



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Tuesday, February 22, 2011
Large Conference Room - City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Briefing on the February 22, 2011 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item
3. **Executive Session – Personnel Matters.**
4. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Tuesday, February 22, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. February 7, 2011 Special Session; February 7, 2011 Regular Session; February 8, 2011 Special Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Special Daily Malt Beverage License for the Vermillion Area Arts Council on or about March 17, 2011 at 202 Washington Street.
7. **Old Business**
8. **New Business**
 - a. Vermillion Housing Authority Memorandum of Understanding.
9. **Bid Openings**
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
 - a. Set a bid opening date of March 15, 2011 for chassis cab truck.
13. **Executive Session – Personnel Matters**
14. **Adjourn**

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

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

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

b. Agenda Items: Public testimony will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen who wishes may speak one time for 5 minutes on each agenda item. Public testimony

will then be closed and the topic will be given to the governing body for possible action. At this point, only City Council members and staff may discuss the current agenda item unless a Council member moves to allow another person to speak and there is unanimous consent from the Council. Questions from Council members, however, may be directed to staff or a member of the public through the presiding officer at any time.

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
February 7, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, February 7, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward (arrived at 12:07 p.m.), Willson, Zimmerman, Mayor Powell

2. Informational Session - Review of the process to complete the City Manager and Finance Officer performance evaluations

Mayor Powell stated that Matt Fairholm has assisted the City Council with the City Manager and Finance Officer evaluations in the past and has agreed to assist again this year. Matt stated that the evaluation forms will be sent out to all Council members to be completed and returned to him. He will prepare a summary of the evaluations for the Council. The consensus was that the forms be returned to Matt by February 16th, that Matt will present the report at the noon meeting on February 22nd and that the evaluations will be done at the end of the February 22nd Council meeting.

3. Educational Session - Review of the process for elected officials to complete FEMA tests

John Prescott, City Manager, reported that FEMA would like elected officials to complete three incident command system courses. This was started a number of years ago and due to turnover in Council members there are only three members that have completed the courses. John asked Jen Wippert, intern, to review the requirements.

Jen Wippert, Intern to the City Manager, reported that elected officials are requested to complete the 100, 200 and 700 courses. She stated that she has downloaded all of the manuals and put them in a binder that can be picked up from her. She reviewed the web sites of the tests along with a handout on the links to all the sites.

John asked that when Council members complete the courses to provide him with the certificates and he will pass it along to the Civil Defense Director.

4. Briefing on the February 7, 2011 City Council Regular Meeting Agenda

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

5. Adjourn

024-11

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

Dated at Vermillion, South Dakota this 7th day of February, 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
February 7, 2011
Monday 7:00 p.m.

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

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. January 17, 2011 Special Session; January 17, 2011 Regular Session

025-11

Alderman Zimmerman moved approval of the January 17, 2011 special session minutes and the January 17, 2011 regular session minutes. Alderman Mains seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

026-11

Alderman Meins moved approval of the agenda with the addition of Item 12C - Set a Public Hearing date of February 22, 2011 for special daily malt beverage and wine license on or about March 17, 2011 for Vermillion Area Arts Council at 202 Washington Street. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Marlin Dartmann, 313 Elm Street, wanted to know when the City was going to enforce its sidewalk snow removal ordinance. John Prescott, City Manager, reviewed the process used for the ordinance enforcement, noting that properties violating the ordinance are posted and if the sidewalks are not cleared the City hires someone to remove the snow.

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance 1249 - To allow legal guardians of minors to grant consent for body piercings and tattoos

John Prescott, City Manager, reported that this is Second Reading of the Ordinance to allow, in addition to a parent, a legal guardian to sign the consent for body piercing and tattoos for a minor

027-11

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 1249 entitled AN ORDINANCE to allow legal guardians of minors to grant consent for body piercings and tattoos for the City of Vermillion, South Dakota 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 17th day of January, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 7th day of February, 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. 1249

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 115, TO ALLOW A LEGAL GUARDIAN OF MINORS TO GRANT CONSENT FOR TATTOOS AND BODY PIERCINGS AUTHORIZED UNDER THIS CHAPTER.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Chapter 115, Section 115.23(B) be amended to add new language for a legal guardian as set forth below:

§ 115.23 TATTOO ARTIST AND/OR BODY PIERCING ARTIST.

(B) Patrons restricted; notice posted.

- (1) A tattoo artist and/or body piercing artist may not tattoo or pierce a patron without first obtaining a signed consent. The consent must include a statement by the patron that he or she is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils, and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist and/or body piercing artist may not tattoo or pierce a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.
- (2) Minors may not be tattooed or pierced unless a minor's parent, or legal guardian, has signed a consent form authorizing the tattoo or body piercing. No tattoo artist and/or body piercing artist may tattoo or pierce a patron who is under the influence of alcohol or other mind-altering drugs.

(3) A tattoo artist and/or body piercing artist shall conspicuously post a notice stating that it is illegal to tattoo or pierce any person under the age of 18 without a parent's, or legal guardian's, signed consent.

Dated at Vermillion, South Dakota this 7th day of February, 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 Osborne. 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, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Final Plat Lot 4, Block 1 and Lots 1 thru 5, Block 2, Arobba Addition to the City of Vermillion

Jose Dominguez, City Engineer, reported on the location of the property being platted which is directly east of the city limits. Jose stated that the Planning Commission has recommended approval of the plat, noting that the lots are less than the one acre required outside the city limits as the property owner's intent is to annex after the County Commission's approval later in the month. Discussion followed on the plat.

028-11

After reading the same once, Alderman Ward moved approval of the following plat with the condition that the property be annexed to the city:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot 4, Block 1 and Lots 1 thru 5, Block 2, Arobba Addition to the City of Vermillion, Clay County, South Dakota for approval.

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

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

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

B. Resolution fixing the time and place for a hearing and notice of hearing for the Special Assessment Roll for construction of concrete surfacing on South Mickelson Street from East Main Street to 525 feet south of East main Street

Jose Dominguez, City Engineer, reported that the resolution is to set a public hearing date of March 21, 2011 for the special assessment roll for construction of South Mickelson Street from Main Street to 525 feet south. The resolution provides that the property owners be sent notice of the public hearing.

029-11

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING
AND NOTICE OF HEARING
ON THE SPECIAL ASSESSMENT ROLL
FOR CONSTRUCTION OF
CONCRETE SURFACING ON SOUTH MICKELSON STREET FROM EAST MAIN
STREET TO 525-FEET SOUTH OF EAST MAIN STREET
IN THE CITY OF VERMILLION, SD

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 20th day of January, 2011, for the construction of concrete surfacing on a portion of a public street and in front

or abutting lots in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement.

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

WHEREAS, said assessment roll shows as follows:

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

NOW, THEREFORE, BE IT RESOLVED, that Monday, the 21st day of March, 2011, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

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

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

Dated at Vermillion, South Dakota this 7th day of February 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. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

C. Resolution fixing the time and place for a hearing and notice of hearing for the Special Assessment Roll for construction of concrete sidewalk at 217 S. Crawford Road

Jose Dominguez, City Engineer, reported that the resolution is to set the public hearing date of March 21, 2011 for the sidewalk paving at 217 S. Crawford Road. The resolution provides that the property owner be sent notice of the public hearing.

030-11

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING
AND NOTICE OF HEARING
ON THE SPECIAL ASSESSMENT ROLL
FOR CONSTRUCTION OF
CONCRETE SIDEWALK ON SOUTH CRAWFORD ROAD
IN THE CITY OF VERMILLION, SD

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 26th day of October, 2010, for the construction of a concrete sidewalk on a portion of the public streets and in front or abutting a lot in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement.

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

WHEREAS, said assessment roll shows as follows:

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

NOW, THEREFORE, BE IT RESOLVED, that Monday, the 21st day of March, 2011, at the hour of 7:00 p.m. in the City Council Chambers at City Hall located at 25 Center Street, in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota, should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvement.

BE IT FURTHER RESOLVED, that the Finance Officer of the City of Vermillion, Clay County, South Dakota, shall be and is hereby authorized and directed to cause this Resolution and Notice to be

published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

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

Dated at Vermillion, South Dakota this 7th day of February 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 French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Tractor lease for Street and Solid Waste Department with the Fred Haar Company

Harold Holoch, Utility Engineer, reported that the City was contacted by Fred Haar Co. about leasing two 140 horsepower tractors for six months. The cost to the City would be insurance and routine maintenance during the lease period. Harold reported that John Deere has expanded this program to include counties and cities noting that Yankton and Elk Point are area cities taking advantage of this program. The tractors would be used for mowing for the Street Department and mowing and working the compost pile at the landfill. Discussion followed.

031-11

Alderman Grayson moved approval of the lease agreement with Fred Haar Co. for two John Deere tractors for six months or 250 hours. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Agreement with Dr. Matt Fairholm to conduct City Manager and Finance Officer evaluations

John Prescott, City Manager, reported that Mayor Powell had contacted Dr. Matt Fairholm about compiling the results of the performance evaluation forms for the City Manager and Finance Officer. The consulting contract is the same as last year for an amount not to exceed \$500.00.

032-11

Alderman Willson moved approval of the professional services agreement with Dr. Matt Fairholm with total cost not to exceed \$500.00. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Water and Wastewater Treatment Chemicals

Harold Holoch, Utility Engineer, read the bids received and recommended the low bid on Proposal #1 quicklime of Pete Lien & Sons for \$137.00 per ton and the low bid on Proposal #2 soda ash of Thatcher Co for \$312.99 per ton. Harold reported that the diesel fuel price would need to be \$2.12 for the year for the Brentag Pacific bid to be the low bid.

Proposal #1 525 ton quicklime: Graymont \$171.40/ton, Mississippi Lime \$214.45/ton, Pete Lien & Sons \$137.00/ton

Proposal #2 450 ton soda ash: Thatcher Company \$312.99/ton, Hawkins \$388.00/ton, Brentag Pacific \$304.00/ton plus fuel charge \$21.00

033-11

Alderman Osborne moved approval of the low bid on Proposal #1 quicklime of Pete Lien & Sons for \$137.00 per ton and the low bid on Proposal #2 soda ash of Thatcher Co for \$312.99 per ton. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on Proposals #1 and #3 and Brunick's Service on Proposal #2.

Proposal #1: 4,350 gal. unleaded - Stern Oil \$2.9446, Brunick's Service \$2.96

Proposal #2: 1,500 gal. average cost of No. 1 and No. 2 diesel fuel-dyed - Stern Oil \$3.1109, Brunick's Service \$3.09

Proposal #3: 500 gal. average cost of No. 1 and No. 2 diesel fuel-clear - Stern Oil \$3.3492, Brunick's Service \$3.37

034-11

Alderman Meins moved approval of low quote of Stern Oil on Proposals #1 and #3 and Brunick's Service on Proposal #2. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that City offices will be closed on Monday, February 21st for the Presidents Day holiday and as that is a regular Council meeting day the meeting will be on Tuesday, February 22nd.

B. John noted that in last week's Press & Dakotan there was an article indicating Vermillion's sales tax revenue was up in 2010 3.54% over 2009. John noted that 2008 sales tax receipts were the highest collected ever and while 2010 was better than 2009, the 2010 sales tax collections did not surpass the 2008 levels. He noted that a better comparison is budget vs. actual sales tax collections with first and second penny within \$20,000 of the budget.

PAYROLL ADDITIONS AND CHANGES

Police: Anthoney Klunder \$18.31/hr, Jacy Nelsen \$19.71/hr, James Walker \$25.67/hr; Landfill: Kyle Paulson \$13.92/hr

11. Invoices Payable

035-11

Alderman Davies moved approval of the following bill:

JENNIFER FRENCH

BRIGHT ENERGY REBATE

50.00

Alderman Grayson seconded the motion. Alderman French requested to abstain. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

036-11

Alderman French moved approval of the following bills:

A & A REFRIGERATION	REPAIRS	234.00
A.A.A. COLLECTIONS, INC	GARNISHMENT	1,552.52
AHEAD, INC	MERCHANDISE	790.86
ALICIA KLOSTER	MILEAGE REIMBURSEMENT	107.60
ALLEN CLARK	MEALS REIMBURSEMENT	56.00
ALLTEL	POLICE COMMUNICATIONS	211.00
AMERICAN LIBRARY ASSOC.	MEMBERSHIP DUES	180.00
AMERICAN PLANNING ASSOC.	MEMBERSHIP DUES	205.00
ANIMAL CARE EQUIPMENT & SVC	SUPPLIES	115.12
APCO INTERNATIONAL	MEMBERSHIP DUES	529.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	156.60
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	113.41
AUDIO GO	BOOKS	351.85
AUSTIN ANDERSON	SAFETY BOOT REIMBURSEMENT	100.00
AVERA QUEEN OF PEACE HEALTH	TESTING	139.80
BAKER & TAYLOR BOOKS	BOOKS	872.83
BARNES DISTRIBUTION	SUPPLIES	369.36
BEST WESTERN RAMKOTA HOTEL	TRAVEL	845.91
BEST WESTERN RAMKOTA INN	TRAVEL	407.96
BIERSCHBACH EQPT & SUPPLY	LINERS	35.00
BOMGAARS	SUPPLIES	676.38
BOOK WHOLESALERS, INC	BOOKS	1,128.59
BOOKPAGE	SUBSCRIPTION	282.00
BOYER TRUCKS	PARTS	28.34
BROADCASTER PRESS	ADVERTISING	258.84
BUTLER MACHINERY CO.	PARTS	1,811.51
C&H DISTRIBUTORS, INC	SUPPLIES	118.82
CALLAWAY GOLF	MERCHANDISE	152.00
CAMPBELL SUPPLY	SUPPLIES	651.75
CANON FINANCIAL SERVICES	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	558.00
CENTER POINT LARGE PRINT	BOOKS	129.90
CENTRAL STATES WIRE PRODUCTS	WIRE	3,553.00
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	36.00
CHAD CHRISTOPHERSON	MEALS REIMBURSEMENT	42.00
CHARLES STEWART	WATER HEATER REBATES	1,146.00
CHEMCO, INC	SUPPLIES	313.43
CITY OF VERMILLION	COPIES/POSTAGE	1,847.44
CITY OF VERMILLION	UTILITY BILLS	36,785.73
CLAY CO REGISTER OF DEED	FILING FEE	12.00

CLAY RURAL WATER SYSTEM	SODA ASH PALLETS/WATER USAGE	1,827.10
COLONIAL LIFE ACC INS.	INSURANCE	3,250.10
CONCERNS OF POLICE SURVIVOR	MEMBERSHIP	250.00
CONTINENTAL RESEARCH CORP	SUPPLIES	1,370.29
CULLIGAN WATER	SALT	90.35
D-P TOOLS	SUPPLIES	271.74
DAKOTA BEVERAGE	MERCHANDISE	4,349.87
DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	1,252.86
DAN GOEDEN	REFUND	74.14
DATAMAXX APPLIED TECHNOLOGY	MOBILE DATA SOFTWARE	1,860.00
DAVIS PHARMACY	BATTERIES	6.02
DEAR READER.COM	ONLINE BOOK CLUBS	175.00
DELTA DENTAL PLAN	INSURANCE	5,381.40
DEMCO	SUPPLIES	530.88
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	185.00
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	1,736.50
DIVISION OF MOTOR VEHICLE	TITLE & PLATES	13.00
DOUG BRUNICK	MEALS REIMBURSEMENT	40.00
DOWNTOWN DECORATIONS	BANNERS	3,495.50
DUST TEX	SUPPLIES	45.11
EBSCO	SUBSCRIPTIONS	3,075.64
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	215.95
ENTERSECT	ONLINE AGREEMENT	79.00
ERIN J. SEEP	MAINTENANCE	79.75
EXCEL MANUFACTURING INC	FILTERS	291.88
FAR FROM NORMAL	SUPPLIES	33.91
FARMER BROTHERS CO.	SUPPLIES	28.95
FIRST NATIONAL TRUST DEPARTMENT	FISCAL FEE	2,000.00
FOREMAN MEDIA	COUNCIL MTGS	100.00
FRONTIER PRECISION, INC	REGISTRATION	70.00
FULLERTON LUMBER CO	SUPPLIES	311.96
GALE	BOOKS	1,009.79
GCSA OF SD	REGISTRATION	395.00
GE CAPITAL	COPIER LEASE	114.48
GEOTEK ENGINEERING	PROFESSIONAL SERVICES	6,294.00
GRAHAM TIRE CO.	TIRES	988.64
GREGG PETERS	FREIGHT/ADVERTISING	2,076.25
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	632.70
HACH CO	FLO-DAR SENSOR ASSEMBLIES	20,854.95
HAWKINS WATER TREATMENT	CHEMICALS	826.10
HD SUPPLY WATERWORKS	SUPPLIES	335.09

HERREN-SCHEMPP BUILDING	SUPPLIES	6.00
HIGH PERFORMANCE COATINGS	REPAIRS	189.00
HILL HOUSE PUBLISHING, LLC	SUBSCRIPTION	12.95
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	320.06
HSBC BUSINESS SOLUTIONS	OIL HOSE & REEL	225.86
HY VEE FOOD STORE	SUPPLIES	7.88
IN CONTROL, INC	PROFESSIONAL SERVICES	6,489.15
INDEPENDENCE WASTE	WASTE HAULING/CONTAINER	1,538.75
INGRAM	BOOKS	4,706.75
INSTITUTE OF POLICE TECH.	SUPPLIES	55.00
INTL ASSOC OF FIRE CHIEFS	MEMBERSHIP DUES	204.00
INTL. ASSOC FOR PROPERTY & EVIDENCE	MEMBERSHIP	50.00
JACKS UNIFORM & EQPT	UNIFORMS	371.40
JOHN A CONKLING DIST.	MERCHANDISE	4,868.47
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	18,060.89
JOHNSON CONTROLS	MAINT. AGREEMENT/REPAIRS	4,125.90
JOHNSTONE SUPPLY	PARTS	211.22
JONES ACE HARDWARE	SUPPLIES	438.88
JONES FOOD CENTER	SUPPLIES	398.31
JOYCE MOORE	TUITION REIMBURSEMENT	241.50
KALINS INDOOR COMFORT	REPAIRS	265.96
KINETICO QUALITY WATER SYSTEMS	REPAIRS	534.24
KNOLOGY	E911 CIRCUIT/DIALUP SERVICE	1,415.45
LAWSON PRODUCTS INC	PARTS	203.37
LAYNE STEWART	MEALS REIMBURSEMENT	40.00
LAYNES WORLD	PLAQUE	46.38
LESSMAN ELEC. SUPPLY CO	SUPPLIES	945.70
LICENSED BEVERAGE DEALERS	TAM MATERIALS	300.00
LINCOLN MUTUAL LIFE	INSURANCE	521.20
LINWELD	SUPPLIES	34.88
LONGS PROPANE INC	PROPANE	8,792.60
MARK KOLLER	MEALS REIMBURSEMENT	33.00
MARKS MACHINERY	PARTS	94.14
MART AUTO BODY	TOWING	2,010.00
MATHESON TRI-GAS, INC	SUPPLIES	194.58
MATT PARROTT & SONS CO.	SUPPLIES	216.09
MC2, INC	PARTS	6,805.29
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,600.00
MICHAEL TODD	SUPPLIES	2,764.61
MID AMERICA METER, INC	REPAIRS	172.75
MID STATES ELECTRIC INC	REPAIRS	375.00
MID-STATES ORG. CRIME	MEMBERSHIP DUES	150.00
MIDWEST ALARM CO	ALARM MONITORING	120.00

MIDWEST BUILDING MAINTENANCE	MAT SVC	648.25
MINITEX LIBRARY	SUPPLIES	160.00
MINN MUNICIPAL UTILITY ASSOC	MEMBER DUES	350.00
MISSOURI VALLEY MAINTENANCE	REPAIRS	150.00
MONTY MUNKVOLD	MEALS REIMBURSEMENT	42.00
MOORE WELDING & MFG	SUPPLIES	60.00
MOUNTAIN PLAINS LIB ASSN	MEMBERSHIP	65.00
MUNICIPAL ELEC. ASSOC.	REGISTRATION	120.00
NATL REC & PARK ASSOC	MEMBERSHIP	145.00
NCL OF WISCONSIN, INC	SUPPLIES	345.72
NETSYS+	SERVER/PROFESSIONAL SERVICES	11,853.55
NEW YORK LIFE	INSURANCE	95.00
NORTHLAND	OIL	567.70
OLSON MEDICAL CLINIC	PRE-EMPLOYMENT EXAM	180.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	224.00
PAULS PLUMBING	REPAIRS	10.26
PETE JAHN	MEALS REIMBURSEMENT	40.00
PETE LIEN & SONS, INC	CHEMICALS	4,196.10
PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	45,712.44
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
PRESTO-X-COMPANY	INSPECTION/TREATMENT	45.15
QUALITY TELELCOMMUNICATION	PROFESSIONAL SERVICES	50.00
QUILL	SUPPLIES	1,868.39
QWEST	TELEPHONE	733.56
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RANDOM HOUSE, INC	BOOKS	188.95
RANDY ISAACSON	MEALS REIMBURSEMENT	47.00
RASMUSSEN MOTORS, INC	PARTS	254.29
RECORDED BOOKS, INC	BOOKS	635.50
REPUBLIC NATIONAL DIST.	MERCHANDISE	13,839.44
RIVERSIDE HYDRAULICS & LAB	PARTS	11.97
SCHAEFFER MFG. CO	SUPPLIES	756.80
SCHUYLER RUBBER CO, INC	SUPPLIES	1,215.40
SD ENGINEERING SOCIETY	MEMBERSHIP DUES	115.00
SD LIBRARY ASSOCIATION	MEMBERSHIP DUES	495.00
SD LIBRARY NETWORK	NETWORK ONGOING COSTS	9,759.00
SD MUNICIPAL LEAGUE	MEMBERSHIP DUES	313.31
SD ONE CALL	LOCATES	50.95
SD POLICE CHIEFS ASSOCIATION	MEMBERSHIP DUES	108.67
SD RETIREMENT SYSTEM	CONTRIBUTIONS	23,487.47
SD SOCIETY OF FIRE SERVICE	MEMBERSHIP DUES	120.00
SD SOCIETY OF PROF LAND SURVEYORS	MEMBERSHIP DUES	50.00
SERVALL TOWEL & LINEN	SUPPLIES	24.96

SHORTYS HVAC SUPPLIES LLC	PARTS	85.00
SLATTERY CONSTRUCTION	WATER HEATER REBATE	365.00
STATE RADIO COMMUNICATION	TELETYPE SERVICE	3,500.00
STEFFEN	PARTS	143.80
STERN OIL CO.	OIL	561.96
STEWART OIL-TIRE CO	REPAIRS	61.91
STREICHERS	SUPPLIES	780.24
STURDEVANTS AUTO PARTS	SUPPLIES	1,273.87
TALLY COUNTER STORE	TALLY COUNTERS	112.19
THATCHER COMPANY	SODA ASH	6,947.60
THE GRAPHIC EDGE	MERCHANDISE	38.99
THE VON CORPORATION	SUPPLIES	3,396.16
TINTING PROS	WINDOW TINTING	150.00
TITAN ACCESS ACCOUNT	PARTS	864.56
TOM SORENSEN	MEALS REIMBURSEMENT	40.00
TOTAL TOOL SUPPLY, INC	PARTS	187.62
TRAVIS TARR	MEALS REIMBURSEMENT	42.00
TRI TECH SALES	PARTS	1,327.61
TRUE VALUE	PARTS	532.06
TYLER TECHNOLOGIES	DOCUMENT MANAGER SOFTWARE	2,256.25
ULTRAMAX	SUPPLIES	5,304.70
UNITED PARCEL SERVICE	SHIPPING	26.74
UNITED WAY	CONTRIBUTIONS	318.00
US POSTAL SERVICE	STAMPED ENVELOPES	544.60
USA BLUEBOOK	PARTS	178.54
VALIANT VINEYARDS	MERCHANDISE	96.00
VERMILLION CHAMBER OF COMMERCE	MEMBERSHIP DUES	750.00
VERMILLION COMMUNITY CPR	CPR CARDS	16.00
VERMILLION FORD	PARTS/CROWN VIC	25,900.60
VERMILLION PUBLIC TRANSIT	CONTRIBUTION	7,500.00
VERMILLION ROTARY CLUB	DUES/MEALS	139.75
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	4,953.99
WAL-MART COMMUNITY	SUPPLIES	438.35
WALKER CONSTRUCTION	SNOW REMOVAL	735.00
WESCO DISTRIBUTION, INC	SUPPLIES	828.20
WH OVER MUSEUM	CONTRIBUTION	15,000.00
WITMER PUBLIC SAFETY GROUP	PARTS	346.96
YANKTON JANITORIAL SUPPLY	SUPPLIES	1,147.65
ZEE MEDICAL SERVICE	SUPPLIES	58.00
MARIE DAHLHOFF	BRIGHT ENERGY REBATE	20.50
RALPH BROWN	BRIGHT ENERGY REBATE	250.00
DARIN WADLEY	BRIGHT ENERGY REBATE	150.00
JULIE BECKER	BRIGHT ENERGY REBATE	250.00

C.J. KOCHER	BRIGHT ENERGY REBATE	250.00
MASABA INC	BRIGHT ENERGY REBATE	7,200.00
JERAD HIGMAN	BRIGHT ENERGY REBATE	150.00
LEE HUBER	BRIGHT ENERGY REBATE	175.00

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

12. Consensus Agenda

A. Set a bid opening date of February 28, 2011 for Wastewater Sewer Cleaning Truck

B. Set a bid opening date of March 1, 2011 for chassis cab truck

C. Set a Public Hearing date of February 22, 2011 for special daily malt beverage and wine license on or about March 17, 2011 for Vermillion Area Arts Council at 202 Washington Street

037-11

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

Mayor Powell reminded Council of a special joint meeting with the Planning Commission at 5:30 p.m. Tuesday, February 8th.

13. Adjourn

038-11

Alderman Willson moved to adjourn the Council Meeting at 7:35 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of February, 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 _____.

Unapproved Minutes
Council Special Joint Session with Planning Commission
February 8, 2011
Tuesday 5:30 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, February 8, 2011 at 5:30 pm in the City Hall large conference room.

1. Roll Call

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

Absent: Ward

2. Adoption of Agenda

039-11

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

3. Educational Session (Discussion only. No action will be taken on these items)

A. Future Land Use Map

Andy Colvin, Assistant to the City Manager, stated that with the upcoming proposal to adopt the Joint Jurisdictional Ordinance, SECOG has recommended the City adopt a future land use map prior to the joint ordinance. The City's Comprehensive Plan currently has no provision for land use categories outside of the City limits since the plan focused more on infill. The future land use map will serve as a guide for the Planning Commission and City Council to make policy decisions within the joint jurisdictional area and 3 mile platting jurisdiction. Discussion followed on the future land use map noting two areas where the map will need to have the urban reserve area extended to agree with the proposed joint jurisdictional area. Andy stated that the process for the adoption of the future land use map will be a public hearing before the Planning Commission followed by a public hearing before the City Council.

B. Vermillion/Clay County Joint Jurisdictional Ordinance

Andy reported that the County and City have been working on a joint jurisdictional ordinance to replace the existing extraterritorial

ordinance. Following the joint meeting of the County Commission and City Council, a committee was established with the assistance of SECOG to develop the joint jurisdictional ordinance. The committee was made up of two members from the County Commission, County Planning Commission, City Council and City Planning Commission. Andy noted that the draft ordinance is a work in process and is more urban in nature compared to a County ordinance. Discussion followed on the proposed ordinance. It was noted that the proposed ordinance provides for the County to issue building permits and do inspections in this area but the County has not adopted a building code or hired an inspector. Discussion followed on the need to have construction conform to a building code and for inspections be done during construction in this area because, as the city grows, these would be the structures annexed into the city. As an option, the County and City could enter into an agreement whereby the City Building Inspector did the inspection in this area for residential, commercial, industrial and planned developments while the County could do inspections for agricultural structures. The consensus of the group was to have the members of the joint committee report the need for a building code to be adopted by the County and that a plan is in place for construction inspection in the joint jurisdictional area before a joint jurisdictional ordinance could be adopted.

It was reported that, from the committee meetings, it was suggested to have ex-official membership from the City Planning Commission on the County Planning Commission similar to USD having an individual attend the City Planning Commission meetings.

There was discussion on Section 17 that listed the individual fees noting that to change items in the joint jurisdictional ordinance will require both the County and City to adopt an ordinance. The consensus was to have the joint committee work on removing the fees from the ordinance and refer to the fee schedule adopted by the entity that collects the fee.

The group discussed how the boundaries of the joint jurisdictional area would change following an annexation. Andy noted that there was a section that stated the entities shall amend the joint jurisdictional area following annexation to have the same area.

As to zoning in the joint jurisdictional area, Andy noted that zoning will need to be developed by the bodies so that existing residential, commercial and industrial uses will be properly zoned.

Andy reviewed flow charts developed to be used for conditional use permits, variances and zone changes. It was noted that variances would go directly to the City Council and County Commission while conditional

use and zone changes would first go to the Planning Commissions. There was discussion on if the Planning Commission should also review and recommend on variances. Mayor Powell requested that the Policy and Procedures Committee review the need for Planning Commission review and report on variance requests.

As to the adoption of the joint jurisdictional ordinance, Andy stated that respective Planning Commissions would hold public hearings then forward a recommendation to their respective governing bodies that would separately have first reading of the ordinance. Then a joint County/City public hearing would be held when each entity would approve the second reading of the ordinance.

Discussion followed on the joint jurisdictional map and it was noted that the members of the joint committee have developed the boundaries and that the boundaries as shown on the map would be final for now.

Mayor Powell thanked everyone for making the time to review these items and requested the members of the joint committee to work with the committee to address the building code, inspection in this area and removing the fees from the ordinance.

4. Adjourn

040-11

Alderman Zimmerman moved to adjourn the Council Meeting at 7:16 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 8th day of February, 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: February 22, 2011

Subject: Special daily malt beverage license for the Vermillion Area Arts Council on or about March 17, 2011 at 202 Washington Street

Presenter: Mike Carlson

Background: The Vermillion Area Arts Council has submitted an application for a special daily malt beverage and wine license for their St. Patrick's Day Celebration on March 17, 2011 at 202 Washington Street. Please see the enclosed letter for the event activities.

Our city ordinance on special daily licenses reads as follows:

112.18 SPECIAL LICENSES FOR SALES OF MALT BEVERAGES AND/OR WINE.

The City Council may recommend to the State Department of Revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. The granting of the special license shall be subject to such conditions and restrictions, as the City Council may deem appropriate and consistent with state law. The fee for such license shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

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

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant; or

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

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. The local governing body may establish rules to regulate and restrict the operation of the special license.

Discussion: The notice of public hearing is attached along with the Police Captain's memo. The routine Police Department records check of the parties involved with the special daily license revealed no alcohol related violations or felony convictions in reference to this application. City staff is not aware of any problems with previous special daily licenses granted to the Vermillion Area Arts Council.

Financial Consideration: The City has received the \$15 per day license fee and \$15 advertising fee from the applicant.

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage license unless further information is provided at the public hearing.



VERMILLION AREA ARTS COUNCIL

P.O. Box 484
VERMILLION, SD 57069

Date: February 4, 2011

To: South Dakota Department of Revenue, Special Tax Division
Vermillion City Council

From: Norma Wilson, President, Vermillion Area Arts Council (VAAC)

Re: Special Daily Malt and Wine Licenses

Please consider our request for a special daily malt and wine license for the St. Patrick's Day Celebration on Wednesday, March 17, 2011.

The annual event takes place at Washington Street Arts Center, 202 Washington Street, Vermillion, South Dakota.

If you have any questions, please call me at 605-624-9279 or our Treasurer, Dennis Johnson at 605-624-4129.

Thank you,

Norma C. Wilson
Vermillion Area Arts Council



City of Vermillion
Police Department

15 Washington Street • Vermillion, SD 57069

Phone: (605) 677-7070
Fax: (605) 677-7166
www.vermillionpd.org

MEMORANDUM

To: Vermillion City Council **Date:** February 8, 2011
From: Chad Passick
Captain *CP*
Subject: Application for Special Daily License (On-Sale) Malt Beverage and Wine License
Reference: Vermillion Area Arts Council, Inc.

I have reviewed the application submitted by the Vermillion Area Arts Council regarding a special daily malt and wine license for events occurring on or about March 17, 2011, at 202 Washington Street.

An examination of the Vermillion Police Department's Records Management System revealed no alcohol related violations or felony convictions in reference to this application.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 22nd day of February, 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 below, which has been presented to the City Council and filed in the Finance Officer's Office:

Special Daily License (On-Sale) Malt Beverage and Wine License:

Vermillion Area Arts Council on or about March 17, 2011 at 202 Washington Street.

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 7th day of February, 2011.

Michael D. Carlson, Finance Officer

Publish: February 11, 2011

Published once at the approximate cost of _____.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: February 22, 2011
Subject: Vermillion Housing Authority Memorandum of Understanding
Presenter: John Prescott

Background: The Vermillion Housing Authority (VHA) presented information to the City Council at the December 20, 2010 noon meeting. The Housing Authority has two buckets of money. One is for rent and utilities assistance to qualifying individuals. This bucket is funded solely by HUD and can only be used for assistance vouchers. These dollars are often referred to as HAP (Housing Assistance Program) funds. The second bucket of money is for administrative costs. The VHA Board and Director presented concerns about sufficient HUD funding to meet administrative obligations.

Discussion: The City Council appoints the VHA Board. The VHA Board then hires the Executive Director to administer the program. Currently, all of the funding for both administrative expenses and for assistance vouchers for VHA is provided by HUD. With decreasing administrative funding by HUD, the City provided free office space to the Housing Authority with the opening of the new City Hall in 2009. This allowed VHA to reduce some administrative funds which had previously been spent on rent and utilities.

VHA receives administrative funding based on the number of vouchers issued by the program. The main challenge is that the funding level per voucher has not remained consistent in terms of the amount or frequency of payment. The VHA Board presented information that the amount per voucher is decreasing. HUD does not allow any of the funding provided for vouchers to be used for administrative costs. Staff wages, FICA, accounting services, and health insurance were the four largest expenditures in their fiscal year ending June 30, 2010 and represented 86% of their approximately \$94,000 in administrative expenses.

The proposed MOU would allow for VHA property inspection records to be accessed by the City rental code staff as part of the City's rental registry process.

The VHA Executive Director would also be made available to complete rental registry inspections of properties, whether they are part of VHA's program or not, for the City as needed. As HUD inspections cover all of the city rental registry items, plus some additional items, the VHA Executive Director would not be reviewing items that he does not currently inspect.

Financial Consideration: The MOU does not include a specific dollar figure. The VHA had requested \$20,000 to assist with administrative costs. Funding of the VHA request would need to come from the General Fund as the proposed uses would not qualify to come from the BBB or enterprise funds.

Conclusion/Recommendations: Administration recommends approving the Memorandum of Understanding as both parties would benefit from the agreement. The dollar figure to be provided to the VHA is up to the City Council to determine.

MEMORANDUM OF UNDERSTANDING (MOU)

Between

City of Vermillion

and

Vermillion Housing Authority

This agreement, made and entered into by and between the Vermillion Housing Authority and the City of Vermillion, as heretofore set forth as follows:

I. **PURPOSE & SCOPE**

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the shared responsibility to inspect rental housing units within the City of Vermillion. The inspection process is intended to insure that rental units in the City of Vermillion are compliant with the rental registry requirement.

Both Vermillion Housing Authority and the City of Vermillion should ensure that activities are conducted in compliance with all applicable Federal, state and local laws, rules, and regulations.

In particular, this MOU is intended to:

- *Share the responsibility of inspecting rental properties in the City of Vermillion*
- *Provide funding for the Vermillion Housing Authority*
- *Establish duties of each organization with respect to this agreement*

II. **BACKGROUND**

The City of Vermillion began mandatory rental inspections in 1975. In order for qualified individuals to receive HUD assistance for a property in Vermillion, the residence must pass a HUD inspection conducted by the VHA and be registered with the City of Vermillion. Currently, HUD inspections require more criteria to be met in comparison to the number of criteria to be met to register a rental property with the City of Vermillion. The Vermillion Housing Authority has recently approached the City of Vermillion with a need for supplemental funding for administrative costs. Through this MOU, the City of Vermillion will agree to supply Vermillion Housing Authority with funding only for administrative expenses in exchange for assistance with the inspection of rental properties in the City of Vermillion. The properties inspected by VHA for the City may or may not be part of the HUD program.

III. Vermillion Housing Authority's RESPONSIBILITIES UNDER THIS MOU

Vermillion Housing Authority shall undertake the following activities:

- *Provide the City of Vermillion Rental Housing Inspector access to rental inspection records for all HUD inspected facilities located in the City of Vermillion. The City will only review the VHA records for property compliance with City rental registry requirements.*
- *Upon request of the City Building Official, the VHA will perform inspections of rental units to determine compliance with the City's rental registry program. The rental units may or may not be immediately participating in the VHA's Section 8 program. Said inspection will comply with requirements of the City of Vermillion's rental registry program.*
- *Provide a detailed explanation every August, or as requested, of the use and any remaining balance of administrative funding supplied by the City of Vermillion.*

IV. City of Vermillion's RESPONSIBILITIES UNDER THIS MOU

City of Vermillion shall undertake the following activities:

- *Provide administrative funding to Vermillion Housing Authority in an amount approved by Vermillion City Council.*
- *Provide Vermillion Housing Authority with a list of properties to inspect, requirements to be met during the inspection, and a reasonable time frame to inspect the properties.*

V. IT IS MUTUALLY UNDERSTOOD AND AGREED UPON BY AND BETWEEN THE PARTIES THAT:

1. *Modification of these responsibilities will be agreed upon by both parties.*
2. *Termination of this agreement must be acknowledged by both parties.*

VI. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of Vermillion Housing Authority and the City of Vermillion authorized officials. It shall be in force until dissolved. Both parties indicate agreement with this MOU by their signatures.

Dated this _____ day of February, 2011.

CITY OF VERMILLION, a municipal Corporation of the State of South Dakota

VERMILLION HOUSING AUTHORITY

By _____

By _____

Its: _____

Its: _____

July 1 - June 30 Fiscal Year

VHA
SCHEDULE OF HAP & ADMIN PAYMENTS REC'D AND SPENT

	2004	2005	2006	2007	2008	2009	2010
HAP \$ REC'D		883,961.00	\$ 574,434.00	\$ 699,764.00	\$ 782,812.00	\$ 767,850.00	\$ 825,946.00
HAP \$ SPENT		(887,349.00)	(580,265.00)	(711,578.00)	(739,174.00)	(828,888.00)	(804,953.00)
OVERPMT/(UNDERPMT) FROM HUD		(3,388.00)	(5,831.00)	(11,814.00)	43,638.00	(61,038.00)	20,993.00
ENDING NET ASSETS HAP			(4,855.00)	83,757.00	126,655.00	66,979.50	93,214.50
ADMIN \$ REC'D		106,742.00	103,681.00	92,675.00	98,378.00	79,908.00	85,905.00
ADMIN \$ SPENT		(106,526.00)	(94,401.00)	(92,472.00)	(103,544.00)	(101,886.00)	(93,864.00)
OVERPMT/(UNDERPMT) FROM HUD		216.00	9,280.00	203.00	(5,166.00)	(21,978.00)	(7,959.00)
ENDING NET ASSETS ADMIN		216.00	9,924.00	10,619.00	15,240.00	(6,272.50)	(9,876.50)
TOTAL HUD \$ REC'D		990,703.00	678,115.00	792,439.00	881,190.00	847,758.00	911,851.00
TOTAL \$ SPENT		(993,875.00)	(674,666.00)	(804,050.00)	(842,718.00)	(930,774.00)	(898,817.00)
ENDING NET ASSETS		216.00	5,069.00	94,376.00	141,895.00	60,707.00	83,338.00
TOTAL OVERPMT/(UNDERPMT)		(3,172.00)	3,449.00	(11,611.00)	38,472.00	(83,016.00)	13,034.00
BEG NET ASSETS		7,644.00	216.00	5,069.00	94,376.00	141,895.00	60,707.00
PPA		(4,453.00)		98,163.00			3,310.00
US TREASURER ADMIN REFUND			224.00	778.00	5,968.00	483.00	1,274.00
OTHER INCOME-FRAUD RECOVERY					545.00	119.00	3,603.00
PORTABILITY INCOME-ALL ADMIN			976.00	1,874.00	2,102.00	1,121.00	1,295.00
HAP INT INCOME		197.00	204.00	103.00	432.00	105.00	115.00
ADMIN INT INCOME							
ENDING NET ASSETS		216.00	5,069.00	94,376.00	141,895.00	60,707.00	83,338.00

Increase mostly related to:
 ① Training 3,400.00
 Utilities 1,200.00
 Insurance 1,700.00
 Salaries 5,500.00

SM: \$80,346 + \$6,663 for A/R; \$(1,104) was decreased related to amts rec'd for previous year.

SM: Dave found \$8,468 in 2006 that 5/17/05 included as admin instead of HAP

CITY OF VERMILLION
 INVOICES PAYABLE-FEBRUARY 22, 2011

1 AUTOMATIC BUILDING CONTROL	ALARM INSPECTION	167.00
2 BROADCASTER PRESS	ADVERTISING	727.12
3 BUREAU OF ADMINISTRATION	TELEPHONE	377.73
4 CLAY CO REGISTER OF DEED	FILING FEE	14.00
5 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,167.53
6 CORY LACINA	SAFETY BOOTS REIMBURSEMENT	100.00
7 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,283.40
8 GREGG PETERS	MANAGERS FEE	5,375.00
9 HERREN-SCHEMPP BUILDING	SUPPLIES	66.00
10 JOHNSON CONTROLS	REPAIRS	1,216.35
11 JOSE DOMINGUEZ	MEALS REIMBURSEMENT	30.00
12 LINWELD	SUPPLIES/CYLINDER RENTAL	181.93
13 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
14 MARK CLARK	TRAVEL REIMBURSEMENTS	179.85
15 MARKS MACHINERY	SNOW BLOWER	3,675.00
16 MATHESON TRI-GAS, INC	SUPPLIES/CYLINDER RENTAL	162.77
17 MIDAMERICAN	GAS USAGE	10,470.97
18 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	91.75
19 PITNEY BOWES	SUPPLIES	177.46
20 QWEST	TELEPHONE	1,549.36
21 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
22 SPRINT	CELL PHONES	972.13
23 STERN OIL CO.	FUEL	16,717.32
24 US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
25 VISA/FIRST BANK & TRUST	TRAVEL/LODGING/SUPPLIES	664.07
26 RICHARD SUNDE	BRIGHT ENERGY REBATE	175.00
27 MARY BERRY	BRIGHT ENERGY REBATE	150.00
	GRAND TOTALS	\$48,756.74