Chapter 155 Section 155.101, Amendments and Change of Zone, to require property owner consent

Andy Colvin, Assistant to the City Manager, reported that the current zone change ordinance is vague and broad. Essentially, any property owner can request a zone change for City Council consideration whether or not the applicant's property is included in the requested zone change. The proposed ordinance will require signatures of 45% of the property owners within the requested change district and 250 feet adjoining the requested change area. Andy reported that the Planning Commission recommended adoption of the ordinance.

Alderman French arrived at 7:26 p.m.

Discussion followed on the computation of 45% of the property owners where there are multiple owners. Jim McCulloch, City Attorney, reported on this calculation with additional discussion following.

345-11

Alderman Davies moved to table action on first reading for further clarification on the computation of consent for property with multiple owners. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1264 - Wards and Boundaries, of the 2008 Revised Ordinances for the City of Vermillion, amending the ward boundaries

Mike Carlson, Finance Officer, reported that this is second reading of the ordinance amending the ward boundaries to correct an error found in the ordinance adopted in September. The only change to the ward boundary is between the Central Ward and the Southeast Ward from Yale Street to University Street from Cedar Street south.

346-11

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1264 entitled Wards and

Boundaries, of the 2008 Revised Ordinances for the City of Vermillion, amending the ward boundaries was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 7th day of November, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 21st day of November, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED and ordained that said Ordinance be adopted to read as follows:

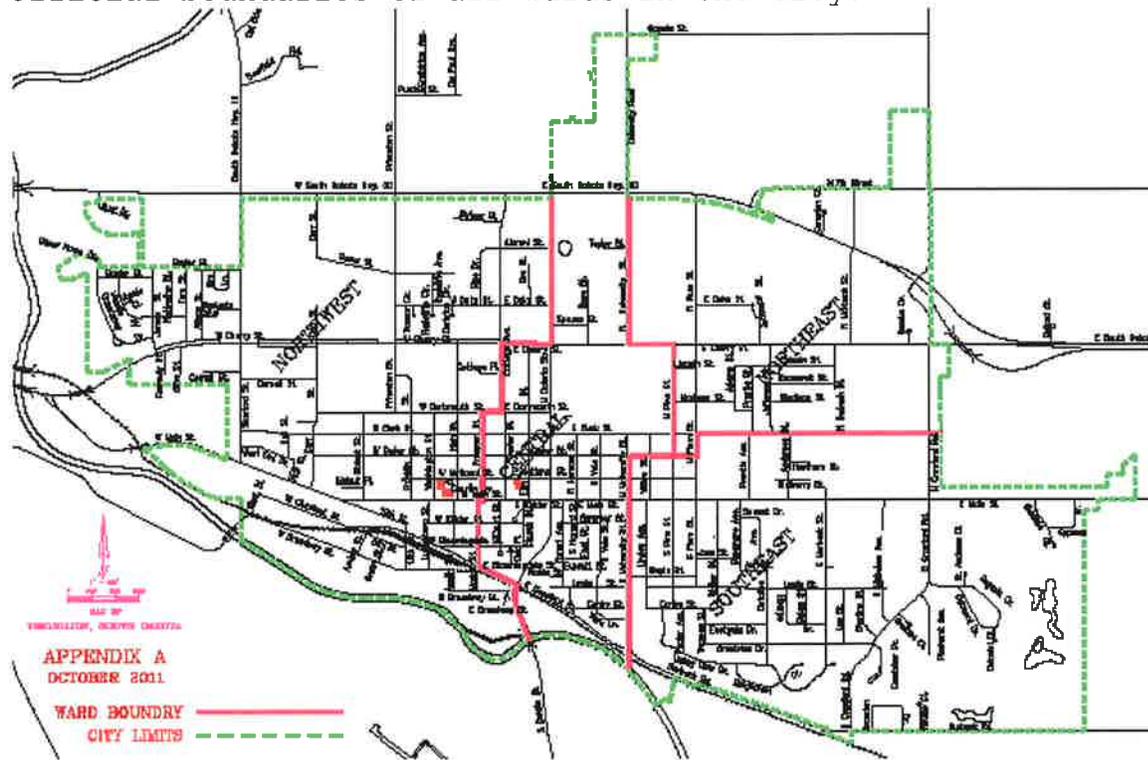
ORDINANCE NO. 1264

AN ORDINANCE AMENDING TITLE I SECTION 11.02 WARDS AND BOUNDARIES, OF THE 2008 REVISED ORDINANCES FOR THE CITY OF VERMILLION, AMENDING THE WARD BOUNDARIES.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Section 11.02 be amended to read as follows:

§ 11.02 BOUNDARIES

The boundaries of wards, as shown on the Ward Map in Appendix A of this chapter, are hereby incorporated by reference as the official boundaries of all wards in the city.



Dated at Vermillion, South Dakota this 21st day of November, 2011

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

John E, (Jack) Powell, Mayor

ATTEST

BY:

Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Davies-Y, French-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Request from USD for City contribution to renovate the softball complex dugout

John Prescott, City Manager, reported that the City and USD in 1998 entered into a Joint Powers Agreement for the construction and operation of the softball complex and soccer fields. Earlier this year, the City and USD had discussion about renovating the NW softball field and the lighting of the fields. USD elected to renovate the NE field for its women's softball program and not renovate the NW field. USD has recently awarded a bid to install an outfield fence, warning track and new dugouts with storage on the NE field. The cost of the improvements is broken down as \$11,500 for fence, \$14,300 for warning track, \$81,300 for dugouts, \$10,836 for dugout storage and \$22,000 for engineering, architect and contingency for a total cost of \$139,836. The request from USD was for \$20,000 of assistance from the City. Included in the packet are the request, cost breakdown and letter from the Parks & Recreation Department about the City uses of this facility. John noted that Jeanette Hubert, with the USD Athletic Department, was present to answer questions. John noted that, if the City Council wanted to fund this project, he would suggest using second penny sales tax funds.

Jeanette Hubert answered questions of the City Council on the project noting that the shorter outfield fence would benefit other youth and women's softball programs that use the facility in

addition to the USD softball program. The improved facility will allow USD to host more tournaments which will bring more people into the community.

Discussion followed on the request.

347-11

Alderman Osborne moved approval of \$20,000 of funding assistance of the construction costs with USD with the funds coming from the second penny sales tax fund. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Resolution Authorizing the Purchase of Electric Pad-mount Switch

Mike Carlson, Finance Officer, reported that the City has purchased electrical pad-mount switches from suppliers at prices that have been competitively bid by other cities. The City of Beresford issued a bid last year for five switches to Stuart C. Irby Co. at a unit price of \$14,365. The Stuart C. Irby Co. has agreed to extend this price to the City to purchase one switch to be delivered in the spring of 2012. Purchasing from another bid saves the City the costs associated with bidding. Administration recommends adoption of the resolution authorizing the purchase of one switch.

348-11

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

AUTHORIZING PURCHASE OF PADMOUNT SWITCH

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 Beresford, South Dakota for padmount switches from Stuart C. Irby Co. in the amount of \$14,365 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 one S & C PME -9 Padmount Switchgear (Item #1) \$14,365 each for the awarded prices and terms as they have contracted with the City of Beresford, 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 one S & C PME - 9 Padmount Switchgear (Item #1) each at the awarded price and under the same terms as the City of Beresford, South Dakota.

Dated at Vermillion, South Dakota this 21st day of November, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

C. First amendment to VCDC MOU - Erickson Business Park

John Prescott, City Manager, reported that on October 17, 2011 the City Council approved a Memorandum of Understanding for the transfer of the Erickson Property to the Vermillion Chamber of Commerce and Development Company. In developing the deed, it was determined that Lot 6 Block 6 was omitted, thus the need for Item 1 of this amendment. The second item of the amendment deals with the ability by the City to take back unsold lots after an expiration date of 25 years. Discussion followed with Jim McCulloch, City Attorney, reporting that the wording should be changed so that any properties remaining in the ownership of the VCDC after 25 years shall revert to the City.

349-11

Alderman Davies moved approval of the first amendment to the Vermillion Chamber of Commerce and Development Company Memorandum of Understanding for the transfer of the Erickson Business Park Property, as revised by the City Attorney, and authorized the Mayor to sign. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Write-off of old Accounts Receivable

Mike Carlson, Finance Officer, reported that annually the City Council needs to remove the old accounts receivable from the accounting records with collection efforts to continue on these accounts. Mike stated that the request is to remove 119 utility accounts totaling \$31,655.35, 22 general accounts receivable totaling \$3,239.78, 3 return checks totaling \$417.09 and 130 ambulance accounts totaling \$53,544.30 from the accounting records. Discussion followed.

350-11

Alderman Ward moved approval of the removal from the accounting records of utility accounts totaling \$31,655.35, general accounts totaling \$3,239.78, return checks totaling \$417.09 and ambulance accounts totaling \$53,544.30. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Resolution restricting and assigning Parks Capital Special Revenue Funds

Mike Carlson, Finance Officer, reported that the Parks Capital Special Revenue fund was created in 1993 to received league fees, association contributions, grants, private contributions and other funds for improvements to the parks and recreation program facilities. The special revenue fund was set up to allow unspent funds to remain in this separate fund. The Governmental Accounting Standards Board (GASB) has issued a new statement number 54, on the reporting fund balance that requires the City Council to recognize the restrictions on fund balance and to assign the unrestricted portion of the fund balance for a specific purpose. Mike stated that he has prepared a resolution to recognize that \$11,425 of the \$13,011 parks capital fund balance as restricted by the grantor or contributors and the \$1,586 remaining shall be assigned by the City Council for park and recreation program facilities.

351-11

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

RESOLUTION RESTRICTING AND ASSIGNING
PARKS CAPITAL SPECIAL REVENUE FUNDS

WHEREAS, the City Council created the Parks Capital Special Revenue Fund in 1993 to account for the receipt of league fees, association contributions, private contributions, grants, fundraising and other

receipts earmarked for the acquisition and improvements to City parks and recreation program facilities; and

WHEREAS, the City Council adopts the annual appropriations ordinance that includes the estimated revenues and expenditures from the Parks Capital Special Revenue Fund; and

WHEREAS, since its creation, the Parks Capital Fund has expended over \$166,000 for improvements to the community's parks and recreation program facilities; and

WHEREAS, as of December 31, 2010, the Parks Capital Fund Balance was \$13,011; and

WHEREAS, the Governmental Accounting Standards Board Pronouncement 54 requires the action of the Governing Body to recognize restrictions and assign fund balance for specific purposes; and

WHEREAS, on December 31, 2010, \$11,425 of the above listed fund balance was restricted by grantors or contributors.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion recognizes the restrictions of the above listed portion of the fund balance of the Parks Capital Special Revenue Fund as of December 31, 2010 and assigns the remaining fund balance to the acquisition and improvements to City Park and Recreation Program facilities. All future funds received by the Parks Capital Fund shall be classified as restricted or assigned based upon the constraints placed upon the use of the resources when received.

BE IT FURTHER RESOLVED that in administering the restricted and assigned funds, when applicable, restricted funds shall be considered expended first.

Dated at Vermillion, South Dakota this 21st day of November, 2011

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 Zimmerman. Discussion followed and the question of the adoption of the Resolution was presented for

a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Developer Agreement with Joanne R. Feidel

Jose Dominguez, City Engineer, reported that the City annexed Lots 1-5 Block 1 of Bliss Second Addition a few months ago and, as such, enters the City zoned Natural Resource Conservation the most restrictive zoning. Joanne Freidel has purchased a lot and would like to start building before the property is rezoned. The Developer Agreement will allow the issuance of a building permit conditional on the owner commencing the rezoning process by December 1, 2011.

352-11

Alderman Ward moved approval of the Developer Agreement with Joanne R. Freidel for Lot 4, Block 1, Bliss Second Addition. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that City offices will be closed on Thursday, November 24th for the Thanksgiving holiday.

B. John reported that for those who have their curbside recycling collection on Thursdays, due to the holiday, recycling will be picked up on Monday, November 28th.

C. John noted that the landfill voucher program for 2011 ends on November 30th and will begin again in April of next year.

D. John reported that the Recycling Center is still accepting grass and leaves. The staff at the Recycling Center has made a new drop off location for these materials instead of having to put it in the containers. John noted that they are not taking tree branches until spring.

PAYROLL ADDITIONS AND CHANGES

Administration: Kate Amundson \$13.67/hr; Police: Vikki Eilts \$12.43/hr, Kevin Malloy \$18.76/hr, Jacy Nelsen \$20.65/hr; Recreation: Alexa Mockler \$7.50/hr; Ambulance: Anthoney Klunder \$36.41/1st- \$22.89/2nd, Kevin Oliver \$35.70/1st-\$22.44/2nd; Landfill: Dan Goeden \$16.676/hr

11. Invoices Payable

353-11

Alderman Willson moved approval of the following bills:

2011 SDFCA CONFERENCE	REGISTRATION	75.00
ARCHITECTURE INC.	PROFESSIONAL SERVICES	20,744.50
BROADCASTER PRESS	ADVERTISING	2,644.95
BRUNICKS SERVICE INC	FUEL	2,377.05
BUREAU OF ADMINISTRATION	TELEPHONE LONG DISTANCE	280.62
CENTURYLINK	TELEPHONE SERVICE	1,453.84
CITY OF VERMILLION	LANDFILL VOUCHERS	210.70
CLAY CO REGISTER OF DEED	FILING FEE-EASEMENT	12.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,158.84
DAKOTA BEVERAGE	MERCHANDISE	10.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,268.43
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	7,050.51
ELDON NYGAARD	SEWER & WATER FEES WEST MAIN	4,548.21
ERNIE HALVERSON	SAFETY BOOT REIMBURSEMENT	100.00
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	DIAL-UP SERVICE	49.95
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MARK KOLLER	MEALS REIMBURSEMENT	18.00
MARK MILBRODT	MEALS REIMBURSEMENT	31.00
MATHESON TRI-GAS, INC	SUPPLIES	127.15
MIDAMERICAN	GAS USAGE	725.60
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
MIDWAY SERVICE, INC	FUEL	7,333.23
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
RECYCLING EQUIPMENT MFG	MAGNETIC CONVEYOR	6,278.00
SPRINT	CELL PHONES	987.96
THE EQUALIZER	ADVERTISING	765.20
TIM TAGGART	MEALS REIMBURSEMENT	31.00
TREASURER-STATE	UNCLAIMED PROPERTY	322.81
UNITED HEALTHCARE INSURANCE	REFUND AMBULANCE PAYMENT	461.00
UNIVERSITY OF SD	ADMISSIONS REIMBURSEMENT	10,000.00
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	883.92
JOYCE HOESING	BRIGHT ENERGY REBATE	175.00
VERN BENSON	BRIGHT ENERGY REBATE	150.00
CONNIE WULFF	BRIGHT ENERGY REBATE	250.00
JP INVESTMENTS LLC	BRIGHT ENERGY REBATE	25.00

Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of December 5, 2011 for annual liquor and wine license renewals

B. Set a public hearing date of December 5, 2011 for site expansion of retail on-off sale malt beverage license for Red Steakhouse, Inc. to expand into what was formerly known as 5 E. Main

354-11

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

13. Adjourn

355-11

Alderman Ward moved to adjourn the Council Meeting at 8:06 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of November, 2011.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 5, 2011
Subject: Alcoholic Beverage License Renewals
Presenter: Mike Carlson

Background: The Police Chief has prepared a report indicating the performance of each of the establishments since January 2011. The report notes compliance checks and other activity for each of the establishments. In the letter sent to all license holders with the renewal application, the applicants were encouraged to attend the public hearing or have someone represent the business. The City Council amended Ordinance No. 1193, in September 2008, to require a written management plan upon reapplication for a licensee convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. That ordinance is as follows:

Management plan required for reapplication after conviction or upon request of the City Council

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

A management plan was received from Maya Jane's and Leo's Lounge with the malt beverage license renewals in June. The only management plan needed for this renewal period is the Fraternal Order of Eagles and is included in the packet.

A compliance check was completed on November 3, 2011, at which time Spanrex, Inc. for Chae's failed. As this violation has not been through the court system and

due to the timing, a management plan was not requested but will be requested for the next renewal.

As is noted on the notice of hearing, there are a number of different items included with these renewals:

- The renewal of the liquor licenses. Note this list includes Valiant Vineyards, Inc. as this license came into the city with the October annexation.
- A liquor license renewal with a site transfer for John Grunewaldt to transfer the location from 9 National Street to 15 Court Street.
- A liquor license renewal with a name change from Prairie Inn SD, LLC changing its name to Secure Success, LLC. Note the corporate owners remain the same.
- The renewals of retail on-off sale wine licenses.
- The renewal of a retail on-off sale wine license to Red Steakhouse, Inc. with a site expansion to include the property formerly known as 5 East Main.
- A renewal of a package wine (Farm Winery) license for Valiant Vineyards, Inc. as this license came into the city with the annexation. This license allows for off-sale package wine dealers in table wines, sparkling wines, sacramental wine, and distilled spirits produced from product provided to an artisan distiller by the respective farm winery to be operated in conjunction with a farm winery.
- The renewal of the municipal package liquor license for the city liquor store.

Discussion: The City Council has the ability to renew a license on basically two criteria: suitable person and suitable location. With respect to the location criteria, licenses have been previously approved for all of the locations except for John Grunewaldt's new location at 15 Court Street and Red Steakhouse site expansion to include the property formerly known as 5 E. Main. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not renew a license. If an application is denied, the motion must state the reasoning for denial. A denial of a liquor license would mean the loss of a liquor license to the city, as with the annexation, the city is now two licenses over the number provided by state statute. As to the denial of a wine license, the applicant cannot reapply for this type of license for one year.

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

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

1. The first action would be to consider the Charcoal, Inc. license separately to allow Alderman French to participate in the discussion on the remainder of the licenses.
2. The second 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.
3. The third action would be to consider the renewal with the site transfer for John Grunewaldt for the Pressbox to 15 Court Street. When the license was transferred to John Grunewaldt on October 3, 2011, the motion to approve the transfer was as follows “approval of the transfer of the on-sale liquor license to John Grunewaldt for the Pressbox at 9 W. National Street from CLG, LLC. with the same restriction as when renewed in 2009 and 2010 being for the interior of the building at said location with the license as inactive pending final inspection of the building at 9 West National Street as being suitable to be occupied for this type of business”. At this time, the no permit has been issued is the work is demolition. A building permit will be required for the building renovation but, at this time, the application has not been received. As the management will be the same at the new location, the motion to approve the license may want to include “for the interior of the building at 15 Court Street with the license as inactive pending final inspection of the building at 15 Court Street as being suitable to be occupied for this type of business”.
4. The fourth action would be to consider the renewal of the retail liquor license with name change for Secure Success, LLC formerly known as Prairie Inn SD, LLC. The ownership of the new corporation is the same as the ownership of the old corporation, just a new name.
5. The fifth action would be to consider the renewal of the on-off sale wine license for Red Steakhouse, Inc. with the site expansion to include the property formerly known as 5 E. Main Street. Note the next item on the

agenda is to consider the site expansion for the on-off sale malt beverage license for this location.

If a motion is made to deny any of the licenses, the reason needs to be included in the motion.

Re-issuance of On-Sale-Retailer Liquor:

Bunyan's - Bunyan's LLC, 1201 W. Main Street

- No alcohol license related offenses were investigated.
- One theft, two assaults were investigated at this location; license holder fully cooperated with police investigative efforts.

The Bluff's Golf Course - City of Vermillion, 2021 E. Main Street

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Charcoal Lounge Inc., 6/8 East Main Street

- Passed an alcohol compliance check 02/04/2011. No alcohol license related offenses were investigated.
- Two thefts, four assaults, and seven minor disturbance calls were investigated at this location; license holder fully cooperated with police investigative efforts.

Maya Janes - Maya Jane's, Inc., 9 W. Main Street

- Failed a compliance check on 1/29/2011; Two minors found drinking in bar on 2/20/2011.
- One theft, three assaults, and four minor disturbance calls were investigated at this location; license holder fully cooperated with police investigative efforts.

Main Street Pub, Inc., 11 West Main Street

- A minor was found drinking in the bar on 01/22/11. A minor was found drinking in the bar on 10/7/11.
- Eight assaults, and three minor disturbance calls were investigated at this location; license holder fully cooperated with police investigative efforts.

Leo's Sports Bar & Grill LLC, 11 South Market Street

- Failed a compliance check on 2/4/2011. A minor was found drinking in the bar on 02/19/2011. On 05/01/2011, officers investigated an apparent sale/consumption of alcohol after hours – no charges were filed.
- One assault and two minor disturbance calls were investigated at this location; license holder fully cooperated with police investigative efforts.

Fraternal Order of Eagles, 114 West Main

- Failed a compliance check on 1/29/2011.
- On 4/29/2011, 4/30/2011, 5/6/2011, and 5/7/2011, the license holder contacted police to report minors attempting to purchase alcohol at the bar.

- One assault and one minor disturbance call were investigated at this location; license holder fully cooperated with police investigative efforts.

J.N.J. Management, Inc (The Road House), 911 East Cherry

- No alcohol license related offenses were investigated.
- One assault and one minor disturbance were investigated at this location; license holder fully cooperated with police investigative efforts.

Valiant Vineyards, Inc., 1500 West Main

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Re-issuance of On-Sale Retailer Liquor with site transfer:

The Press Box (owner: John Grunewaldt) – Location change request

- Business was closed throughout year, so no alcohol license related offenses were investigated, and no criminal reports were made from this location.

Re-issuance of On-Sale-Retailer Liquor with name change:

Secure Success LLC (Pro's Sports Bar), 912 North Dakota

- No alcohol license related offenses were investigated.
- Two minor disturbances were investigated at this location; license holder fully cooperated with police investigative efforts.

Re-issuance of On-Off Sale Wine:

Chae's, 8 West Main Street

- Failed a compliance check on 11/03/2011.
- No alcohol related criminal investigations occurred at this location.

Recuerdo de Mexico, 112 East Main

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Mexico Viejo, 432 E Cherry

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Little Italy's, 831 E Cherry

- No alcohol license related offenses were investigated.
- No alcohol related criminal reports were made from this location.

R Pizza, 2 West Main Street

- No alcohol license related offenses were investigated.
- Two assaults were investigated at this location; license holder cooperated fully with police investigative efforts.

Raziel's, 13 West Main Street

- No alcohol license related offenses were investigated.
- One theft was reported by the alcohol license holder.

HyVee, 525 West Cherry Street

- Passed an alcohol compliance check on 10/19/2011. On 01/11/2011, Store manager reported subject attempting to purchase alcohol with false ID.
- No alcohol related criminal investigations occurred at this location.

Silk Road Café, Inc., 12 West Main Street

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Wal-Mart Store, Inc., 1207 Princeton Street

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Café Brule, Inc., 24 West Main Street

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Re-issuance of On-Off Sale wine with site expansion:

Red Steakhouse, Inc., 1 East Main Street

- No alcohol license related offenses were investigated.
- No alcohol related criminal reports were made from this location.

Re-issuance of Package Wine (Farm Winery):

Valiant Vineyard, Inc, 1500 West Main Street

- No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Re-issuance of Municipal Off-Sale Package Liquor:

Municipal Liquor Store, 826 Cottage Ave.

- Passed an alcohol compliance check on 11/30/2011. No alcohol license related offenses were investigated.
- No alcohol related criminal investigations occurred at this location.

Management Plan Form

City of Vermillion

25 Center Street Vermillion SD 57069



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

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

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

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

License Holder Name: FRATERNAL ORDER of Eagles

Local Business Name: _____

Local Business Address: 114 W MAIN

Contact Name: Brad Campbell Phone: 605-624-9934

Title: Manager

Please describe the violation(s) since the last renewal:

ONE Selling to minor by STING

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

No major changes have been implemented. We are diligent. We check in that we check everyone who possibly is close to 21. On busy nights we have a door check and band people as they come in the door. We patrol after checking for unlicensed people. If we catch someone we hold them for the police. We CAST train all employees.

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

None

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

Human beings make errors. There is still doubt in our view as to what really happened and by whom as the police couldn't describe the suspect vehicle until all employees were paraded in front of the mirror. We are diligent in checking I.D.s. Unfortunately humans still make errors.

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

We decide on individual circumstances. If we decide they are not diligent in their duties or whether it was a honest mistake.

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

We CAST TRAIN all New Employees and have been for 5 years.

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

Received CAST Training.

Other Comments:

Believe me the person who was charged felt bad. It not only hurt his feelings that he let himself & the Eagles down, it cost him dearly as a college student with the fine and loss of license. It cost him a trip home to see his parents.

Signature: *[Handwritten Signature]*

Date: *11-3-11*

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

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

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 5th day of December 2011 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following applications for an alcoholic beverage license to operate within the municipality for the January 1, 2012 through December 31, 2012 licensing period, which have been presented to the City Council and filed in the Finance Officer's Office:

Re-issuance of On-Sale-Retailer Liquor:

Bebee Street, LLC.	Careys Bar at 18 West Main
Charcoal, Inc.	Charcoal Lounge at 6 & 8 East Main
Leo's Sports Bar & Grill LLC	Leo's Lounge at 11 South Market
Fraternal Order of Eagles	Eagles Club 2421 at 114 West Main
Bunyans, LLC	Bunyans at 1201 West Main
Main Street Pub, Inc.	Main Street Pub at 11 West Main
City of Vermillion	The Bluff's Golf Course at 2021 East Main
Maya Jane's, Inc	Maya Jane's at 9 W Main
J.N.J. Management, Inc.	The Road House at 911 East Cherry
Valiant Vineyards, Inc	Valiant Vineyards at 1500 West Main

Re-issuance of On-Sale-Retailer Liquor with site transfer:

John Grunewaldt	The Pressbox 15 Court Street transfer from 9 West National
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Re-issuance of On-Sale-Retailer Liquor with name change:

Secure Success, LLC	Pro's Sports Bar at 912 North Dakota
Formerly Prairie Inn SD, LLC	

Re-issuance of On-Off Sale Wine:

Spanrex, Inc.	Chae's at 8 West Main
Mexico Viejo, Inc	Mexico Viejo Mexican Restaurant 432 E Cherry
Blue Inc	Little Italy's at 831 East Cherry
Prairie River, Inc.	R Pizza at 2 West Main Street
Bonnie K. Rowland	Raziel's at 13 West Main Street
HyVee Food Stores Inc	HyVee at 525 West Cherry Street
Silk Road Café, Inc	Silk Road Café at 12 West Main Street
Wal-Mart Stores, Inc.	Wal-Mart #3734 at 1207 Princeton Street
Café Brule, Inc	Café Brule at 24 West Main

Re-issuance of On-Off Sale Wine with site expansion:

Red Steakhouse, Inc.	Red Steakhouse at 1 East Main Street expand into what was formerly known as 5 East Main
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Re-issuance of Package Wine (Farm Winery):

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

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

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

Michael D. Carlson, Finance Officer

Publish: November 25, 2011

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: December 5, 2011

Subject: Site expansion of retail on-off sale malt beverage license for RED Steakhouse, Inc to expand into what was formerly known as 5 E Main

Presenter: Mike Carlson

Background: An application for the a site expansion of the retail on-off sale malt beverage for RED Steakhouse, Inc. for RED Steakhouse at 1 East Main to expand into what is formerly 5 East Main was submitted. A copy of the notice that was published for the site expansion is attached.

Discussion: The City Council has the ability to approve a license on basically two criteria: suitable person and suitable location. As to the suitable person the city has issued licenses to this individual and in the previous action item considered the renewal of the wine license with the expansion into this area. With respect to the location criteria, this is a new location. This property adjoins the current licensed establishment and the street entrance to 5 East Main is going to be removed and the entrance to the first floor will be from the 1 East Main entrance. The second floor of 5 E. Main will be accessed through the stairs at 3 East Main. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable.

Financial Consideration: The site expansion fee is \$150. The City retains half (\$75) of this fee, the balance goes to the state.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the site expansion of the retail on-off sale malt beverage. If a motion is made to deny, the reason needs to be included in the motion.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 5th day of December, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Site Expansion for Retail on-off sale malt beverage license June 30, 2012:

Red Steakhouse, Inc for Red Steakhouse at 1 E Main expanding into what was formerly known as 5 E Main.

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

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

Michael D. Carlson, Finance Officer

Publish: November 25, 2011

Published once at the approximate cost of _____.



Council Agenda Memo

From: Andrew Colvin, Assistant to the City Manager

Meeting: December 5, 2011

Subject: Second Reading of Ordinance No. 1266 - Amending Title 15 Chapter 155 Section 155.039 (A), HI Heavy Industrial District, to allow light manufacturing as a permitted use

Presenter: Andrew Colvin

Background: On September 12, 2011, the Planning Commission considered a conditional use permit application to allow light manufacturing in the Heavy Industrial (HI) District. At the hearing, concerns were expressed as to why a conditional use permit is required to allow light manufacturing in the HI District, but the same use is permitted in the General Industrial (GI) District without a conditional use permit. The primary concern was that such a requirement could be perceived as an unreasonable barrier to development.

Discussion: Staff took the concerns of the Planning Commission and drafted the attached amendment to the zoning ordinance, which would permit light manufacturing within the HI District without a special permit. “Light Manufacturing” is defined as “...*manufacturing processes, which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.*”

The amendment will allow general manufacturing uses without a special permit, but will still require “obnoxious” uses involving refining or noise, or that may harm the quality of life and impact safety, to go through the conditional use permit process.

The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City limits. Adopting the proposed amendment will allow manufacturing uses to be established quickly and easily, fostering development.

Financial Consideration: Costs for publication in accordance with state law.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1266 to allow light manufacturing as a permitted use. The amendment will make it easier to permit light manufacturing uses in the HI District. The second reading requires a recorded vote.

ORDINANCE NO. 1266

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTION 155.039 (A), HI HEAVY INDUSTRIAL DISTRICT, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO ALLOW LIGHT MANUFACTURING AS A PERMITTED USE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:

That Section 155.039 (A), of the Zoning Ordinance of Vermillion, SD, is hereby amended to read as follows:

§155.039 HI HEAVY INDUSTRIAL DISTRICT

(A) *Permitted uses.*

This district is intended to provide for general industrial uses which may create some nuisance and which are not properly associated with, nor compatible with residential, office, or commercial establishment. All uses in this district shall comply with any state or local regulations regarding noise, emissions, dust, odor, glare, vibration or heat when applicable.

<i>Permitted Use</i>	<i>Applicable Standards</i>
Light manufacturing	§§ 155.070, 155.072, 155.073, 155.077
Wholesale trade	§§ 155.070, 155.072, 155.073, 155.077
Farm store or feed store	§§ 155.070, 155.072, 155.073, 155.077
Contractor's shop/storage yard	Subject to screening of all outdoor storage from view §§ 155.070, 155.072, 155.073, 155.077
Bus/truck terminal	§§ 155.070, 155.072, 155.073, 155.077
Public utility facility	§§ 155.070, 155.072, 155.073, 155.077
Frozen food locker	§§ 155.070, 155.072, 155.073, 155.077
Off-premise signs	§ 155.070
Electrical substation	An opaque screen, 6 feet in height, must be located as far back as all setback lines. §§ 155.070, 155.077
Retailing	Being an accessory use when in conjunction with a primary use of wholesaling or manufacturing. 14.01, 14.03, 14.04, 14.10
A warehouse or mini-warehouse	Subject to the materials stored on the premises shall have a level 1 or below in the Fire Protection Guide on Hazardous Materials. §§ 155.070, 155.072, 155.073, 155.077
Bus and truck wash	All water from the truck or bus wash being contained on the site. §§ 155.070, 155.072, 155.073, 155.077
Truck repair, sales, and service	No unscreened outdoor storage of parts. §§ 155.070, 155.072, 155.073, 155.077
Recycling collection facility	Subject to any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height. §§ 155.070, 155.072, 155.073, 155.077

<i>Permitted Use</i>	<i>Applicable Standards</i>
Fruit and vegetable canning and processing	Traffic to and from the facility will not travel on residential streets and the odor will not impact residential neighborhoods. §§ 155.070, 155.072, 155.073, 155.077
Automobile storage yard	Screening of the storage yard with fence, berm, vegetation or placement on the lot. §§ 155.070, 155.072, 155.073, 155.077
Motor vehicle repair shop	An adequate number of parking spots to store the cars and screen parts and materials from view. §§ 155.070, 155.072, 155.073, 155.077
Recycling processing facility	Any outdoor storage of recyclable materials must be within an opaque screened area at least 6 feet in height and all processing operations must be fully enclosed. §§ 155.070, 155.072, 155.073, 155.077
Ready-Mix Plant	§§ 155.070, 155.072, 155.073, 155.077

Dated at Vermillion, South Dakota this 5th day of December, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: November 21, 2011
Second Reading: December 5, 2011
Publication: December 16, 2011
Effective Date: January 5, 2012



Council Agenda Memo

From: Andrew Colvin, Assistant to the City Manager

Meeting: December 5, 2011

Subject: First Reading of Ordinance 1267 - Amending Title 15 Chapter 155 Section 155.101, Amendments and Change of Zone, to require property owner consent

Presenter: Andrew Colvin

Background: The City's zoning ordinance provides for certain procedures when changing the zoning of property. These changes can be part of a comprehensive change to a large part of the community, or could be as small in area as a few lots. Citizens, property owners and elected officials can initiate zone changes. State law enables municipalities to regulate uses and provides minimum requirements for public hearings and an appeal process to send an issue back to the City Council.

The current language to change the City's zoning is vague and broad. Essentially, any property owner can bring a zone change for City Council consideration, whether or not the applicants' property is included in the proposed change. For example, earlier this year, petitions were submitted to change the zoning of a large part of the City from R-2 Medium Density Residential to R-1 Low Density Residential. If approved, the change would have prohibited multi-family housing and made existing duplexes and four-plexes non-conforming uses. The language of the petition included sixteen square blocks of the City, bordered by Clark Street on the north, Main Street on the south, Plum Street on the east and the alley between Harvard Street and Dakota Street on the west.

The City received signatures from approximately 20% of the property owners. It was unclear if those gathering signatures did not approach all owners, or if there was opposition to the change. Staff sent notices to the owners of all property, citing the public hearing dates for the Planning Commission and City Council. The zone change failed at both the Planning Commission and City Council levels from lack of public support for the change. There appeared to be more opposition to the change than those speaking in favor. Concerns were raised as to how such a broad

proposal made it to the Planning Commission and City Council level with a lack of demonstrated support from property owners in the neighborhood, when compared to those opposed to the change.

Discussion: City staff looked into how other cities handle zone changes. Almost all first class cities require the signature of property owners to be considered valid when considering citizen-initiated zone changes. Others utilize a state statute that permits cities to require property owner consent prior to bringing forth a petition for a zone change:

SDCL 11-4-9. Requiring consent of landowners to change in zoning ordinance. The governing body may by ordinance require as a condition precedent to the introduction of any ordinance proposing changes in the zoning ordinance that there be first filed with the city auditor, finance officer, or clerk the written consent of the owners of not exceeding sixty percent of the aggregate area having the right of protest against such proposed ordinance if adopted, determined as provided by § 11-4-5.

SDCL 11-4-5 provides that a zone change adopted by the council can be sent back for a third reading if petitions protesting the change are signed by at least 40 percent of those in the affected area and within 250 feet of the affected area are submitted. In such cases, it would take a two-thirds vote of the City Council to adopt the ordinance overriding the protest.

City staff presented the proposed amendment to the City Council for discussion at a noon educational session. The Council expressed positive feedback on the amendment and would like to see a report and recommendation from the Planning Commission. Different percentages of signatures were discussed with 45% being the most recommended and included in the ordinance. The City can insert any percentage not exceeding 60%.

The Comprehensive Plan specifies that the City should encourage development within the undeveloped areas inside City limits. Property owners will still be able to initiate zone changes as long as the required percentage of signatures is met. The City will still be able to initiate zone changes and amendments without signatures. Additionally, properties being rezoned within one year of annexation are exempt from the signature requirement. The amendment cleans up the language of the section, removing unnecessary procedural items that are already required by state law. A better way to describe the process would be to attach a document to the application form that walks petitioners through the steps to change the zoning.

The Planning Commission considered the amendment on November 14th and forwarded a recommendation to approve the ordinance as drafted. The City Council tabled action on the ordinance at the November 21st meeting. There were some questions about how the percentage will be calculated should, for instance, 9 of 10 possible owners sign a petition and whether that petition would be considered. Staff worked with the City Attorney to clarify the ordinance. Following is a list of the major changes:

- Section B was removed in entirety to prevent confusion. This section is a right already given to citizens under state law, whether it is in City ordinances or not. This amendment is only concerned with the “consent” side of the issue and including language pertaining to the “protest” side will be confusing.
- Section A(2) was changed to require the written consent of the “owners” according to SDCL 11-4-9. Staff and legal counsel agree that this change will require all owners of a parcel to sign a petition in order for that parcel to be counted. In other words, if only 9 of 10 owners sign a petition for a parcel of ground to be rezoned, that parcel will not count as part of the 45% since all owners would not have signed.
- All sections were re-numbered accordingly. The changes are not substantial enough to require a new public hearing. Removing language that is already state law was the most significant change.

Financial Consideration: Costs for publication in accordance with state law.

Conclusion/Recommendations: Administration recommends first reading of Ordinance No. 1267 to require property owners consent for a change of zone. The amendment will ensure some degree of neighborhood support prior to coming before the Planning Commission and City Council.

PROPOSED ORDINANCE NO. 1267

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTION 155.101, AMENDMENTS AND CHANGE OF ZONE, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO REQUIRE PROPERTY OWNER CONSENT.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD:

That Section 155.101, of the Zoning Ordinance of Vermillion, SD, is hereby amended to read as follows:

§155.101 AMENDMENTS AND CHANGE OF ZONE

~~(A) — The regulations imposed, and the districts created, under this ordinance may be amended, supplemented or repealed by ordinance, but no such amendment shall be made without public notice and without a public hearing, at which, parties in interest and citizens shall have an opportunity to be heard. Zoning amendments and change of zones are changes to the city's zoning regulations. Applications for amendment may be submitted by either the city or any owner of land within the city. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, or repealed, provided however, that no action may be taken until after public hearings, at which parties in interest and citizens shall have an opportunity to be heard.~~

~~(A) At least ten (10) days' notice of the time and place of such hearing shall be published in the official newspaper of the City of Vermillion, said notice to contain a brief statement describing the proposed amendment. If the proposed amendment will change the boundaries of a zoning district, the Zoning Administrator shall post a sign on the property included in the application for a continuous period of ten (10) days immediately prior to the public hearing and shall notify all owners of property within two hundred fifty (250') feet of the proposed boundary change by mail. The mailed notice shall be postmarked ten (10) business days prior to the hearing and state the date, time and location of the public hearing.~~

~~(B) Prior to the consideration of any ordinance proposing changes in the zoning ordinance, there shall first be filed, with the Finance Officer, the written consent of the owners of forty-five (45%) percent of the aggregate area having the right of protest against such proposed ordinance, if adopted, as would be determined by SDCL 11-4-5. owners of equity in the lots included in any proposed district and the lands within two hundred fifty (250') feet from any part of such proposed district. A corporation shall be construed to be a sole owner. When parcels of land are in the name of more than one person, ownership representation shall be in proportion to the number of signers who join in the petition in relation to the number of owners.~~

~~Proposed changes initiated by the City, or for properties within one year after annexation, shall be exempt from the provisions of this section.~~

~~(B) — When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect twenty (20) days after publication, unless the referendum shall have~~

been invoked, or unless a written protest is filed with the Finance Officer, signed by at least forty (40%) percent of the owners of equity in the lots included in any proposed district and the lands within two hundred fifty (250') feet from any part of the proposed district. A corporation is construed to be a sole owner, and if parcels of land are in the name of more than one person, ownership representation is in proportion to the number of signers who join in the petition in relation to the number of owners. If a protest is filed, the ordinance does not become effective unless the ordinance is then approved by two-thirds of the City Council. The protest provisions of this section do not apply to any ordinance regulating or establishing flood plain areas. The following procedure for requesting an amendment shall be followed:

—— (1) — The Zoning Administrator shall review the application for amendment or change of zone and forward the application and his/her comments to the Planning Commission for review.

—— (2) — The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The Zoning Administrator shall also publish notice of the public hearing in a newspaper of general circulation in the area affected for a proposed amendment and change of zone. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing.

—— (3) — The public hearing shall be held. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.

—— (4) — The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

—— (5) — The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The Zoning Administrator shall also publish notice of the public hearing in a newspaper of general circulation in the area affected for a proposed amendment or change of zone. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing.

—— (6) — The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date.

—— (7) — When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

(C) No application requesting a change of zone for any property whose application includes any such property, either entirely or substantially the same, as that which has been

denied by the City Council, shall again need to be considered by the Planning Commission before the expiration of six (6) months from the date of the final action of the City Council.

Dated at Vermillion, South Dakota this 19th day of December, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: December 5, 2011
Second Reading: December 19, 2011
Publication: December 30, 2011
Effective Date: January 19, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: December 5, 2011
Subject: Library expansion/renovation plans and specifications
Presenter: John Prescott

Background: In early 2010, the Library Board reviewed proposals from multiple architectural firms before ultimately selecting Architecture Incorporated of Sioux Falls to design a library addition and renovation project. Through the generosity of a local donor early this summer, the library addition and renovation project was able to move forward. Since July City staff has been working with the architect to develop plans and specifications for the Library addition and renovation.

Discussion: The proposed project will include adding 11,110 feet of space between a proposed first floor and basement addition immediately north of the current building. An additional 780 square feet of space will be added on the south end where the Children's area is housed. The community room will be expanded, while a youth room and computer room will be added. A second meeting room will be added in the corner of the proposed addition. Skylights and windows will provide for more natural light than the current structure.

As with most City projects, some items have been removed from the plans and will be performed by City staff to avoid contractor costs and architect markup. The furnishings are outside the contract and will be funded through the efforts of the Library Foundation. City staff have or will perform items such as clearing the site, tapping the water main for the new water service, landscaping and similar items to help reduce the cost of the contractor's bid and related fees.

Financial Consideration: The City has just over \$800,000 from the Edith Siegrist donation, \$1.4 million of second penny funding, and a \$192,500 CDBG award to fund the construction costs. The Library Board has pledged their CD's which were approximately \$120,000 to help fund the architect's fee. A \$10,000 credit for the schematic work, which was already completed, was applied against the architect's bill. A fundraising campaign is also taking place by the Library Foundation that will help with the furnishings.

The most recent estimated architect's estimate of the project cost is approximately \$2.7 million. Staff continues to identify options to bring the project within available dollars. A favorable bid would be one of the best options to match up project costs with available dollars. It may be that additional second penny funds in 2013 will be needed to complete the project.

Conclusion/Recommendations: Administration recommends approval of the plans and specifications for the Library addition and renovation and setting the bid opening date for Thursday, January 19, 2012 at 2:00 pm.

Statement of Probable Construction Cost				
Construction Document Phase				
Vermillion Public Library Addition and Remodel				
Vermillion, South Dakota				
Prepared by Architecture Incorporated				
11/21/2011				
AI Project number 2256				
Description:	Quantity	Price/Unit	Extended	Subtotals
SITE CONSTRUCTION:				
Site Work/l.s.	1	\$90,000.00	\$90,000	
SITE CONSTRUCTION SUBTOTAL:				\$90,000
BUILDING CONSTRUCTION:				
Demo exterior walls/s.f.	1200	\$10.00	\$12,000	
Demo interior walls/s.f.	1610	\$5.00	\$8,050	
Demo wood doors/ea.	8	\$100.00	\$800	
Demo lay-in ceilings/s.f.	10,000	\$1.00	\$10,000	
Demo wood ceiling/s.f.	712	\$1.50	\$1,068	
Demo cabinets/l.f.	50	\$10.00	\$500	
Demo carpet/s.f.	7000	\$1.00	\$7,000	
Demo concrete slab/l.f.	1000	\$10.00	\$10,000	
Demo interior brick pavers/s.f.	766	\$5.00	\$3,830	
Demo ct floor/s.f.	390	\$5.00	\$1,950	
Excavation/c.y.	3,111	\$15.00	\$46,665	
Engineered fill/c.y. (Estimate)	300	\$12.00	\$3,600	
Concrete footings/c.y.	108	\$300.00	\$32,400	
Concrete foundations/c.y.	206	\$400.00	\$82,400	
4" concrete floor slab/s.f.	11,890	\$4.00	\$47,560	
Concrete floor topping/s.f.	766	\$2.50	\$1,915	
Concrete floor patching/l.s.	1	\$5,000.00	\$5,000	
8" concrete masonry unit/s.f.	900	\$10.00	\$9,000	
Exterior brick veneer/s.f.	13,000	\$13.00	\$169,000	
"Soldiers" brick features/ea.	5	\$3,000.00	\$15,000	
Steel floor deck with concrete/s.f.	4,950	\$6.20	\$30,690	
Steel floor joists/s.f.	4,950	\$1.20	\$5,940	
Steel roof bar joists/s.f.	7,000	\$4.20	\$29,400	
Metal roof deck/s.f.	7,000	\$1.20	\$8,400	
Structural steel/ton	15	\$3,000.00	\$45,000	
Steel pan stairs/s.f.	400	\$25.00	\$10,000	
Exterior steel stud walls/s.f.	5,202	\$8.00	\$41,616	
Adhered roof membrane & insulation/s.f.	7,000	\$5.00	\$35,000	
Metal roofing & insulation @ canopy/s.f.	600	\$8.00	\$4,800	
Metal coping & flashing/l.f.	500	\$7.00	\$3,500	
Remove MP Room col and install 2 new col./l.s.	1	\$32,000.00	\$32,000	

Ladder to roof/ea.	1	\$1,000.00	\$1,000
Foundation insulation/s.f.	6,685	\$1.00	\$6,685
Foundation waterproofing/s.f.	6,685	\$1.00	\$6,685
Rigid insulation/s.f.	1,120	\$1.00	\$1,120
Continuous wall insulation (rigid)/s.f.	4,871	\$1.00	\$4,871
Canopy framing/s.f.	740	\$10.00	\$7,400
EIFS at canopy/s.f.	740	\$10.00	\$7,400
Metal clad wood windows/s.f.	500	\$30.00	\$15,000
Aluminum entrance framing/s.f.	162	\$40.00	\$6,480
Aluminum curtain wall/s.f.	288	\$55.00	\$15,840
Skylight/ea.	5	\$5,000.00	\$25,000
Interior door & frame/ea.	28	\$950.00	\$26,600
Aluminum door & frame/ea.	6	\$1,200.00	\$7,200
Wood-framed glass lites/s.f.	693	\$25.00	\$17,325
Automatic sliding glass doors/ea.	2	\$5,000.00	\$10,000
Interior steel stud partition/s.f.	22,260	\$7.00	\$155,820
Interior steel stud furring/s.f.	1,120	\$7.00	\$7,840
Gypsum board soffits/s.f.	607	\$6.00	\$3,642
Gypsum board ceilings/s.f.	1,188	\$6.00	\$7,128
Suspended acoustical ceiling/s.f.	15,270	\$1.50	\$22,905
12x12 acoustical ceiling/s.f.	384	\$3.00	\$1,152
Column covers/ea.	15	\$500.00	\$7,500
Wood trim at exterior windows/l.f.	650	\$6.00	\$3,900
Wood base/l.f.	235	\$6.00	\$1,410
Wood chair rail/l.f.	235	\$6.00	\$1,410
Paint/s.f.	25,000	\$0.70	\$17,500
Epoxy paint/s.f.	860	\$1.25	\$1,075
Paint ceiling/s.f.	400	\$0.90	\$360
Carpet/s.f.	12,800	\$3.80	\$48,640
Walk off Carpet/s.f.	465	\$4.00	\$1,860
Paver tile floor/s.f.	1,150	\$9.00	\$10,350
Paver tile base/l.f.	233	\$7.00	\$1,631
Ceramic tile walls/s.f.	522	\$9.00	\$4,698
Resilient treads and risers/l.f.	400	\$3.00	\$1,200
Rubber base/l.f.	2,280	\$1.50	\$3,420
Sealed concrete/s.f.	5,340	\$1.00	\$5,340
Circulation desk/ea.	1	\$22,000.00	\$22,000
Tall cabinets/l.f.	22	\$200.00	\$4,400
Base cabinets/l.f.	50	\$120.00	\$6,000
Wall cabinets/l.f.	50	\$60.00	\$3,000
Solid surface countertop/s.f.	15	\$33.00	\$495
Plastic laminate countertop/s.f.	100	\$13.00	\$1,300
Marker & tack board/l.f.	5	\$60.00	\$300
Coat rack/l.f.	22	\$50.00	\$1,100
Relocate door operators/ea.	2	\$250.00	\$500
Card readers/ea.	0	\$2,000.00	\$0
Toilet accessories/ea.	30	\$100.00	\$3,000
Toilet partitions/l.f.	42	\$80.00	\$3,360
Electric hand dryers/ea.	3	\$500.00	\$1,500

Fire extinguishers & cabinets/ea.	6	\$250.00	\$1,500	
Exterior building letters and address #s/ea.	20	\$50.00	\$1,000	
Relocate exterior building letters/ea.	18	\$20.00	\$360	
Fireplace/ea.	1	\$5,000.00	\$5,000	
Two-stop holeless hydraulic elevator/stop	2	\$18,000.00	\$36,000	
BUILDING CONSTRUCTION SUBTOTAL :				\$1,272,286
MECHANICAL & ELECTRICAL:				
Plumbing/l.s.	1	\$46,800.00	\$46,800	
Fire Protection/l.s.	1	\$80,100.00	\$80,100	
Heating/l.s.	1	\$108,200.00	\$108,200	
Ventilation and Air Conditioning/l.s.	1	\$274,700.00	\$274,700	
Automatic Temp Control & BAS/l.s.	1	\$77,300.00	\$77,300	
Relocate existing water service to the basement	1	\$3,000.00	\$3,000	
Electrical/l.s.	1	\$275,000.00	\$275,000	
IDS (Intrusion detection system) motion detection/l.s.	1	\$5,000.00	\$5,000	
CCTV Surveillance system rough-in/l.s.	1	\$2,000.00	\$2,000	
MECH. & ELEC. SUBTOTAL:				\$872,100
SUBTOTAL:				\$2,234,386
General Conditions (5%)				\$111,719
Overhead and Profit (7%)				\$164,227
Excise Tax (2%)				\$50,207
Contingency (5%)				\$128,027
TOTAL:				\$2,688,566
Possible bid alternates:				
1. Add or deduct amount to use Johnson Controls			\$0	
2. Exterior piers at west			\$15,000	
3. Skylights			\$25,000	
4. Circulation desk			\$22,000	
Possible unit prices:				
1. Unit Price #1 - cost to replace existing interior wood door (hm frame to remain); provide new hardware				
Not Included:				
appliances (ref, microwave)				

storage shelving				
book shelves				
furniture & equipment				
landscaping				
interior signage				
window treatment				
card readers				
A/V equipment				
library control (2 antenna)/ea.				
CCTV Surveillance (camera system)/l.s.				
AREA				
Existing building	11,420			
North addition - first floor	6,160			
South addition - first floor	780			
North addition - basement	4,950			
Total Square Footage	23,310			
Project Budget				
Construction Cost				\$2,714,620
Furniture and fixtures				\$100,000
Construction Testing				\$20,000
A/E fees and testing				\$217,170
				\$3,051,790
Construction Phasing				
Phase one - construct north and south addition				
Start 4/1/2012				
Phase two - once new mechanical equipment is operation, remove equipment from the existing mechanical room and remodel into toilet rooms				
Replace existing condensing units with new chiller (AC not available)				
Start 10/1/2012				
Phase three - move library operations to the addition. Consider leaving the work room operational and building interior "tunnel" from work area to north addition				
Start 11/1/2012				
Phase four - remodel the existing library (except work room)				
Start 12/1/2012				
Phase five - move work room operations into remodeled area temporarily while work room is remodeled				
Start 3/1/2013				
Project Completion Date				
4/1/2013				
NOTE: Library operates summer reading program for children; minimize disruptions during summer				



Council Agenda Memo

From: José Domínguez, City Engineer
Meeting: December 5, 2011
Subject: Resolution Approving Petition for Seiler's Second Road District
Presenter: José Domínguez

Background: Residents of Seiler's Second Addition (development north of SD Hwy. 50 along Princeton Street) have requested that their addition be formed into a road district. The creation of the district will allow for funds to be collected to maintain the roads within the district.

§31-12A-5.1. Territory within or without subdivision jurisdiction of municipality--Requirement for approval of petition. If any territory is within the subdivision jurisdiction of a municipality, the petition for the incorporation described in § 31-12A-3 shall first be submitted to the municipality's governing body for approval at its discretion, and upon approval shall be presented to the county board of commissioners. If any territory is outside the subdivision jurisdiction of a municipality, but within the subdivision jurisdiction of the county, the board may, subject to its discretion, approve the petition pursuant to § 31-12A-5. However, if any territory is not within the subdivision jurisdiction of a municipality or the county then the county board shall approve the petition pursuant to § 31-12A-5.

Discussion: As mentioned above, the proposed district will encompass Seiler's Second Addition. This addition contains several gravel roads (Coyote, Purdue, Creighton and DePaul). When the subdivision was originally platted, the landowners were directed to form a homeowners association to administer the covenants for the development (this included maintenance of the gravel roads). The homeowners association was never formed and, thus, the gravel roads have been maintained by the original developer, and some of the homeowners.

The formation of a road district is covered under SDCL 31-12A. This title allows for road districts to be formed and it delineates the functions that a district may perform. Due to the fact that the road district is within the City subdivision jurisdictional area, the City has the opportunity to approve, or disapprove, the petition. The City Council and County Commission approved the original plat of the roads when the development was created. With respect to the road district, in

this instance, there is not much for the City Council to consider given the previous platting of the roads.

Once the City has approved the petition, it is forwarded to the County for their approval. The County Commission has the ability to adjust the boundaries of the proposed road district. Assuming that the County approves the petition, the formation of the district will be put up to a vote by the residents of the district. Depending on the results of the vote, the district will, or will not, be formed.

Financial Consideration: No cost to the City

Conclusion/Recommendations: Administration recommends approval of the petition to form Seiler's Second Road District.

**RESOLUTION
FOR SEILER'S SECOND ROAD DISTRICT PETITION**

WHEREAS, there has been presented to the City Council of the City of Vermillion, and filed with the City Finance Officer, a Petition, in writing, signed by a majority of the property owners, and otherwise in compliance with the provisions of SDCL 31-12A-3, requesting that a territory described in the petition be formed into the Seiler's Second Road District;

WHEREAS, the property described within the Seiler's Second Road District petition is within the City of Vermillion Subdivision Jurisdictional area;

WHEREAS, SDCL 31-12A-5.1 requires that the road district petition, within the subdivision jurisdictional area of a city, must first be submitted to the municipality's governing body for approval;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion that the Seiler's Second Road District petition is approved and shall be forwarded to the Clay County Board of Commissioners for their approval.

Dated at Vermillion, South Dakota this 5th day of December 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

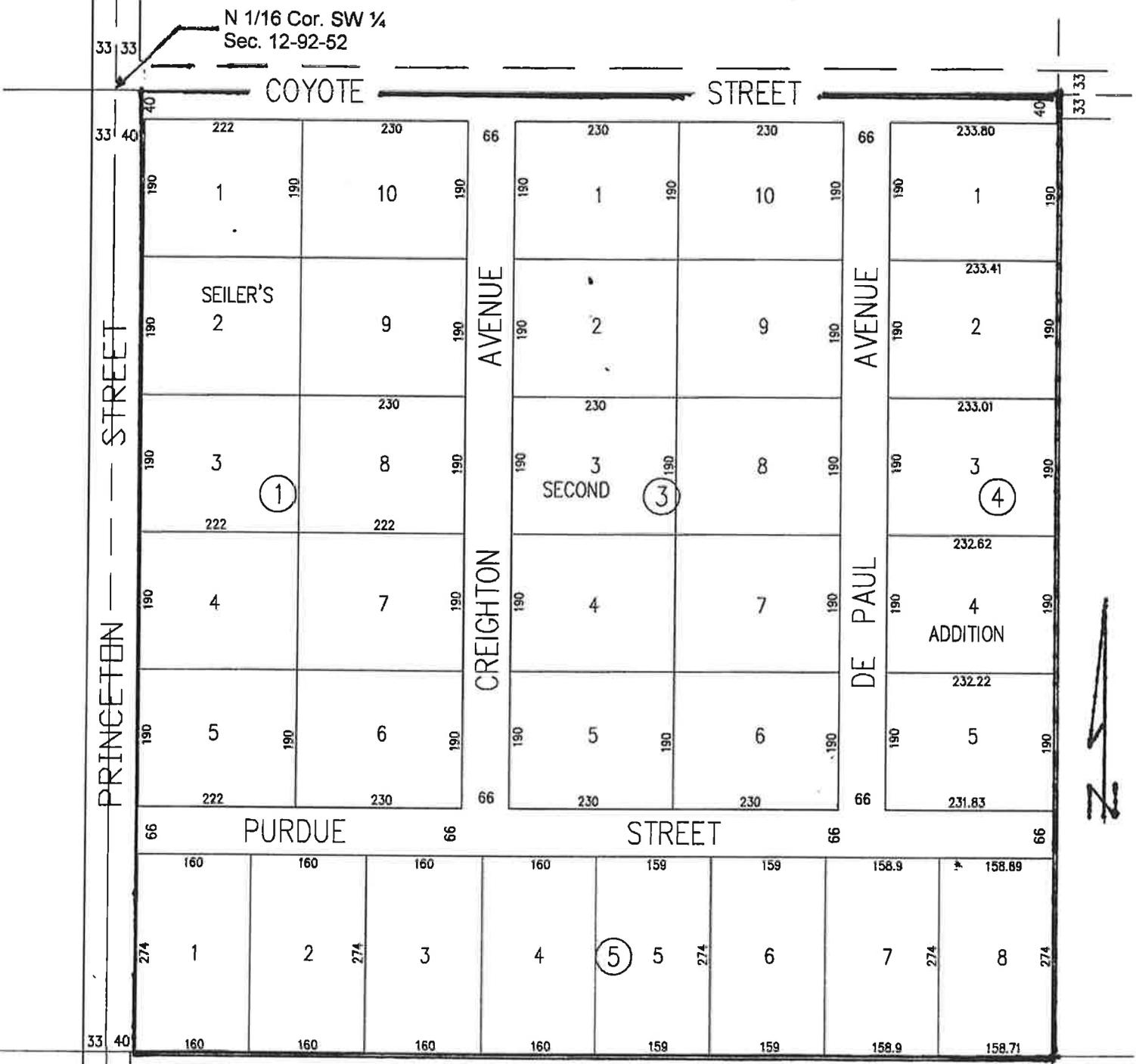
By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

MAP OF SEILER'S SECOND ROAD DISTRICT

LOTS 1-10, BLOCK 1, LOTS 1-10, BLOCK 3, LOTS 1-5, BLOCK 4 AND LOTS 1-8, BLOCK 5, SEILER'S SECOND ADDITION INCLUDING PLATTED ROADS OF PURDUE STREET, CREIGHTON AVENUE, DE PAUL AVENUE AND COYOTE STREET IN THE NE 1/4 OF THE SW 1/4 OF SECTION 12, T92N, R52W OF THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.



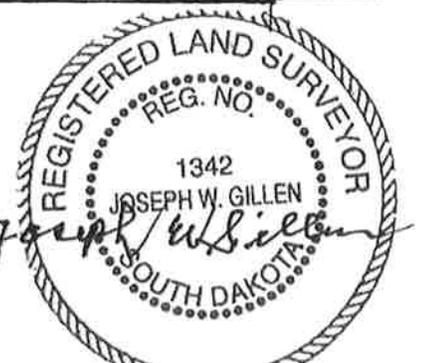
SURVEYORS CERTIFICATE

SCALE : 1" = 200'

I, Joseph W. Gillen, Registered Land Surveyor, certify that the above map is true and correct to the best of my knowledge, information and belief.

Date: November 22, 2011
Job: 34-45

Joseph W. Gillen, 615 Sterling St., Vermillion, SD
Land Surveyor # 1342 605 624 2067





Agenda Memo

From: David Nelson, Parks & Recreation Director

Meeting: December 5, 2011

Subject: Bluffs Golf Course Fees

Presenter: David Nelson

Background: In 2007, staff was given direction to look at smaller, more frequent increases vs. larger percentage increases to the Bluffs Golf Course rates. Almost every type of golf course rate has been raised at least 3% a year since 2007. The golf course has had a good year. Through October 2011, course revenue was up \$17,500 in comparison to 2010. Good weather for large outings, the closure of some area courses due to flooding, and state tournaments at the course are some of the reasons the course has done better this year.

Discussion: During the budget review process, staff recommended no increase in season passes. Staff recommended a 3% increase in all other fees to include green fees and cart rental fees. Season pass rates were increased at least 3% every year 2007-2010. The concern, at this point, is that the cost of a season pass may have reached the point where additional increases in the cost will drive more pass holders away. Total pass holder numbers have been fairly consistent while fluctuations in the individual types have occurred.

The bulk of revenue at the Bluffs comes from three main sources: season passes, outings and green fees. For 2011, a total of 281 memberships were sold (Juniors – 22; University – 75; Adult – 103; Family – 81). Staff continues to work on increasing the number of outings. Overall, the total rounds of golf have declined since 1999. For 2011, there have been 21,061 rounds of golf through October.

Financial Consideration: Raising fees is not the only answer to solving the financial challenge at the golf course. Golf course staff and administration continually monitor expenses and operations to help reduce costs without sacrificing the quality of the golf experience. The Golf Course Advisory Committee reviewed the fees at the November 14, 2011 meeting and voted to recommend the adoption of the 2012 fees.

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

The Bluffs Golf Course Fees

2012 Proposed

Season Fees do not include tax

SEASON GOLF PASSES

2 Person Family	\$659
(+ one child \$689 +2 or more \$719)	
Adult	\$499
College(full time)or under 25	\$249
Junior	\$124

SEASON RANGE PASSES

family	\$259
Adult	\$194
Junior	\$89

PRIVATE CARTS

Cart Storage	\$329
Trail Fee (homeowners)	\$164

SEASON CART PASSES

2 Person Family	\$639
Adult	\$464

ALL DAILY RATES INCLUDE TAXES

GREEN FEES

9-hole Monday-Friday	\$16.00 (\$16.50)
18-hole Monday-Friday	\$22.00 (\$22.50)
9-hole Saturday-Sunday & Holidays	\$19.00 (\$19.50)
18-hole Saturday -Sunday & Holidays	\$29.00 (\$30.00)
9-hole punch card (10 rounds)	\$144.00 Mon-Fri (\$148.50)
9-hole punch card (10 rounds)	\$159.00 Anyday (\$162.00)
9-hole punch card (15 rounds)	\$208.00 Mon-Fri (\$214.50)
9-hole punch card (15 rounds)	\$227.50 Anyday (\$234.00)

CART RENTAL

9-hole car rental	\$10.00 (\$10.50)
9-hole car rental punch card (10 rounds)	\$180.00 (\$189.00)
18-hole car rental (per person)	\$15.00 (\$15.50)

DRIVING RANGE

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

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

HANDICAP \$24.00

The Bluffs Pro Shop 677-7058

Course	City	9 hole Weekday	9 hole Weekend	18 hole Weekday	18 hole Weekend
Elmwood Golf Course (2012)	Sioux Falls	16.00	20.00	23.00	27.00
Prairie Green Golf Course (2012)	Sioux Falls	18.00	21.50	26.00	30.00
Willow Run Golf Course	Sioux Falls	17.50	20.50	27.50	31.00
Spring Creek Country Club	Harrisburg	16.50	18.00	25.00	28.00
Brandon Municipal Golf Course	Brandon	16.82	18.69	23.83	27.34
Dells Rocky Run Golf Course	Dell Rapids	18.00	20.00	25.00	28.00
Fox Run Golf Course	Yankton	16.00	20.00	21.00	25.00
Two Rivers Golf Course	Dakota Dunes	18.00	20.00	25.00	27.00
The Ridge Golf Club	Sioux Center	15.00	16.00	25.00	27.00
Bluffs Golf Course, 2011	Vermillion	16.00	19.00	22.00	29.00
Bluffs Golf Course, Proposed '12	Vermillion	16.50	19.50	22.50	30.00

Calendar Year	Total number of Bluffs memberships	Total number of rounds played
2011	281	21,061
2010	282	21,476
2009	289	22,421
2008	324	21,443
2007	324	23,176
2006	314	20,283
2005	301	22,465
2004	339	22,756
2003	330	23,476
2002	290	23,966



Council Agenda Memo

From: David Nelson, Parks & Recreation Director

Meeting: December 5, 2011

Subject: Swimming Pool Fees

Presenter: David Nelson

Background: During the 2012 budget review process, a fee increase at the Prentis Park pool was discussed to help cover increased costs related to operating the facility. Costs continue to rise at the swimming pool and we will soon start the process to replace our pool. The last fee increase took effect for the 2010 pool season.

Discussion: The bulk of revenue at the pool comes from season passes and daily fees. The numbers of pass holders at the pool has increased the last couple of years. In 2011, 248 family passes, 23 adult passes, 44 youth passes, 153 child and 25 lap swim passes were sold.

Staff performed a survey to compare Vermillion's swimming pool rates to other communities with a similar facility. The results show that Vermillion's rates are average. Communities with waterpark type pools have higher season passes and daily admission fees. The number of warm days can have an impact on the daily admission fees paid. Staff is proposing that season passes be increased by \$10.00 for family and \$5.00 for all others and that daily admission fees prices increase by \$1.00.

Financial Consideration: Total revenue, for 2011, was \$37,997 and expenses were \$91,055. The proposed fees will provide an additional \$7,522 in revenue if the same level of season passes and daily admissions are experienced in 2012.

Conclusion/Recommendations: Administration recommends adoption of the adjusted fee structure to help cover the increasing operating costs of the swimming pool.

Vermillion Swimming Pool Figures

	2011				Proposed 2012
	Vermillion*	Huron*	Yankton*	Aberdeen**	Vermillion
<u>Season Passes</u>					
Family	\$65.00	\$70.00	\$70.00	\$145.00	\$75.00
Adult	\$40.00	\$55.00	\$35.00	\$80.00	\$45.00
Youth	\$30.00	\$40.00	\$35.00	\$50.00	\$35.00
Child	\$25.00	-	\$35.00	-	\$30.00
Senior	-	-	-	\$65.00	-
Lap Swim	\$25.00	-	-	-	\$30.00
<u>General Admission</u>					
Family	\$6.00	-	\$8.00	-	\$7.00
Adult	\$4.00	\$4.00	\$4.00	\$6.50	\$5.00
Youth	\$3.00	\$2.50	\$3.00	\$4.50	\$4.00
Child	\$3.00	-	-	-	\$4.00
Senior	-	-	-	\$5.00	-
Lap Swim	\$4.00	-	-	-	\$5.00

*Old Style Outdoor Pool

**Aquatic Center - 2007

2011 Ticket Sales	Total	<u>Fees</u>			
		<u>2011</u>	<u>2012</u>	<u>Increased</u>	
<u>Season Passes</u>		<u>Season Passes</u>			
Family	248	Family	\$65.00	\$75.00	\$2,520.00
Adult	23	Adult	\$40.00	\$45.00	\$105.00
Youth	44	Youth	\$30.00	\$35.00	\$220.00
Child	153	Child	\$25.00	\$30.00	\$765.00
Lap Swim	25	Lap Swim	\$25.00	\$30.00	\$125.00
<u>General Admission</u>		<u>General Admission</u>			
Family	1037	Family	\$6.00	\$7.00	\$1,021.00
Adult	1233	Adult	\$4.00	\$5.00	\$1,206.00
Youth	823	Youth	\$3.00	\$4.00	\$814.00
Child	751	Child	\$3.00	\$4.00	\$746.00
Lap Swim	124	Lap Swim	\$4.00	\$5.00	\$124.00
\$7,522.00					



Council Agenda Memo

From: José Domínguez, City Engineer

Meeting: December 5, 2011

Subject: Resolution for Funding Agreement for the Design of the Parallel Taxiway at Harold Davidson Field.

Presenter: José Domínguez

Background: The existing capital improvement plan for the airport calls for the construction of the parallel taxiway extension in 2012. Prior to construction, the design of the project has to be completed. The design will be completed during the spring of 2012, with bid opening in the spring or early summer.

The funding agreement stipulates how the funding will be made and also has criteria that need to be followed during the construction and future maintenance of the airport facilities. The City has entered into similar agreements with the DOT for any construction within the airport; the most recent project was the white topping of runway 12/30.

Discussion: As part of the funding agreement, the City Council needs to pass a resolution accepting the agreement with the DOT to have Helms Associates design the parallel taxiway.

Financial Consideration: The cost to the City, at this point, is nothing. It is estimated that the City will pay \$47,000, with the State reimbursing the City a total of \$46,060. Essentially the City pays for 2% of the project, the State pays for 3%, while the Federal Government pays the remaining 95%.

Conclusion/Recommendations: Administration recommends approval of the resolution for funding agreement for the design of the parallel taxiway.

RESOLUTION
ACCEPTING THE FINANCIAL AGREEMENT FOR THE DESIGN OF THE
PARALLEL TAXIWAY AT HAROLD DAVIDSON FIELD BETWEEN THE STATE OF
SOUTH DAKOTA AND THE CITY OF VERMILLION

WHEREAS, the City of Vermillion wishes to extend the existing taxiway at Harold Davidson Field utilizing a combination of Local, State and Federal Funds, and;

WHEREAS, the Governing Body of the City of Vermillion is asked by the South Dakota Department of Transportation to approve the above mentioned funding agreement by resolution, and;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion accepts the Funding Agreement between the Department of Transportation and the City of Vermillion for Design of Project 3-46-0056-08-2011.

Dated at Vermillion, South Dakota this 5th day of December 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: December 5, 2011
Subject: First Reading of Ordinance 1268 – 2011 Supplemental Budget Appropriations
Presenter: Mike Carlson

Background: The City Council adopted a revised budget for 2011 as part of the budget process in September 2011. Since that time, some expenses have taken place resulting in the need to revise the budget and accounting requirement.

- General Government purchased a new computer that will be a capital expenditure as it is over the \$500 capitalization value. The budget adjustment was to increase the furniture & minor equipment and reduce the other supplies and materials for no net change in the budget.
- City Hall Maintenance supplies repairs and maintenance was increased for the cost of connecting the sump pump alarms to the building alarm panel. This will provide for 24/7 alarm monitoring of the levels in the four sump pits in City Hall. The cost of this is \$2,600, which was not budgeted.
- Engineering professional services paid for half of the \$4,000 cost of the property appraisals needed for the right-of-way for the traffic signals at the Rose and Cherry Street intersection. This cost was not budgeted for 2011.
- Police Administration and Patrol are replacing computers in the offices and patrol cars totaling \$11,800. The fund for these capital expenditures is being adjusted from the wages line items due to savings from empty positions for part of the year. These items result in no net change in the budget.
- Code Compliance professional services is being increased \$5,000 for the landfill fees and asbestos removal at 716 Maple Street and for costs incurred in securing the structure at 23 N. Harvard. These costs will be billed to the property owners and, if not paid, will be assessed against the property. These items were not budgeted.
- Old library building maintenance line item is being increased by \$1,000 to provide for the asbestos removal from the old furnace. The furnace was replaced last year and, as the contractor was in town for the Maple Street property, a quote was obtained to remove this hazardous material from the old library. This item was not budgeted.

The net change to the general fund is \$11,000 that will be appropriated from the reserve. The general fund reserve, at the beginning of 2011, was \$1,816,281 and the revised budget proposed to reduce the reserve by \$134,310. With this supplemental ordinance, the proposed reduction in the general fund reserve will be \$145,310.

The Unemployment Fund has had more claims than what was included in the revised budget. An additional \$2,600 is estimated and will be needed for the fourth quarter claims. The City reimburses the South Dakota Department of Labor for unemployment claims on a quarterly basis. The Unemployment Reserve was \$17,410 at the beginning of the year and, with this revision, will be reduced to \$11,110.

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

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

Discussion: The 2011 budget needs to be supplemented in the General fund and Unemployment fund for the expenses and revenues listed above.

Financial Consideration: The General Fund Reserve will be reduced \$11,000 over what was budgeted and the Unemployment Fund Reserve will be reduced \$2,600 over what was budgeted.

Conclusion/Recommendations: Administration recommends adoption of first reading of Ordinance No. 1268 Supplemental Appropriations Ordinance for 2011.

PROPOSED ORDINANCE NO. 1268
2011 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING a 2011 Supplemental Appropriations 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>2011 Budget</u>	<u>Proposed Budget</u>	<u>Amount of Supplemental Budget</u>
<u>General Fund:</u>			
<u>General Government</u>			
Other Supplies & Materials	4,000	3,380	(620)
Furniture & Minor Equipment	-0-	620	620
<u>City Hall Maintenance</u>			
Supplies Repairs & Maint	12,000	14,600	2,600
<u>Engineering</u>			
Professional Services	500	2,900	2,400
<u>Police Administration</u>			
Wages	226,732	221,582	(5,150)
Furniture & Minor Equipment	600	5,750	5,150
<u>Police Patrol</u>			
Wages	661,450	654,800	(6,650)
Furniture & Minor Equipment	-0-	6,650	6,650
<u>Code Compliance</u>			
Professional Services	5,000	10,000	5,000
<u>Old Library</u>			
Building Repairs & Maint	-0-	1,000	1,000
<u>Revenues</u>			
Appropriation from Reserve	134,310	145,310	11,000
<u>Unemployment Fund:</u>			
Reimbursement to State	4,000	6,600	2,600
<u>Revenues</u>			
Appropriation from Reserve	3,700	6,300	2,600

Dated at Vermillion, South Dakota this 19th day of December, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

First Reading: December 5, 2011
Second Reading: December 19, 2011



Council Agenda Memo

From: Bob Iverson, Solid Waste Director

Meeting: December 5, 2011

Subject: Landfill Facility Plan

Presenter: Bob Iverson

Background: The landfill has been working with HDR on the master plan process for the Joint Powers facilities consisting of the landfill, recycling center and the transfer station. HDR has also been working on the design for the next cell at the landfill and the leachate system to comply with the new state requirements. At first review, it was projected that the landfill cell 5 and leachate system would need to be constructed during 2012. In reviewing the options, it was determined that the side slopes of the existing cells, 2, 3 & 4, could be made steeper to increase the capacity to allow for the construction to be done in 2013. The DENR has approved the increase in the side slope for the existing cells. The engineers estimate for the construction of cell 5 is \$690,000 and the estimate for the leachate system is \$1,640,000. The leachate system will be designed and constructed to serve cells 5 through 10.

As the Joint Powers doesn't have the funds on hand to pay for these projects, application will be made for grants and loans. In working with SECOG on possible grant/loan funding, it was suggested that applications be made in January, 2012 for the first funding cycle of the year as usually there are more grant funds available. The grant loan application deadline is December 31, 2011. As part of the SRF loan application, a facility plan is required to document the need for the project and compliance with federal funding requirements of SRF funding. Facility plans have been done for the water and wastewater facilities as part of the application process for SRF loans.

Discussion: As the City is working with the firm of HDR on the landfill cell and leachate system design, as well as the master plan, a request was made for the cost to do the facility plan. HDR estimated the cost to prepare the facility plan for the landfill cell 5 and leachate system at \$17,044. The facility plan qualifies for funding from the SRF loan proceeds.

Financial Consideration: The construction of the landfill cell and leachate system is needed to continue the landfill operations. The landfill has reserves of \$1.1 million and has proposed using \$500,000 for this project and applying for grants/loans for the balance.

Conclusion/Recommendations: Administration recommends approval of professional services contract with HDR to prepare the facility plan needed for the grant/loan application for the landfill cell 5 and leachate system construction.



Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: December 5, 2011

Subject: Purchase of electric wire and transformers

Presenter: Jason Anderson

Background: The 2012 Electric Distribution budget includes funding for the annual supply of primary underground electric wire and padmount transformers for stock needs and 2012 electric projects. The City opened bids on November 30, 2011. Copies of the bid tabulation sheets are attached.

Discussion: Four bids with appropriate bid security were received for electric wire. The low bidder on 24,000 feet of 1/0 wire and 13,000 feet of 4/0 wire was RESCO for a total amount of \$65,328.

Five bids with appropriate bid security were received for transformers. Transformer bids are evaluated for operating losses over the transformer life cycle in determining the low bidder. The total base price is the initial cost to acquire the transformers while the total evaluation price represents the total life cost of the transformers, including operating losses over the transformer life. The low bidder on transformers was Stuart Irby with an initial purchase price of \$25,090 and a total evaluated bid of \$48,437.20.

Financial Consideration: The 2012 Electric Distribution fund includes funding for these purchases.

Conclusion/Recommendations: Administration recommends awarding the electric wire bid to the low bidder, RESCO, for 24,000 feet of 1/0 wire and 13,000 feet of 4/0 wire for a total amount of \$65,328.

Administration also recommends awarding the padmount transformer bid to the low bidder, Stuart Irby, with an initial purchase price of \$25,090 and a total evaluated bid of \$48,437.20.

BID TABULATION

PROJECT: Electric Wire

Date: November 30, 2011

BIDDER		Border States Electric Supply Co.	Wesco	RESCO	Stuart Irby	
ADDRESS		1401 N. Minnesota Ave Sioux Falls, SD 57104	2501 E. Third St. Sioux City, IA 51101	P.O. Box 160 Moorhead, MN 56560	1234 1st Ave South Fort Dodge, IA 50501	
BID SECURITY		10% Bid Bond	10% Bid Bond	10% Bid Bond	10% Bid Bond	
ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	24,000	1/0 Solid Aluminum, 15KV, 175 mil, EPR Conductor with 8 #14 AWG neutrals per 1,000 feet	\$1,801.00	\$43,224.00	\$ 1,526.00	\$ 36,624.00
2	13,000	4/0 Strand Aluminum, 15KV 175 mil, EPR Conductor with 11 #14 AWG neutrals per 1,000 feet	\$ 2,563.00	\$33,319.00	\$ 2,208.00	\$ 28,704.00
TOTAL AMOUNT				\$ 76,543.00	\$ 65,328.00	\$ 79,950.45
Copper & Aluminum Adjustment Base			\$3.4855/lb	\$1.03686/lb	\$3.3305/lb	\$0.9956/lb
Manufacturer & Delivery ARO		General	13 weeks	Okonite	10-12 weeks	Prysmian
					12-14 weeks	Southwire
						6-8 weeks

BID TABULATION

PROJECT: New Transformers for Electric Dept.

Date: November 30, 2011

BIDDER	Border States Electric Supply Co.	Wesco	Dakota Supply	RESCO	Stuart Irby
ADDRESS	1401 N. Minnesota Ave Sioux Falls, SD 57104	2501 E. Third St. Sioux City, IA 51101	3610 N St Paul Ave Sioux Falls, SD 57104	P.O. Box 160 Moorhead, MN 56560	1234 1st Ave South Fort Dodge, IA 50501
BID SECURITY	10 % Bid Bond	10 % Bid Bond	10 % Bid Bond	10 % Bid Bond	10 % Bid Bond
Three Phase Pad Mounted Transformers					
Total Base Price	\$ 27,022.00	\$ 25,272.00	\$ 24,168.00	\$ 24,689.00	\$ 25,090.00
Total Evaluation Price	\$ 55,716.80	\$ 55,739.80	\$ 50,845.80	\$ 50,368.60	\$ 48,437.20
Manufacturer	Cooper Power	ABB	GE-Prolec	ERMCO	Howard
Delivery Date	8-11 weeks	10-12 weeks	11 weeks	9 weeks	8-10 weeks

CITY OF VERMILLION
 INVOICES PAYABLE-DECEMBER 5, 2011

1 WILLSON FLORIST	FLORAL ARRANGEMENT	55.00
2 A & A REFRIGERATION	REPAIRS	699.41
3 A & B BUSINESS, INC	MAINTENANCE	534.56
4 ACCENT ENVIROBALE	LANDFILL BALE BAGS	72,425.00
5 ACCENT WIRE PRODUCTS	REPAIRS	757.53
6 ALLEGIANT EMERGENCY SERVICE	PORTABLE MONITOR	2,341.69
7 AMSTERDAM PRINTING	PENS/MUGS-OPEN HOUSE	1,088.55
8 ANBO MANUFACTURING, INC	LOADER BUCKET	10,430.50
9 APPEARA	SUPPLIES	55.90
10 AQUA-PURE INC	CHEMICALS	13,901.60
11 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	204.13
12 AT&T	POLICE COMMUNICATIONS	224.85
13 AUDIO GO	BOOKS	151.94
14 BAKER & TAYLOR BOOKS	BOOKS	649.59
15 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	4,571.59
16 BARKLEY ASPHALT	ASPHALT	460.90
17 BATTERIES PLUS	SUPPLIES	43.57
18 BIRSCHBACH EQPT & SUPPLY	SUPPLIES	90.25
19 BOOK WHOLESALERS, INC	BOOKS	690.80
20 BORDER STATES ELEC SUPPLY	SUPPLIES	66.72
21 BOW CREEK METAL INC	POWDER COATING	100.00
22 BROADCASTER PRESS	ADVERTISING	77.00
23 BROOK HANSEN	SAFETY BOOTS REIMBURSEMENT	100.00
24 BRYAN ROCK PRODUCTS, INC	SUPPLIES	1,311.57
25 BUTCH'S PROPANE INC	PROPANE	3,441.95
26 BUTLER MACHINERY CO.	PARTS	1,241.80
27 C&H DISTRIBUTORS, INC	SUPPLIES	174.72
28 CAMPBELL SUPPLY	SUPPLIES	1,148.71
29 CANNON TECHNOLOGIES, INC	SOFTWARE SUPPORT	900.00
30 CANON FINANCIAL SERVICES	COPIER LEASE	56.16
31 CASK & CORK	MERCHANDISE	1,276.00
32 CENTER FOR WESTERN STUDIES	BOOKS	14.00
33 CENTER POINT LARGE PRINT	BOOKS	100.72
34 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
35 CENTURLINK	TELEPHONE	733.41
36 CHAD PASSICK	TUITION REIMBURSEMENT	2,160.00
37 CHEMCO, INC	SUPPLIES	58.06
38 CITY OF VERMILLION	POSTAGE/COPIES	1,292.14
39 CITY OF VERMILLION	UTILITY BILLS	34,533.90
40 CLAY CO REGISTER OF DEED	FILING FEES	28.00
41 CLAY RURAL WATER SYSTEM	WATER USAGE	35.10
42 CLIMATE SYSTEMS, INC	MAINTENANCE	1,737.18
43 COLONIAL LIFE ACC INS.	INSURANCE	3,219.57
44 CONCRETE MATERIALS	MATERIALS	7,216.07
45 CRIMSON FIRE	PARTS	271.44

46 CURT HAAKINSON	SAFTETY BOOT REIMBURSEMENT	100.00
47 D-P TOOLS	SUPPLIES	77.14
48 DAKOTA BEVERAGE	MERCHANDISE	9,446.65
49 DAKOTA LOCK & KEY	KEYS	6.00
50 DAKOTA PC WAREHOUSE	COMPUTERS/MONITORS	1,539.94
51 DAKOTA SUPPLY GROUP	SUPPLIES	173.68
52 DANKO MES, INC.	PARTS	268.50
53 DELTA DENTAL PLAN	INSURANCE	5,583.44
54 DELUXE ADVERTISING	CALENDARS	366.96
55 DEMCO	SUPPLIES	469.37
56 DENNIS MARTENS	MAINTENANCE	833.34
57 DEPT OF REVENUE	TESTING	172.00
58 DICK BROWN	MEALS REIMBURSEMENT	18.00
59 DUST TEX	SUPPLIES	46.60
60 E.A SWEEN COMPANY	SUPPLIES	83.79
61 ECHO ELECTRIC SUPPLY	SUPPLIES	3,563.88
62 ENERGY LABORATORIES	TESTING	1,345.00
63 ENVIRONMENTAL SERVICES	ELECTRONICS DISPOSAL	1,210.00
64 ERIN J. SEEP	MAINTENANCE	65.25
65 FARMER BROTHERS CO.	MERCHANDISE	37.88
66 FASTENAL COMPANY	FREIGHT	48.06
67 FEDEX.	SHIPPING	10.97
68 FRED HAAR CO, INC	PARTS	514.08
69 GALE	BOOKS	368.68
70 GAYLORD BROS INC	SUPPLIES	48.28
71 GE CAPITAL	COPIER LEASE	228.96
72 GEAR FOR SPORTS	MERCHANDISE	518.60
73 GENTLE TOUCH CARPET CARE	PROFESSIONAL SERVICES	8.98
74 GERSTNER OIL CO	AVAIATION FUEL	20,065.95
75 GRAHAM TIRE CO.	TIRES	1,634.28
76 GRAINGER	PARTS	255.45
77 GRAYBAR ELECTRIC	SUPPLIES	58.58
78 GREGG PETERS	FREIGHT	1,807.00
79 GREGG PETERS	RENT	937.50
80 HANSEN LOCKSMITHING	SUPPLIES	12.00
81 HAUGER YARD/SNOW SERVICE	MOWING/TRIM HEDGE	148.00
82 HAWKINS WATER TREATMENT	CHEMICALS	1,091.68
83 HD SUPPLY WATERWORKS	PARTS	2,231.03
84 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	3,236.91
85 HEIMAN, INC.	INSPECTION	130.00
86 HELGET SAFETY SUPPLY, INC	SUPPLIES	392.06
87 HELMS & ASSOCIATES	PROFESSIONAL SERVICES	11,036.29
88 HERREN-SCHEMPP BUILDING	SUPPLIES	931.10
89 HIGMAN SAND & GRAVEL	ICE SAND	3,564.01
90 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	289.84
91 HY VEE FOOD STORE	SUPPLIES	176.10
92 IN CONTROL, INC	LIFT STATIONS RADIO COMM.	45,740.80
93 INGRAM	BOOKS	2,705.11
94 INNO-LABS, LP	MERCHANDISE	260.97

95 INSURANCE BENEFITS INC.	AIRPORT INSURANCE	2,615.00
96 INTERSTATE POWER SYSTEMS	PREVENTATIVE MAINTENANCE	515.00
97 ISTATE TRUCK CENTER	2012 FREIGHTLINER-JET TRUCK	226,856.50
98 JACKS UNIFORM & EQPT	UNIFORMS	101.95
99 JAY'S PLUMBING	REPAIRS	304.08
100 JOHN A CONKLING DIST.	MERCHANDISE	6,789.95
101 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	24,322.81
102 JOHNSON FEED, INC	TIRES	1,718.25
103 JOHNYS ELECTRIC	INSTALL LOAD MGMT CONTROLS	331.50
104 JONES ACE HARDWARE	SUPPLIES	751.39
105 JONES FOOD CENTER	SUPPLIES	824.67
106 JOYCE MOORE	CONFERENCE FEE	46.25
107 JP COOKE CO	2012 DOG LICENSE TAGS	79.16
108 JUNIOR LIBRARY GUILD	BOOKS	669.60
109 KARIAN PETERSON CONTRACTING	TRANSMISSION LINE	15,000.00
110 KARSTEN MFG CORP	MERCHANDISE	569.61
111 KNIFE RIVER MIDWEST, LLC	ASPHALT	690.30
112 KNOLOGY	911 CIRCUIT/DIAL-UP SERVICE	2,780.95
113 LARGE PRINT OVERSTOCKS	BOOKS	15.29
114 LAWSON PRODUCTS INC	SUPPLIES	77.93
115 LAYNES WORLD	LETTERING	3.75
116 LEISURE LAWN CARE	REPAIRS	265.81
117 LESSMAN ELEC. SUPPLY CO	SUPPLIES	247.84
118 LINCOLN MUTUAL LIFE	INSURANCE	479.19
119 LIVING HERE	SUBSCRIPTION	15.00
120 LOCATORS AND SUPPLIES, INC	SUPPLIES	3,576.25
121 LUDEY'S READY MIX	PEA ROCK	150.00
122 LYLE SIGNS	SUPPLIES	2,229.00
123 MARKS MACHINERY	PARTS	343.20
124 MART AUTO BODY	REPAIRS/TOWING	1,080.00
125 MATHESON TRI-GAS, INC	SUPPLIES	90.64
126 MATT PARROTT & SONS CO.	SUPPLIES	212.46
127 MC&R POOLS, INC	WINTERIZE POOL	287.41
128 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,632.00
129 MEAD LUMBER	SUPPLIES	72.96
130 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	85.53
131 MICHAEL CARLSON	REIMBURSE FILING FEE	14.00
132 MICHAEL TODD	SUPPLIES	231.15
133 MICRO MARKETING ASSOC	BOOKS	16.48
134 MID-STATES ASBESTOS REMOVAL	ASBESTOS REMOVAL	850.00
135 MIDWEST ALARM CO	ALARM MONITORING	60.00
136 MIDWEST BUILDING MAINTENANCE	MAT SVC	539.20
137 MIDWEST TURF & IRRIGATION	PARTS	150.19
138 MILLS DISTRIBUTING	DEICING SALT	4,210.62
139 MIRACLE RECREATION EQPT CO	SUPPLIES	171.00
140 MISSOURI VALLEY MAINTENANCE	REPAIRS	638.15
141 MOORE MEDICAL CORP	SUPPLIES	213.40
142 MOORE WELDING & MFG	REPAIRS	223.37
143 NATIONAL ARBOR DAY FOUNDATION	MEMBERSHIP	15.00

144 NCL OF WISCONSIN, INC	SUPPLIES	145.10
145 NEBRASKA JOURNAL-LEADER	ADVERTISING	24.06
146 NETSYS+	REPAIRS & SOFTWARE	3,392.68
147 NEW YORK LIFE	INSURANCE	95.00
148 NOVELTY MACHINE & SUPPLY	PARTS	295.08
149 OFFICE OF FIRE MARSHAL	BOILER INSPECTION	240.00
150 ORIENTAL TRADING CO	SUPPLIES	97.13
151 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	1,685.00
152 OXMOOR HOUSE	BOOKS	42.91
153 PEDERSEN MACHINE INC	PARTS	454.22
154 PETE LIEN & SONS, INC	CHEMICALS	4,044.24
155 PHYSIO-CONTROL CORP	SUBSCRIPTION	477.60
156 PITNEY BOWES	SUPPLIES	103.47
157 PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	40,672.00
158 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
159 PRAIRIE BERRY WINERY	MERCHANDISE	2,955.00
160 PRESSING MATTERS	SUPPLIES	277.00
161 PRESTO-X-COMPANY	INSPECTION/TREATMENT	94.00
162 PRINT SOURCE	SUPPLIES	154.00
163 PSI POWER WASHERS, INC	REPAIRS	98.80
164 PUMP N PAK	FUEL	2,451.68
165 QUALITY TELELCOMMUNICATION	MAINTENANCE	50.00
166 QUEEN CITY WHOLESALE	MERCHANDISE	432.52
167 QUILL	SUPPLIES	1,385.81
168 RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
169 RADIANT HEAT, INC	PARTS	87.45
170 RANDOM HOUSE, INC	BOOKS	275.00
171 RASMUSSEN MOTORS, INC	PARTS	120.90
172 RECORDED BOOKS, INC	BOOKS	699.60
173 REGENT BOOK CO.	BOOKS	13.67
174 REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	34,011.34
175 ROYAL CAR WASH	CAR WASHES	100.00
176 SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	3,642.77
177 SCHADE'S VINEYARD	MERCHANDISE	540.00
178 SD DEPT OF REVENUE	TRANSPORTER LICENSE FEE	25.00
179 SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
180 SD GOVERNMENTAL FINANCE OFFICERS ASSOC	MEMBERSHIP DUES	70.00
181 SD MUNICIPAL STREET MAINTENANCE ASSOC	MEMBERSHIP DUES	35.00
182 SD POLICE CHIEFS ASSOC	MEMBERSHIP DUES	219.60
183 SD PUBLIC ASSURANCE ALLIANCE	POLICE LIABILITY INSURANCE	9,010.85
184 SD RETIREMENT SYSTEM	CONTRIBUTIONS	43,922.82
185 SERVALL TOWEL & LINEN	SUPPLIES	16.80
186 SIOUX EQUIPMENT	SUPPLIES	73.64
187 SIOUX FALLS TWO WAY RADIO	PROGRAMMING/REPAIRS	2,476.10
188 SIOUXLAND HUMANE SOCIETY	DROP OFF FEES	74.00
189 SKARSHAUG TESTING LAB.	TESTING	1,068.28
190 SLATTERY CONSTRUCTION INC	CONSTRUCTION CONTRACTS	48,762.19
191 STAN HOUSTON EQPT CO	SUPPLIES	230.00
192 STANDARD & POOR'S	ANNUAL FEE	2,500.00

193 STATE STEEL	SUPPLIES	51.35
194 STEWART OIL-TIRE CO	TIRES/REPAIRS	1,327.35
195 STUART C. IRBY CO.	SUPPLIES	160.65
196 STURDEVANTS AUTO PARTS	PARTS	952.36
197 TENNANT SALES & SERVICES	PARTS	308.60
198 THATCHER COMPANY	CHEMICALS	13,772.00
199 THE EQUALIZER	ADVERTISING	129.60
200 THE NEW SIOUX CITY IRON CO	SUPPLIES	43.99
201 THE RETROFIT COMPANIES, INC	BULB RECYCLING	509.01
202 THE WALKING BILLBOARD	UNIFORM SHIRTS/HATS	1,393.30
203 TODDS ELECTRIC SERVICE	STANFORD EASEMENT	1.00
204 TOM KRUSE	MEALS REIMBURSEMENT	18.00
205 TRI TECH EMERGENCY MEDICAL	SOFTWARE SUPPORT	2,480.27
206 TRI TECH SALES	PARTS	535.40
207 TRUE VALUE	SUPPLIES	1,415.65
208 TYLER TECHNOLOGIES	MAINTENANCE	374.00
209 UNITED WAY	CONTRIBUTIONS	265.00
210 USD	WELLNESS CENTER CONTRIBUTION	68,000.00
211 USD CREATIVE SERVICES	SUPPLIES	160.50
212 VALIANT VINEYARDS	MERCHANDISE	108.00
213 VALLEY AG SUPPLY	LIME REMOVAL	2,500.00
214 VAN DIEST SUPPLY CO	SUPPLIES	554.75
215 VEOLIA ENVIRONMENTAL SERVICES	HAUL HAZARDOUS WASTE	26,313.47
216 VERMEER HIGH PLAINS	SUPPLIES	196.89
217 VERMILLION COMMUNITY CPR	CPR CARDS	4.00
218 VERMILLION FORD	PARTS	98.91
219 VERMILLION ROTARY CLUB	MEALS/DUES	127.25
220 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	4,965.79
221 VISUAL COMPUTER SOLUTIONS	ANNUAL SUPPORT	500.00
222 VIVAX-METROTECH	PARTS	295.36
223 WAL-MART	SUPPLIES	1,176.29
224 WALKER CONSTRUCTION	NUSANCE ABATEMETN	1,148.35
225 WESCO DISTRIBUTION, INC	SUPPLIES	8,727.80
226 YANKTON COMMUNITY LIBRARY	BOOK REPLACEMENT CHARGE	18.00
227 YANKTON JANITORIAL SUPPLY	SUPPLIES	316.73
228 ZEE MEDICAL SERVICE	SUPPLIES	36.10
229 ZEP SALES & SERVICE	SUPPLIES	137.28
230 ZIMCO SUPPLY CO	SUPPLIES	6,886.25
	GRAND TOTAL	\$952,501.89

City of Vermillion (See reverse side of form for state laws regarding raffles and lotteries)
Raffle and Lottery Notification Form

Date: 11/28/11

1. Name of organization/group: Fraternal Order of Eagles #2421
Contact person: Name: KENT OSSORNG Phone: 638 6106

2. Date(s) that tickets/chances will be sold: from 12/14/11 to 3/31/12
Cost of tickets/chances: \$ 20/ticket

3. Date(s) of drawing(s): 3/31/12

4. Can anyone purchase tickets? Yes _____ No Must Be 21

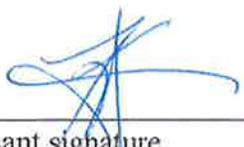
5. Will the prize winner(s) be selected at random? Yes X No _____

6. Description and approximate value of top prize: \$ 50 guns / \$24,000

7. 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 Eagles Club is raffaling 50 guns (see attached)
on March 31st Funds raised will benefit F.O.E. Charities.

Winners need not be present. Must be 21 to enter.


Applicant signature

Approval: <u>John Prescott</u> City Manager	<u>11-29-11</u> Date
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Eagles Gun Raffle

Vermillion Eagles Club, Aerie # 2421

Drawings will be March 31, 2012 starting at 6pm.

Limit of 1500 tickets sold.

820 / ticket

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.

Lunch will be available 5:30 to 8:00 pm.

Winners must pass state and federal regulations to transfer firearms.

Winners are responsible for any taxes or transfer fees.

Winners will be notified.

All guns must be picked up at.

K&S Gun & Rack Shop

1517 Edwards Ave.

South Sioux City, Ne.

(402) 494-2770

- 1 Rem. 887 Nitro Mag. 12ga
- 2 Savage Arms combo 223cal
- 3 Savage 93 17 R17JTV
- 4 Henry Golden Boy 22 cal
- 5 Remington 870 Super Mag. 12ga
- 6 Bushmaster Carbon 15 223cal
- 7 Ruger 10/22 Synthetic Blue
- 8 Weatherby Vanguard Rifle 243 cal
- 9 Smith & Wesson 15-22 AR Style
- 10 Remington 770, 300 win mag.
- 11 Mossberg 500 12ga
- 12 CVA optima 209, 50cal
- 13 Remington 770 sportsman combo 243 cal
- 14 Tri-star viper II 12ga
- 15 Weatherby Vanguard 300 win mag.
- 16 CVA wolf 209, 50cal
- 17 Mossberg 22 AR Styling
- 18 Henry Lever Action 17Hmr
- 19 Rossie Match Pair Combo 243cal/12ga
- 20 Savage 93 JTV 22cal
- 21 Savage Mar II B TV 22cal
- 22 Maverick Mossberg 30-06cal
- 23 Thompson/Center Trimuph 50cal
- 24 Remington 770 Stainless Camo 270cal
- 25 Henry Lever Action 22cal

- 26 Mossberg 4x4 Rifle in 270cal
- 27 Remington 870 410ga
- 28 How Camo & Blue 22-250cal
- 29 Henry Large Loop 22 lever
- 30 Thompson/Center Omega 50 cal
- 31 Remington SPS 223cal
- 32 CZ 720 12ga Auto
- 33 Ruger 10/22 Woodstock
- 34 100 ATR Night Train Combo 308cal
- 35 Escort 12ga Auto
- 36 Thompson/Center 300 Win Mag. venture
- 37 Weatherby Pump 12ga
- 38 Marlin x 7C 25-06cal
- 39 Remington 597 Blaze 22 Auto
- 40 Marlin 60 22 Auto
- 41 Savage 93 Thumb Hole 17Hmr
- 42 H&R New England Arms Excell 12ga
- 43 Rossie 45 Colt Lever Action
- 44 Mossberg 30-06 Trek Rifle
- 45 Traditions Vortech Muzzle loader 50Cal
- 46 CVA Scout Rifle 243cal
- 47 870 Express 20ga
- 48 Winchester Super X Pump 12ga
- 49 Marlin X7 243cal
- 50 Maverick by Mossberg 12ga O/U