



## Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting  
Monday, February 6, 2012  
Large Conference Room  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Tapping Fees for NW Vermillion Sanitary Sewer Improvements.**
3. **Informational Session – Funding Options for Water Tower Project.**
4. **Briefing on the February 6, 2012 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](http://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.

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## *Council Agenda Memo*

**From:** John Prescott, City Manager, Mike Carlson, Finance Officer

**Meeting:** February 6, 2012 Noon meeting

**Subject:** Informational Session – Funding Options for Water Tower

**Presenter:** John Prescott, Mike Carlson

The inspection report, prepared by Owens Inspection Services, LLC, of the Market Street 100,000 gallon elevated water storage tank, concluded the need for major repairs estimated at over \$300,000, with a recommendation that the City conduct a study to determine the cost effectiveness of repairs. The City hired Banner Associates to review the inspection report to evaluate alternatives for repairing, replacing, or to doing nothing with the water tower. The preliminary engineering report from Banner Associates, which was approved by the City Council, recommended the replacement of the nearly 100 year old tower versus investments in repairs or doing nothing.

The City applied for a State Revolving Fund (SRF) loan, with principal forgiveness, and consolidated grant through the Department of Environment and Natural Resources (DENR) in January 2011. In March 2011, the City was notified that a SRF loan, of \$1,532,000, with 10% principal forgiveness, for 30 years at 2.25%, had been approved. It was hoped that additional grant funds could be secured to reduce the impact on water rates. An application was made to the Governor's Office of Economic Development (GOED) for a CDBG grant to assist with the funding for the water tower replacement project in June 2011. On November 29, 2011, the Mayor was notified that since the DENR had provided full funding of the project, the CDBG grant was not authorized. The GOED requested to know if the City would like to keep the CDBG application open for consideration in the next funding cycle. In December 2011, the City Council approved a resolution requesting GOED reconsider the CDBG request at their January 2012 meeting. Again, the Mayor was notified that there was no grant funding available for this project.

To move forward with the water tower project, the City will need to adopt a water rate resolution that is projected to generate the necessary revenues to have operating income at 1.10% of the annual debt service in the first full year after completion of the project. If Banner Associates were given the go ahead in March 2012 to proceed, they estimate a bid date of late June with a completion date of August or September 2014. The long

completion time is to allow a larger window for the painting. Thus, the rate increase could be spread out over four years: 2012, 2013, 2014, with the full rate in place for 2015. There are a couple of other variables that we will monitor such as the actual water sales, as the weather impacts our water revenues greatly, and the actual cost of the project as, once the bid is received, we will know better just what the debt service will be. Additionally, there will be some funds generated from the increase in rates before the debt service starts that will help the reserves. Once the new rates are in place, the City Council will need to adopt the bond resolution for the SRF loan that has already been approved by DENR.

Staff agrees with Banner Associates that repairing the old water tower, to buy a few years, is not the best use of funds. Staff proposes the following options to move forward with the tower project:

1. Proceed with the project by adopting a rate increase of over 9% spread over 2012, 2013, 2014 and 2015. We would adopt a bond resolution for the \$1,532,000 of which 10% is principal forgiveness thus needing to repay \$1,378,800. The total of the rate increase needed by 2015 would amount to an increase of \$2.65 per month over the current water rates based upon usage of 670 cubic feet per month. This could be accomplished by a 2% in 2012 & 2013, 2.5% in 2014 and 3% in 2015.
2. Consider using city water utility reserves to repay an outstanding SRF loan. This reduces the annual debt service that rates need to be increased to cover. The city currently has three SRF loans outstanding in the water fund with balances and terms as follows:

	Balance 12/31/2011	Interest Rate	Term	Annual Payments
1999 SRF	435,034	5%	20 years	63,139
2004 SRF	1,059,603	3%	20 years	105,024
2006 SRF	3,099,938	2.50%	20 years	235,669
New loan	1,378,800	2.25%	30 years	63,328

The city could use water fund reserves to repay the 1999 SRF 5% interest loan balance of \$435,034, plus accrued interest. This would make available the annual debt service on this loan for the new loan. The water reserve at December 31, 2011 was just over \$1,100,000. The rate increase needed for this option would be 5.33% over the four years, which is to cover inflationary increases in operating expenses that DENR requires we project. The total of the rate increase, needed by 2015, would amount to an increase of \$1.44 per month over the current water rates based upon usage of 670 cubic feet per month in the final year of the rate increase. This could be accomplished by no adjustment for 2012, 1.5% increase in 2013, a 2% increase in 2014 and 2% increase in 2015. The increase in rates, prior to 2015, will help start to replenish the reserves along with the debt service savings from not having to make the payment on the 1999 loan for 2012, 2013 and 2014. The projections for the water fund reserves are as follows:

<u>Water Fund Reserve</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Beginning Balance	\$ 1,100,000	\$ 522,500	\$ 608,800
Retire 1999 bond	\$ (435,000)		
Estimate interest	\$ (5,500)		
Budgeted use of reserves for 2012 the majority is for Stanford Street water main replacement	\$ (200,000)		
Debt service savings	\$ 63,000	\$ 63,000	\$ 63,000
Rate increase		\$ 23,300	\$ 31,000
Projected balance 12-31-2012	\$ 522,500	\$ 608,800	\$ 702,800

3. The third option would be to follow option 2. but change the term of the loan to 20 years at 2.25% interest. This would reduce the interest paid on the loan by 35%, with a savings of \$183,805, over the term of the loan. In talking with DENR on this project, they were recommending the 30 year loan, as it reduced the annual debt service, thus, reducing the amount of the rate increase. The current tower is almost 100 years old so a 30 year loan would still leave a lot of useful life in the tower. The annual debt service, for a 20 year loan, at 2.25%, would be \$88,801 as compared to the 30 year loan of \$63,328. The rate increase, needed for this option, would be just under 6% over the four years which is to cover the increased debt service and inflationary increases in operating expenses that DENR requires we project. The total of the rate increase, needed by 2015, would amount to an increase of \$1.87 per month over the current water rates based upon usage of 670 cubic feet per month in the final year of the rate increase. This could be accomplished with no adjustment for 2012, a 1.5% increase in 2013, 2.5% increase in 2014 and 2.75% increase in 2015. The increase in 2013 and 2014 will help start to replenish the reserves along with the debt service savings from not having to make the payment on the 1999 loan in 2012, 2013 and 2014.

The water sales revenue and volume of sales for the last few years is as follows:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Water Sales Dollars	\$1,451,644	\$1,486,300	\$1,466,643	\$1,559,038
Water Sales cubic feet	45,940,517	43,308,280	40,387,247	42,273,662

Staff would want direction from the City Council on what option to develop further in order to move forward with this project.



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Monday, February 6, 2012  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. January 16, 2012 Special Session; January 16, 2012 Regular Session.

### 4. Adoption of the Agenda

### 5. Visitors To Be Heard

### 6. Public Hearings

- a. Special Assessment Roll for Sidewalk Repairs in the City of Vermillion (northeast quadrant).
- b. Transfer of retail on sale liquor license and retail on-off sale malt beverage license from BeBee Street, LLC to BeBee Street II, Inc for Carey's Bar at 18 West Main.
- c. Vacation of portion of alley running in a west-east direction, between the east right-of-way line of West Street and the east lot line of Lot 13 and Lot 2, Block 24, Van Meters Addition.
- d. Resolution adopting a Resolution of Necessity for construction of concrete surfacing, trails and sidewalks on Stanford Street from West Main Street to West Cherry Street.
- e. Landfill facility plan to apply for State funding.

### 7. Old Business

### 8. New Business

- a. Final Plat of Tracts 1 and 2, of Lots 2, 3, 4, 5 and 6, Block 2, Brooks Industrial Park Subdivision (Masaba Property at 1617 317<sup>th</sup> Street).
- b. Stanford Street Easements.
- c. Easement for a traffic signal pole at the corner of E. Cherry Street and Rose Street.
- d. Joint Cooperative Agreement with Clay County for Building Inspection Services.
- e. Purchase of a vehicle for the Police Department off of the State bid list.

### 9. Bid Openings

- a. Library addition and renovation.
- b. Surplus Wheel Loader.
- c. Water treatment and wastewater treatment chemicals.
- d. Four pickup trucks.
- e. Fuel quotes.

### 10. City Manager's Report

### 11. Invoices Payable

## **12. Consensus Agenda**

- a. Set a public hearing date of February 21, 2012 for a special permit to exceed permissible sound levels by no more than 50% for Sigma Alpha Epsilon outdoor mini concert in northwest corner of Prentis Park from 4:30pm to 7:30pm on April 10, 2012.

## **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  
January 16, 2012  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, January 16, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French

2. Informational Session - Dakota Hospital Foundation report - Mary Merrigan

Tim Tracy and Mary Merrigan, representing the Dakota Hospital Foundation and Sanford Vermillion, reviewed the organizations along with the contributions made to the community by the organizations. They answered questions of the City Council and asked the Council members to keep them in mind when there may be opportunities for Dakota Hospital Foundation or Sanford Vermillion to assist or partner in a way that benefits the community.

3. Briefing on the January 16, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

023-12

Alderman Osborne moved to adjourn the Council special session at 12:57 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of January, 2012.

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  
January 16, 2012  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on January 16, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward (arrived at 7:02 p.m.), Willson, Zimmerman, Mayor Powell

Absent: French

2. Pledge of Allegiance

3. Minutes

A. January 3, 2012 Special Session; January 3, 2012 Regular Session; January 10, 2012 Special Session

024-12

Alderman Grayson moved approval of the January 3, 2012 special session minutes, January 3, 2012 regular session, and the January 10, 2012 special session minutes. Alderman Wilson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

025-12

Alderman Zimmerman moved approval of the agenda. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Alderman Ward arrived at 7:02 p.m.

5. Visitors to be Heard

A. Proclamation - Dance Marathon & Children's Miracle Network Hospital's Miracle Month

Alderman Meins read the proclamation designating the month of February, 2012 as Miracle Month in Vermillion to increase awareness for the Dance Marathon scheduled for March 24-25. The Dance Marathon raises funds for

Children's Miracle Network Hospitals. Mayor Powell presented the proclamation to Mandi Grace, representing the USD Dance Marathon. Mandi thanked the City Council for the proclamation and reviewed the event being planned.

Alderman Grayson introduced Josh Anderson, an MBA student at USD, who has demonstrated his entrepreneurial spirit by creating bracelets with "I heart Verm". Josh is selling the bracelets for \$2, with the proceeds going to the food pantry. The bracelets are on sale at the Chamber of Commerce Office. Josh explained his project noting that, in working with Coyoteoply, he became aware of the impact of the food pantry and wanted to do something to help.

6. Public Hearings - None

7. Old Business

A. Second Reading of Ordinance No. 1272 - Amending Title XI, Business Regulations, Chapter 115 Tattooing and Body Piercing, Section 115.13 to remove the one month residency requirement

Mike Carlson, Finance Officer, reported that the City adopted an ordinance to provide for the licensing of tattoo establishments and artists in 1995. The ordinance was amended in 2010 to include the licensing of body piercing establishments and artists. At that time, the artist licensing requirements were expanded to include background checks and criteria to determine suitability for licensing that included a one month county residency requirement before applying. Some concerns have been raised about the one month residency requirement and, as such, the ordinance was prepared that removes this requirement. Mike noted that there have been no comments received since first reading.

026-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1272 entitled Amending Title XI, Business Regulations, Chapter 115, Tattooing and Body Piercing, Section 115.13 to remove the one month residency requirement 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 3<sup>rd</sup> day of January, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body, on this 16<sup>th</sup> day of January, 2012 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. 1272

AN ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS, CHAPTER 115 - TATTOOING AND BODY PIERCING, SECTION 115.13, OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO REMOVE THE ONE (1) MONTH CLAY COUNTY RESIDENCY REQUIREMENT.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SD: That Section 115.13 of the Business Regulations for Tattooing and Body Piercing of Vermillion, SD, is hereby amended to read as follows:

§ 115.13 INVESTIGATION UPON RECEIPT OF APPLICATION FOR TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE.

(A) Each applicant must submit to a background check to determine applicant's suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant also must submit to, pay for, and provide a FBI and DCI criminal background check. The applicant may be given a conditional license pending the results of the background check.

(B) The City Finance Officer shall have discretion to approve or disapprove the application depending on whether the City Finance Officer deems the applicant a suitable person to hold the license. The City Finance Officer may issue the license if the City Finance Officer is satisfied that the applicant:

- (1) Is at least 18 years of age;
- (2) Is not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his or her ability to properly and safely administer a tattoo and/or body piercing;
- (3) Has not been convicted of a felony, as defined by state law, within three (3) years of the date of the application. All conditions of any felony sentence must be fulfilled;
- (4) Has been fingerprinted and photographed by the Police Department;
- (5) Has not been convicted of using any controlled drug or substance within three (3) years prior to the date of application;
- (6) Has not been convicted of any charge of possession of marijuana or any controlled drug or substance or possession with intent to distribute

marijuana or any controlled drug or substance within three (3) years prior to date of the application; and,

(7) Is of good moral character.

d at Vermillion, South Dakota this 16<sup>th</sup> day of January, 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Ward. 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, Grayson-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.

B. Second Reading of Ordinance No. 1273 - Amending Title XV Land Usage, Chapter 152 Signs to provide for the permitting and regulation of signs within the Joint Jurisdictional Zoning Area between Clay County and the City of Vermillion

Andy Colvin, Assistant to the City Manager, reported that the County and City have just adopted zoning regulations for the Joint Jurisdictional Area. During the work sessions to develop the joint jurisdictional ordinance, the County representation felt that signs within the joint jurisdictional area should be regulated by the City's sign code to ensure consistency and fairness for businesses located within the joint area and the city. The proposed ordinance creates definition and regulations for signs within the Joint Jurisdictional Zoning area. The ordinance includes a table that creates parallel references between the City's zoning districts and the zoning district in the Joint Jurisdictional Zoning area. Andy noted that there have been no comments since first reading.

027-12

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. 1273 entitled Amending Title XV, Land Usage, Chapter 152, Signs, to provide for the permitting and regulation of signs

within the Joint Jurisdictional Zoning Area between Clay County and the City of Vermillion 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 3<sup>rd</sup> day of January, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16<sup>th</sup> day of January, 2012 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. 1273

AN ORDINANCE AMENDING CHAPTER 152, SIGNS, SECTIONS 152.01 THROUGH 152.03 AND 152.13, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO ADD A DEFINITION AND REGULATIONS FOR SIGNS WITHIN THE JOINT JURISDICTIONAL ZONING AREA OF CLAY COUNTY AND THE CITY OF VERMILLION.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA THAT CHAPTER 152, SECTIONS 152.01 THROUGH 152.03 AND 152.13, SHALL BE AMENDED AS FOLLOWS:

CHAPTER 152. SIGNS.

§ 152.01 PURPOSE.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the city, and the Joint Jurisdictional Zoning Area pursuant to expressed provisions 11.05 and 11.06 in the Joint Zoning Regulations adopted by the City of Vermillion and Clay County, to minimize the possible adverse effect of signs on adjacent public and private property, to improve pedestrian and traffic safety, to maintain and enhance an aesthetic environment and to enable the fair and consistent enforcement of these sign regulations. It is, therefore, the intent of these regulations to achieve the following:

- (A) Safety. To promote the safety of persons and property by providing that signs:
  - (1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
  - (2) Do not create traffic hazards by confusing or distracting motorists; or by impairing the driver's ability to see pedestrians,

obstacles or other vehicles; or to see and interpret any official traffic sign, signal or device.

(B) Communications efficiency. To promote the efficient transfer of information by providing that:

- (1) Businesses and services may identify themselves; Customers and other persons may locate a business or service;
- (2) No person or group is arbitrarily denied the use of the sight line from public rights-of-way for communication purposes.

(C) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- (1) Do not create a nuisance to persons using the public rights-of-way;
- (2) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement.

#### § 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**ABANDONED SIGN.** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.

**AREA IDENTIFICATION SIGN.** A sign to identify a common area containing a group of structures, such as a residential subdivision, apartment complex, industrial park, or shopping center which is located at the entrance or entrances of the area.

**AWNING, ELECTRIC (ALSO BACK LIT AWNING).** An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

**AWNING SIGN.** See CANOPY SIGN.

**BANNER.** Any sign of lightweight fabric or similar material that is attached to a structure or building with cables, ropes, tie downs or other fasteners. National flags, state or municipal flags, or the official flags of any educational institution shall not be considered banners.

BANNER, POLE. Any sign of lightweight fabric or similar material that is mounted to a pole at 1 or more edges that advertise a product or brand. National flags, state or municipal flags, official flags of any educational institution, or the official flags of any sports team shall not be considered banners.

BEACON. A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention. However, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

BILLBOARD. A sign located on a parcel containing no buildings or commercial activity.

BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material. An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.

BUILDING SIGN. Any sign attached to any part of a building.

BULLETIN BOARD. Any sign erected by a charitable, educational, civic, or religious institution or a public body, which is erected upon the same property as the institution, for purposes of announcing events which are held on the premises, and contains no commercial message.

CANOPY/AWNING SIGN. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a CANOPY.

CHANGEABLE COPY SIGN/READER BOARD. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than 8 times per day shall be considered an electronic message display sign and not a CHANGEABLE COPY SIGN for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a CHANGEABLE COPY SIGN for purposes of this chapter.

CLEARANCE (OF A SIGN). The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

COMMERCIAL MESSAGE. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial

activity.

CONSTRUCTION SIGN. A temporary sign identifying a building or construction site, contractors, architects, engineers or suppliers.

DISPLAY SURFACE AREA. The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations. However, DISPLAY SURFACE AREA shall not include the structural supports for freestanding signs.

ELECTRONIC MESSAGE DISPLAY. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Characteristics are defined as follows:

- (1) Dissolve. A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
- (2) Fade. A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually reduces in intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.
- (3) Frame. A complete, static display screen on an electronic message display.
- (4) Frame effect. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
- (5) Scroll. A mode of message transition on an electronic message display where the message appears to move vertically across the display surface
- (6) Transition. A visual effect used on an electronic message display to change from 1 message to another.
- (7) Travel. A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface

ERECT. To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN. A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

GARAGE/YARD SALE SIGN. A temporary sign indicating a private sale of personal household possessions and which is not for the use of any continuing commercial business.

GROUND SIGN. A sign anchored to the ground similar to a freestanding sign but which has no free air space between grade and the top of the frame or sign facing.

IDENTIFICATION SIGN. A sign containing only the address and name of the occupant of the building.

ILLUMINATED SIGN. Any sign which has characters, letters, figures, symbols, signs or its outline illuminated by electric light, luminous tubes, or other artificial sources.

- (1) INTERNAL LIGHTED SIGN. A sign with luminous tubes, electric lights or other devices located within the interior of the sign.
- (2) EXTERNAL LIGHTED SIGN. A sign which is illuminated by spotlights, floodlights, lamps, lenses or other devices designed to focus or concentrate light rays on the sign display area.
- (3) SURFACE LIGHTED SIGN. Any sign which is illuminated by electric bulbs or other similar devices which are attached to the exterior of the sign and are an integral part of the sign.

INCIDENTAL SIGN. A sign which is generally informational, and which has a purpose secondary to the principal use of the lot on which it is located such as "no parking", "entrance", "exit", "loading only" or other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

INFLATABLE SIGN. A sign capable of expanding due to the injection of air or gas.

INTERSECTION SAFETY ZONE. A triangle measured from the point of intersection of the curb lines or edge of pavement of the street or alley to a point 40 feet in each direction from the intersection along curb lines.

JOINT JURISDICITONAL ZONING AREA. The area outside of the corporate boundaries of the City of Vermillion, known as the Joint Jurisdictional Area of Clay County and the City of Vermillion, as referenced in Chapter 2.03 (A) of Appendix A of the Revised Ordinances of the City of Vermillion.

LOT. A tract of land or group of abutting and contiguous tracts of land under common ownership and principal use that are of sufficient size to meet the minimum zoning requirements as required by the zoning regulations.

MANSARD ROOF. Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or 3/4 of the length of a side building wall. For purposes of this chapter, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this chapter.

NONILLUMINATED SIGN. A sign other than an illuminated sign or reflective sign which is visible primarily from a natural light source.

NONPERMANENT SIGN. A surface-mounted sign or a sign with a support member extending below grade which is usually established for a specific period of time.

OUTDOOR MENU BOARD. An outdoor sign, associated with restaurants with drive-through windows, which gives a detailed list of foods served that are available at a restaurant.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN. A sign which is permanently attached to a framing or a sign with a support member at or below the frost line or attached to a building or another structure by direct attachment to a rigid wall, frame or structure.

PERSON. Any person, firm, partnership, association, corporation, company or

organization, singular or plural, of any kind.

POLITICAL SIGN. A temporary sign such as a poster card or lawn sign identifying a candidate or issue to be voted for or upon on a definite election day.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A-frames" or "T-frames"; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

PRINCIPAL BUILDING. The building in which is conducted the principal use of the parcel on which it is located. Lots with multiple principal uses may have multiple PRINCIPAL BUILDINGS, but storage buildings, garages, and other clearly accessory uses shall not be considered PRINCIPAL BUILDINGS.

PROJECTING SIGN. Any sign that is affixed at an angle or perpendicularly to the wall of any building in a manner as to be read perpendicularly or at an angle to the wall on which it is mounted.

PUBLIC EVENT. Any event that is authorized by the City.

PYLON. See FREESTANDING SIGN.

REAL ESTATE SIGN. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of the property.

REFLECTING SIGN. Any sign which returns light waves from its surface back toward the light source.

RESIDENTIAL SIGN. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for services legally offered on the premises where the sign is located.

ROOF SIGN. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

SETBACK. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SHOPPING CENTER. Two or more retail stores and/or service establishments,

or 1 retail store and 1 service establishment, sharing customer parking areas, regardless of whether the stores and/or establishments occupy separate structures or are under separate ownership.

SIGN. Every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information to the general public. In addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light and in view of the general public and used or intended to be used to attract attention or convey information to motorists.

SIGN, GAS PUMP TOPPER. Any sign, of lightweight fabric or similar material, that is attached to a fuel pumping station within a rigid frame. Such sign shall be permanently fastened to the pumping station.

SNAP FRAME. Any sign of lightweight fabric or similar material that is attached to a structure or building within a rigid frame. A SNAP FRAME shall run parallel to but within 4 inches of the wall of any building in such a manner as to be read in front of the wall on which it is mounted, provided, however, that the sign shall not project above the top of the wall or beyond the end of the building.

STREETS AND SIDEWALKS. A strip of land or access way subject to vehicular traffic and/or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails, or other thoroughfares.

STREET FRONTAGE. The distance for which a lot line of a lot runs parallel to and adjoins a public street.

SUSPENDED SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. Any sign that is used for varying periods of time and may be mounted on or below grade.

WALL SIGN. Any sign that shall be affixed parallel to but within 12 inches of the wall or printed on the wall of any building in a manner as to be read parallel to the wall on which it is mounted, provided, however, the WALL SIGN shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a WALL SIGN. Any sign that is affixed to the windows, benches, or building marquee shall be considered a WALL SIGN.

WALL SIGN, PAINTED. A sign which is applied with paint or similar substance on the surface of a wall.

WINDOW SIGN. Any sign, pictures, symbol, or combination thereof, designed

to communicate information about an activity, business, commodity, event, sale or service that is painted on or installed inside a window for the purpose of viewing from outside the premises.

§ 152.03 COMPLIANCE AND APPLICABILITY OF DIVISION PROVISIONS.

A sign may be erected, placed, established, painted, created, maintained or altered in the city or Joint Jurisdictional Area only in conformance with the standards, procedures, exceptions and other requirements of this chapter. The effect of this chapter as more specifically set forth herein is:

- (A) To require a permit for certain types of signs subject to the standards and procedures of this chapter;
- (B) To allow certain signs that are small, unobtrusive and incidental to the principal use of the parcel on which they are located, subject to the requirements of this chapter but without a requirement for a permit;
- (C) To provide for temporary signs in limited circumstances; and
- (D) To prohibit all signs not expressly permitted by this chapter.

§ 152.13 TABLES.

- (A) Signs shall be allowed on private property in accordance with Table 1. If the letters "NP" appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letters "PR" appear for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letters "NA" appear for a sign type in a column, a sign is not allowed in the zoning districts represented by that column under any circumstances. Any sign designated by "NP" or "PR" shall be allowed only if it conforms to all other applicable requirements of this chapter.

- (1) When regulating signs within the Joint Jurisdiction area, the zoning districts of the Joint Jurisdictional Zoning Area shall correspond to the zoning districts of the City of Vermillion as follows:

<u>Joint Jurisdiction Area Zoning District</u>	<u>City of Vermillion Zoning District</u>
A-1 Agriculture	NRC Natural Resource Conservation
RR Rural Residential	R-1 Residential
C Commercial	GB General Business

LI Light Industrial  
HI Heavy Industrial  
NRC Natural Resource Conservation  
PD Planned Development

GI General Industrial  
HI Heavy Industrial  
NRC Natural Resource Conservation  
PD Planned Development

(\*Tables 1-6 Remain Unchanged\*)

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of January, 2012.

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Meins. 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, Grayson-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.

C. Update on ordinance language to provide for industrial uses in the General Business zoning district

John Prescott, City Manager, reported that, in September 2011, a zoning violation was identified by City staff at 1222 W. Cherry Street. After notification, the property owner submitted a request to rezone the property from General Business to Light Industrial. The application was heard by the Planning Commission, with a recommendation to deny the request, but asked that the City Council review options to allow this use in the General Business Zone. The City Council upheld the Planning Commission recommendation to deny the zone change request in November, but asked staff for recommendations for how light industrial uses might be allowed in the General Business Zone. At the December 19<sup>th</sup> meeting, a report was presented with five options for consideration. The City Council asked staff to further develop option five that was proposed by SECOG for a report at a future meeting. In working with SECOG since the December meeting, it became apparent that this option would not work as SECOG had suggested. As such, a proposal was developed to modify the General

Business zoning regulation to include a definition for assembly and packaging and provide for a conditional use permit to allow this type of use in the General Business zone. John noted that assembly and packaging may not make the best neighbors for residential as they could operate more hours and have traffic so he would suggest that the use not be allowed within 300 feet of a residential zone. John stated that, in talking to the City Attorney, an ordinance cannot limit the time period of a conditional use permit but noted that the permit expires if the use becomes inactive for two years.

Alderman Willson requested to abstain from discussion and voting as he owns adjoining property.

Discussion followed on the report noting that this property is very close to residential, church and daycare facilities and that any change in use should not impact the other property owners in the area. It was noted that if a change is made to allow assembly and packaging then what would be requested next would be to note the need to look long term in planning for the community.

Discussion followed on if there needed to be action. Jim McCulloch, City Attorney, reported that no action of the City Council would then require the zoning violation to be addressed.

John Prescott reported that letters were sent to the property owner and business operator in November providing a date to correct the violation. He would review this letter and notify both of the date to correct the zoning violation. Discussion followed on the time to correct the violation.

028-12

Alderman Ward moved to direct staff to provide the property owner and business owner notice that they have 180 days to correct the zoning violation. This notice is to allow the business owner time to relocate to a different location that meets the zoning requirements for the business. Alderman Davies seconded the motion. Discussion followed with Alderman Osborne requesting that this issue be sent to the Planning Commission to see if there is an option to change the ordinance.

029-12

Alderman Osborne moved to allow Mr. Houser, the property owner, to address the Council. Alderman Davies seconded the motion. Motion carried 7 to 0 with Alderman Willson abstaining. Mayor Powell requested that Mr. Houser address the Council.

Mr. Houser, property owner, stated that when he purchased the property it was zoned light industrial and that he just wanted the zoning to remain light industrial. He noted that other property owners in the area still

are of the impression that their property is zoned light industrial. He stated that the Planning Commission denied the zone change request as they did not have any other options but wanted to keep small business in the community. He requested that the City Council consider rezoning all the property west of Stanford as light industrial because if it remains general business it will be reduced in value. He stated that the area south of his property on Stanford would not be high end residential as it is next to the mobile home parks and also questioned the zoning along Dakota Street.

John Prescott, City Manager, noted that the area south, along Stanford, is zoned residential and does not state what type of residential. John stated that the conditional use permit is more restrictive than changing the zoning. As to requesting to rezone the property again, the ordinance does not allow for consideration of the same request for six months.

Mayor Powell called for a vote on the motion. Motion carried 7 to 1 with Alderman Willson abstaining. Mayor Powell declared the motion adopted.

## 8. New Business

### A. Amendment to Contract with Helms & Associates for Design of Parallel Taxiway Extension

Jose Dominguez, City Engineer, reported that the City has contracted with Helms & Associates for the design of the parallel taxiway extension at the airport. Jose noted that one of the major users of the airport has purchased a plane that requires jet fuel. To accommodate the request, it is proposed to amend the contract with Helms & Associates to include the design of the jet fuel system. The contract price will increase \$15,315.05 to \$67,641.07. The City's share of this change will be \$1,352.83. Discussion followed.

030-12

Alderman Davies moved approval of Amendment No. 1 with Helms & Associates for the parallel taxiway extension to add the jet fueling system. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

### B. Resolution fixing the time and place for a hearing and notice of hearing for the Special Assessment Roll for Sidewalk Repairs in the City of Vermillion

Jose Dominguez, City Engineer, reported that in September 2010 the City Council approved the Resolution of Necessity for sidewalk repairs. The resolution was for the northeast quadrant of the community. A contract was approved in the summer of 2011 for the repair of the sidewalks that were completed and final payment has been made. The resolution set a public

hearing and provides notice to the property owners for February 6, 2012. Discussion followed.

031-12

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

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING  
AND NOTICE OF HEARING ON THE SPECIAL ASSESSMENT ROLL  
FOR SIDEWALK REPAIRS 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 10th day of January, 2012, for the repair of sidewalks 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; and

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; and

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 6th day of February, 2012, 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 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 Officer of the City of Vermillion, Clay County, South Dakota, shall mail a copy of this Resolution and Notice, by first-class mail, with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such 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 16<sup>th</sup> day of January, 2012.

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

By: \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
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.

## 9. Bid Openings

### A. Shared Use Path Phase 2 Construction

Jose Dominguez, City Engineer, read the bids received and recommended approval of the low bid of D & G Concrete Construction of \$126,917.25 contingent upon DOT approval, as the funding is from a Federal grant administered by the DOT. A letter from Eisenbraun & Associates, the consulting engineer, is enclosed recommending the low bid of D & G Concrete Construction.

D & G Concrete Construction \$126,917.25; KN Construction, Inc. \$136,726.83; Masonry Components \$136,987.20; Big Al's Contracting LLC \$137,755.75; T & R Contracting \$138,064.50; Smith & Smith Construction \$149,997.97; Lappe Construction \$158,118.51; Carl V Carlson \$166,414.46;

Feimer Construction \$187,092.50; Buskerud Construction \$190,271.95;  
Carstensen Contracting \$239,374.38

032-12

Alderman Willson moved approval of the low bid of D & G Concrete Construction of \$126,917.25 for the shared use path, Phase 2 Project contingent upon DOT approval. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. 15.5 kV Load Interrupting Padmount Switchgear

Jose Dominguez, City Engineer, read the bids received and recommended rejection of the low bid of Cooper Power Systems as they do not meet bid specifications in five areas and recommended the next lowest bid of RESCO of \$97,071.00 for three load interrupting tie switches.

Stuart Irby \$107,625.00, Cooper Power Systems \$93,360.00, RESCO \$97,071.00

033-12

Alderman Ward moved approval of rejecting the low bid from Cooper Power Systems as they did not meet bid specifications and award the bid to RESCO of \$97,071.00 for three load interrupting tie switches. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

- A. John reported that Police Chief Betzen and two other officers have completed the required State testing and training to be a certified officer in South Dakota.
- B. John reported that the bid opening for the library project is Thursday, January 19<sup>th</sup> at 2:00 p.m. in the large conference room on the 2<sup>nd</sup> floor of City Hall. He noted that the architect may request a special City Council meeting prior to the February 6<sup>th</sup> meeting to award the bid on the project.

PAYROLL ADDITIONS AND CHANGES

Recreation: Allen Van Beek \$25.00/game; Landfill: Lacy End of Horn \$8.50/hr

2012 PAYROLL RESOLUTION ADDITIONS & CORRECTIONS

Corrections: General Government: Jordan McQuillen \$7.75/hr; Garage: Larry Gray \$8.25/hr; Police: Nathan Goette \$17.73/hr, Chad Passick \$62,431.20/yr; Communications: Wendy Carroll \$16.05/hr; Recreation: Tori Kroll \$7.75/hr Additions: Engineering: Harold Holoch \$20.00/hr; Ambulance: Nicholas Ashley \$8.00/call \$6.00/1<sup>st</sup> shift \$6.00/2<sup>nd</sup> shift; Recreation: Elizabeth Bye \$7.75/hr, Jade Fostvedt \$7.75/hr, Alexa Mockler \$7.75/hr, Gretchen Nowatzki \$7.75/hr, Grace Olson \$7.75/hr; Tyler Trageser \$7.50/hr, Mark Upward \$8.25/hr

11. Invoices Payable

034-12

Alderman Davies moved approval of the following bills:

2011 INVOICES

AQUA-PURE INC	CHEMICALS	4,180.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	48.69
BIERSCHBACH EQPT & SUPPLY	SAFETY GLASSES	54.00
BLUFFS GOLF COURSE	TEE BOX MARKER	500.00
BROADCASTER PRESS	ADVERTISING	1,481.03
BUREAU OF ADMINISTRATION	TELEPHONE	267.21
BUTLER MACHINERY CO.	PARTS	2.16
CAMPBELL SUPPLY	SUPPLIES	107.87
CASK & CORK	MERCHANDISE	239.75
CENTRAL STATES WIRE PRODUCTS	SUPPLIES	1,929.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,322.81
COLONIAL LIFE ACC INS.	INSURANCE	1,609.94
DAKOTA BEVERAGE	MERCHANDISE	68.05
DAKOTA PC WAREHOUSE	SUPPLIES	501.89
DANKO MES, INC.	FIRE HOSE	1,843.84
DEPT. ENVIRONMENT NATL RESOURCES	LANDFILL OPERATIONS FEE	2,574.62
DOWNTOWN DECORATIONS	SUPPLIES	135.16
ECHO ELECTRIC SUPPLY	SUPPLIES	81.96
EPG COMPANIES, INC	PROFESSIONAL SERVICES	2,577.00
FEDEX.	SHIPPING	10.97
G & R CONTROLS	PARTS	767.50
GRAHAM TIRE CO.	TIRES	454.28
GRAINGER	PARTS	541.52

GREGG PETERS	MANAGERS PROFITS 4TH QTR	22,056.41
GUARANTEE OIL CO INC	SUPPLIES	97.30
HD SUPPLY WATERWORKS	PARTS	244.55
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	5,997.98
JOHNSON CONTROLS	REPAIRS	356.75
JOHNSON FEED, INC	REPAIRS	145.82
JONES ACE HARDWARE	SUPPLIES	115.92
JONES FOOD CENTER	SUPPLIES	27.33
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
LUDEY'S READY MIX	CONCRETE	627.00
LYLE SIGNS	SUPPLIES	840.00
MALLOY ELECTRIC	PARTS	16.35
MARKS MACHINERY	SNOW BLADE	1,600.00
MART AUTO BODY	TOWING/REPAIRS	612.50
MATHESON TRI-GAS, INC	MEDICAL OXYGEN	484.02
MEAD LUMBER	SUPPLIES	60.77
MIDAMERICAN	GAS USAGE	6,468.46
MIDWEST BUILDING MAINTENANCE	MAT SVC	309.00
MOORE WELDING & MFG	REPAIRS	141.25
NEW YORK LIFE	INSURANCE	95.00
NORTHERN TRUCK EQPT CORP	PARTS	12.20
NOVELTY MACHINE & SUPPLY	SUPPLIES	525.16
OLSON MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	107.00
PETE LIEN & SONS, INC	CHEMICALS	3,768.87
PHEASANTLAND INDUSTRIES	SUPPLIES	411.00
PUMP N PAK	FUEL	2,092.98
RASMUSSEN MOTORS, INC	REPAIRS	46.39
REPUBLIC NATIONAL DIST.	MERCHANDISE	6,140.91
SANITATION PRODUCTS	SUPPLIES	294.38
SD DEPARTMENT OF LABOR	REIMBURSE BENEFITS	652.00
SD ONE CALL	LOCATES	224.70
SD POLICE CHIEFS ASSOCIATION	TESTING MATERIALS	482.50
SIOUX EMPIRE SAFETY VILLAGE	DRIVING SIMULATORS	56.25
SIOUX FALLS TWO WAY RADIO	REPAIRS	140.99
STAN HOUSTON EQPT CO	SUPPLIES	30.55
STERN OIL CO.	SUPPLIES	15,863.44
STURDEVANTS AUTO PARTS	PARTS	91.63
THE BOULDER COMPANY	SUPPLIES	46.50
THE NEW SIOUX CITY IRON CO	TOOLS	644.07
TRUE VALUE	SUPPLIES	141.40
UNITED PARCEL SERVICE	SHIPPING	24.41
UNITED WAY	CONTRIBUTIONS	216.40
USD ATHLETIC DEPARTMENT	BASKETBALL TOURNAMENT	1,756.57

VESSCO, INC	SUPPLIES	277.91
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	1,174.65
WAL-MART COMMUNITY	SUPPLIES	431.13
ZEP SALES & SERVICE	SUPPLIES	97.75

2012 INVOICES

ACS-FIREHOUSE SOFTWARE	SUPPORT CONTRACT	625.00
AUDIO GO	BOOKS	123.98
BOOK WHOLESALERS, INC	BOOKS	474.62
CENTER POINT LARGE PRINT	BOOKS	53.80
CENTURYLINK	TELEPHONE	1,448.23
CORY MOORE	SAFETY BOOTS REIMBURSEMENT	100.00
DEPT. ENVIRONMENT NATL RESOURCES	DISCHARGE PERMIT	10,500.00
GALE	BOOKS	177.56
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	911 CIRCUIT/DIALUP SERVICE	1,415.45
MATHESON TRI-GAS, INC	SUPPLIES	195.34
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	95.95
MIDWEST ALARM CO	ALARM MONITORING	300.00
MINN MUNICIPAL UTILITY ASSOC	1ST QTR 2012 SAFETY MGMT PROG	5,755.86
MUNICIPAL ELEC. ASSOC	MEMBERSHIP DUES	4,087.00
NATIONAL FIRE PROTECTION ASSOC	MEMBERSHIP DUES	165.00
QUALITY BOOKS INC.	BOOKS	1,625.31
RANDOM HOUSE, INC	BOOKS	107.00
RECORDED BOOKS, INC	BOOKS	1,211.65
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD AIRPORT MANAGEMENT ASSOC	MEMBERSHIP DUES	25.00
SD ASSOC. OF CODE ENFORCEMENT	MEMBERSHIP DUES	40.00
SD BOARD OF OPERATOR CERTIFICATION	OPERATOR CERTIFICATION RENEWAL	60.00
SD BUILDING OFFICIALS ASSOC	MEMBERSHIP DUES	50.00
SD CITY MGMT ASSOC	MEMBERSHIP DUES	300.00
SD FIREFIGHTERS ASSOC	MEMBERSHIP DUES	630.00
SD GOVERN HUMAN RESOURCES ASSOC	MEMBERSHIP DUES	25.00
SD MUNICIPAL LEAGUE	MEMBERSHIP DUES	3,674.10
SD MUNICIPAL LIQUOR CONTROL ASSOC	MEMBERSHIP DUES	25.00
SDWWA	REGISTRATION	90.00
SE FIREFIGHTERS ASSOC	MEMBERSHIP DUES	50.00
SECOG	DUES	10,753.00
SPRINT	CELL PHONES	1,081.29
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VERMILLION DEVELOPMENT CO	CONTRIBUTION	46,350.00
VERMILLION HOUSING AUTHORITY	CONTRIBUTION	1,000.00
KEITH JOY	BRIGHT ENERGY REBATE	3.50

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

12. Consensus Agenda

- A. Set a bid opening date of January 31, 2012 at 2:00 p.m. for water treatment and wastewater treatment chemicals
- B. Set a bid opening date of February 1, 2012 at 10:00 a.m. for four pickup trucks
- C. Set a public hearing date of February 6, 2012 for landfill expansion project state funding
- D. Set a public hearing date of February 6, 2012 for transfer of retail on sale liquor license and retail on-off sale malt beverage license for BeBee Street II, Inc for Carey's Bar at 18 West Main transfer from BeBee Street, LLC
- E. Set a bid opening date of February 15, 2012 at 2:00 p.m. for wheel loader for Solid Waste

035-12

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

13. Adjourn

036-12

Alderman Osborne moved to adjourn the Council Meeting at 7:58 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of January, 2012.

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:** José L. Domínguez, City Engineer

**Meeting:** February 6, 2012

**Subject:** Resolution Approving the Special Assessment Rolls and Notice of Special Assessments for Sidewalk Repairs

**Presenter:** José L. Domínguez

**Background:** On September 7, 2010, the City Council approved a Resolution Adopting the Resolution of Necessity for Sidewalk Repairs. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on January 10, 2012. At the January 16, 2012 meeting, the City Council approved a resolution setting February 6<sup>th</sup> as the hearing date. Notice of this hearing was placed in the newspaper and mailed to the affected property owners.

**Discussion:** State statute requires a public hearing to be held to consider the assessment roll. At this meeting, the City Council may approve, equalize, amend or reject the assessment roll.

We have updated the assessment roll, due to some discrepancies found after it was filed with the Finance Officer. The issue was mainly due to the fact that some of the sidewalks were completed by the homeowner after the project was let out to our contractor and before the City's contractor completed that portion of the sidewalk. The contractor has been notified and he will be reimbursing the City \$1,107.74.

A copy of the updated final assessment roll is attached.

**Financial Consideration:** The construction cost was \$29,406.02, of which \$16,366.00 was assessed. This assessable value does not include the administrative fee; which is either \$50 or 8% of the construction cost, whichever is greater.

**Conclusion/Recommendations:** Administration recommends approving the Resolution Approving the Special Assessment Roll for Sidewalk Repairs.

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLLS  
AND NOTICE OF SPECIAL ASSESSMENTS  
FOR SIDEWALK REPAIRS  
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota has established special assessment rolls for defraying the cost of construction of sidewalks and related improvements against the several tracts of real property fronting and abutting upon:

<u>PARCEL NUMBER</u>	<u>PROPERTY ADDRESS</u>	<u>LEGAL DESCRIPTION</u>	<u>AMOUNT</u>
15060-01600-080-00	501 N. Pine Street	Lot 8, Except the E. 20' of the N. 25' of Blk. 6, Bigelow's University Addition	\$184.27
15060-01300-220-00	437 N. Pine Street	The N. ½ of Lot 21 and the S. 30' of Lot 22, Blk. 13, Bigelow's University Addition	\$150.70
15060-01300-070-00	424 N. Plum Street	Lot 6 & the N. ½ of Lot 7, Blk. 13, Bigelow's University Addition	\$352.11
15060-01300-090-00	414 N. Plum Street	Lot 9, Blk. 13, Bigelow's University Addition	\$352.11
15150-00000-010-00	818 Madison Street	Lot 1 with the E. 38' reserved for an easement for access to Lot 2, Calvin Center Addition	\$184.27
15020-00000-040-00	715 Brooks Drive	Lot 4, Replat of Lots G-5 & G-6, B & B Addition	\$217.84
15880-09251-183-28	1011 E. Cherry Street	N. 152' of Lot 1-S of the NW ¼ of the SW ¼, Except the N. 33' of S18-T92-R51, Miscellaneous Entries Addition	\$184.27

15540-00100-170-02	1325 E. Cherry Street	N. 90' of the E. 173.2' of Lot 17, Blk. 1, Ouellette's Addition	\$251.41
15540-00100-170-03	612 N. Norbeck Street	S. 90' of the E. 173.2' of Lot 17, Blk. 1, Ouellette's Addition	\$251.41
15540-00100-070-00	1204 Lincoln Street	Lot 7, Blk. 1, Ouellette's Addition	\$284.98
15540-00100-080-00	1210 Lincoln Street	Lots 8 & the W. $\frac{1}{2}$ of Lot 9, Blk. 1, Ouellette's Addition	\$117.14
15690-00200-080-00	519 Adams Street	Lots 7 & 8, Blk. 2, Replat of Sammelton's 2 <sup>nd</sup> Addition	\$284.98
15080-00200-100-03	425 Adams Street	Lots 10 through 13, except the S. 33' of Lot 10, Blk. 2, Madison Manor, Replat of Blessing's Addition	\$117.14
15080-00200-100-00	411 Adams Street	N. 52' of Lot 9 & the S. 33' of Lot 10, Blk. 2 Replat of Blessing's Addition	\$486.39
15690-00100-030-00	515 Prentis Street	Lot 3, Blk. 1, Replat of Sammelton's Addition	\$117.14
15100-00100-100-00	432 Jefferson Street	The N. 66.26' of Lot 10, Blk. 1, Brechtel's Addition	\$184.27
15880-09251-183-29	507 Jefferson Street	S. 242' of Lot 2-S of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ , S18-T92-R51, Miscellaneous Entries Addition	\$284.98

15540-00200-040-00	1324 Roosevelt Street	Lot 4, Blk. 2, Ouellette's Addition	\$385.68
15830-00100-020-00	503 N. Norbeck Street	Lot 2, Blk. 2, Washington Square Addition	\$251.41
15206-00100-250-00	1115 Roosevelt Street	Lot 25, Blk. 1, Dakota Addition	\$117.14
15206-00100-040-00	1110 Madison Street	Lot 4, Blk. 1, Dakota Addition	\$318.55
15206-00100-050-00	1116 Madison Street	Lot 5, Blk. 1, Dakota Addition	\$251.41
15060-00900-140-00	701 E. Clark Street	Lot 14, Blk. 9, Bigelow's University Addition	\$150.70
15060-00900-120-00	215 N. Pine Street	The N. 32' of Lot 10, and all of Lots 11 & 12, Blk. 9, Bigelow's University Addition	\$150.70
15060-00800-030-00	222 N. Pine Street	Lots 1, 2 and the N. ½ of Lot 3, Blk. 8, Bigelow's University Addition	\$251.41
15060-00800-120-00	217 Willow Street	Lot 12, Blk. 8, Bigelow's University Addition	\$725.08
15060-00800-110-00	215 Willow Street	Lot 11, Blk. 8, Bigelow's University Addition	\$352.11
15060-00500-070-00	114 N. Pine Street	Lots 5, 6 & 7, Blk. 5, Bigelow's University Addition	\$1,486.40
15060-00200-120-00	25 Willow Street	The N. ½ of Lot 11 and all of Lot 12, Blk. 2, Bigelow's University Addition	\$817.27

15060-00700-080-00	201 N. University Street	Lot 8, Blk. 7, Bigelow's University Addition	\$725.08
15060-00700-140-00	225 N. University Street	The W. 86' of Lots 13 and 14, Blk. 7, Bigelow's University Addition	\$318.55
15060-00100-010-00	20 Willow Street	The N. 142' of Lot 1, Blk. 1, Except the N. 60' of the E. 110' thereof, Bigelow's University Addition	\$50.00
15060-00100-010-06	512 E. Main Street	The W. 70' of the S. 126' of Lot 1, Blk. 1, Bigelow's University Addition	\$352.11
15050-06300-020-00	424 E. Main Street	Lot 1 and the E. 10' of Lot 2, Blk. 63, Bigelow's Addition	\$797.58
15060-06300-030-00	416 E. Main Street	The W. 40' of Lot 2 and the E. 36' of Lot 3, Blk. 63, Bigelow's Addition	\$1,848.94
15050-06300-040-00	412 E. Main Street	The W. 14' of Lot 3, and all of Lot 4, Blk. 63, Bigelow's Addition	\$654.23
15050-06300-060-00	408 E. Main Street	Lot 5 and the E. $\frac{1}{2}$ of Lot 6, Blk. 63 and the W. $\frac{1}{2}$ of vacated alley, Bigelow's Addition	\$318.55
15050-06200-030-00	314 E. Main Street	The W. 40' of Lot 2 and all of Lot 3, Blk. 62, Bigelow's Addition	\$100.71
15050-06200-050-00	308 E. Main Street	Lot 4 and the E. $\frac{1}{2}$ of Lot 5, Blk. 62, Bigelow's Addition	\$318.55

15050-06100-050-00	210 E. Main Street	Lot 5, Blk. 61, Bigelow's Addition	\$284.98
15050-06900-020-00	201 N. Yale Street	Lots 1 & 2, Except the E. 50' thereof, Blk. 69, Bigelow's Addition	\$352.11
15050-06900-040-00	209 N. Yale Street	Lot 3 and the S. ½ of Lot 4, Blk. 69, Bigelow's Addition	\$352.11
15080-00100-070-00	325 Prentis Street	Lot 7, Blk. 1, Replat of Blessing's Addition	\$217.84
15080-00300-020-00	316 Prentis Street	Lot 2, Blk. 3, Replat of Blessing's Addition	\$217.84
15580-00500-010-00	1106 E. Clark Street	Lot 1, Blk. 5, Potter's Addition	\$452.82
15580-00500-020-00	1114 E. Clark Street	Lot 2, Blk. 5, Potter's Addition	\$419.25
15580-00500-030-00	1208 E. Clark Street	Lots 3 & 4, Blk. 5, Potter's Addition	\$117.14
15580-00300-050-00	229 Anderson Street	Lot 5, Blk. 3, Potter's Addition	\$251.41
15580-00300-020-00	209 Anderson Street	Lot 2, Blk. 3, Potter's Addition	\$284.98
15580-00400-110-00	214 Anderson Street	Lot 11, Blk. 4, Potter's Addition	\$117.14
15580-00400-160-00	1020 Mulberry Street	Lot 16, Blk. 4, Potter's Addition	\$184.27
15140-00100-060-00	960 E. Main Street	Lot 6, Blk. 1, S18- T92-R51, Burton's Addition	\$150.70
15680-00200-040-00	25 Prentis Street	Lot 3 and the N. ½ of Lot 4, Blk. 2, Sammelton's Addition	\$184.27

in the City of Vermillion, Clay County, South Dakota. The assessment rolls were filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 10th day of January 2012.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing, upon the assessment rolls, and directed the City Finance Officer, of the City of Vermillion, Clay County, South Dakota, to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment rolls, and the time and place for the hearing that the assessment rolls would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment rolls for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice, by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment rolls, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment rolls are, in all respects, true and correct and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota that the special assessment rolls are hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment rolls be filed in the office of the City Finance Officer the day after approval of the assessment rolls. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice, along with the approved assessment rolls.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner, or owners, of each lot, parcel or piece of ground, as shown by the assessment rolls, a copy of this Resolution and Notice, along with the approved assessment roll for that location.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment rolls will be payable according to the provisions of Plan One, as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Codified Laws of 1967 of the State of South Dakota, unless superseded by a deferred assessments agreement.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in City Hall at 25 Center Street in the City of Vermillion, South Dakota, at any time, within thirty days after the filing of the approved assessment rolls in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, or any number of installments thereof, plus interest thereon, from the filing date to the date of payment, may be paid to the said City Finance Officer. After the due date of the first installment, provided that the installments, which are due together with interest included thereon, have been paid, any or all of the remaining installments not yet due may be paid without additional interest to the said City Finance Officer. All installments paid prior to their respective due dates shall be paid in inverse order of their due dates. No installment, under Plan One, shall be paid to the said City Finance Officer on or after its due date, and on and after said date such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment rolls will be filed with the City Finance Officer on February 7, 2012. The assessment is payable in two (2) installments at ten percent (10%), per annum, interest on unpaid installments as stipulated in the assessment roll for each location. The first installment due date is January 1, 2013. Subsequent installments are due January 1<sup>st</sup> of each succeeding year until the entire assessment is paid.

The assessment rolls herein referred to are attached.

Dated at Vermillion, South Dakota, this 6th day of February, 2012.

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** February 6, 2012

**Subject:** Transfer of retail on sale liquor license and retail on-off sale malt beverage license from BeBee Street, LLC to BeBee Street II, Inc. for Carey's Bar at 18 West Main Street

**Presenter:** Mike Carlson

**Background:** An application for the transfer of retail on sale liquor license and retail on-off sale malt beverage license from BeBee Street, LLC to BeBee Street II, Inc., for Carey's Bar, at 18 West Main Street, was received. The corporate officers are all remaining the same, just changing the type of corporation. A copy of the notice that was published for the license transfer and the Police Chief's report are attached.

**Discussion:** The City Council has the ability to transfer a license on basically two criteria: suitable person and suitable location. As to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. Background checks were done on the three officers, Mathew Zeman, Michael Zeman, and Mary Zeman, in March 2010, when they acquired the business, thus, new background checks were not requested. With respect to the location criteria, licenses have been previously approved for the locations. 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. The following are the city ordinances on suitable person and suitable location.

### 112.20 SUITABLE PERSON.

(A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal

background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.

- (B) A DISQUALIFYING CRIMINAL RECORD for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.
- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

§ 112.21 SUITABLE LOCATION.

- (A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:
  - (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
  - (2) Zoning restrictions, and
  - (3) Neighborhood characteristics.
- (B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the

character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.

- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

**Financial Consideration:** The transfer fee is \$150 for each license. The City retains the entire retail liquor license transfer fee and half (\$75) of the malt beverage transfer fee, the balance goes to the state. The liquor license will expire on December 31, 2012 and the malt beverage license will expire on June 30, 2012.

**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 transfer of the retail on sale liquor license and retail on-off sale malt beverage license from BeBee Street, LLC to BeBee Street II, Inc., for Carey's Bar, at 18 West Main Street. 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 6<sup>th</sup> day of February, 2012 at the hour of 7:00 P.M. at City Hall Council Chambers 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:

Transfer of Retail On-Off Sale Malt Beverage License until June 30, 2012:

BeBee Street II, Inc for Carey's Bar at 18 West Main transfer from BeBee Street, LLC.

Transfer of Retail On Sale Liquor License until December 31, 2012:

BeBee Street II, Inc for Carey's Bar at 18 West Main transfer from BeBee Street, LLC.

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 12<sup>th</sup> day of January, 2012

Michael D. Carlson, Finance Officer

Publish: January 20, 2012

Published once at the approximate cost of \_\_\_\_\_.



City of Vermillion

## Police Department

15 Washington Street • Vermillion, SD 57069

**Matthew Betzen**  
Chief of Police

Phone: (605) 677-7070  
Fax: (605) 677-7166  
[www.vermillionpd.org](http://www.vermillionpd.org)

### MEMORANDUM

**To:** Mike Carlson **Date:** 01/18/2012

**From:** Matthew Betzen   
Chief of Police

**Subject:** Transfer of Carey's Liquor and Malt Beverage License

I have reviewed the application to transfer the Carey's license from the BeBee Street LLC to the BeBee Street Inc. A review of the Vermillion Police Department records did not reveal any negative information regarding the current owners that would adversely impact a decision regarding this transfer. The current owners are in fact the shareholders of the new proposed license holder.

Because there is no change in the actual responsible parties in this transfer, but rather a change in the legal definition of the owning organization (i.e. from a Limited Liability Corporation to a Corporation), there is no need for an additional State/Federal records check of said individuals.



## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 6, 2012

**Subject:** Vacation of a portion of an alley running in a west-east direction, between the east right-of-way line of West Street and the east lot line of Lot 13 and Lot 2, Block 24, Van Meters Addition.

**Presenter:** Jose Dominguez

**Background:** A petition to vacate unused alley right-of-way adjacent to Lots 1, 2, 13 and 14, Block 24, Van Meters Addition, (1020 West Main Street and 1021 West Chestnut Street) has been submitted by the landowner (Michele and Todd Mechling). The landowners own the land directly adjacent to the alley to be vacated.

**Discussion:** There are no existing utilities within the portion of the alley to be vacated. When a right-of-way is vacated, the ownership automatically transfers to the adjacent landowner or owners.

The City will require that the land be replatted prior to any building permits being issued. During platting, any utility easements will be acquired for any possible future utilities.

**Financial Consideration:** The City will record the vacation at a cost of \$12.00.

**Conclusion/Recommendations:** Administration recommends the vacation of a portion of the alley running west-east directly adjacent to Lot 1, 2, 13 and 14, Block 24, Van Meters Addition.



## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** February 6, 2012

**Subject:** Resolution Adopting a Resolution of Necessity for Construction of Concrete Surfacing and other Improvements along Stanford Street from West Main Street to West Cherry Street

**Presenter:** Jose Dominguez

**Background:** For several years, the City has been planning on reconstructing Stanford Street from West Main Street to West Cherry Street. The reconstruction will include widening the street to three lanes, extending the storm sewer, constructing an 8-foot trail and constructing a 5-foot sidewalk. This work will be designed through a contract with Sayre Engineering. The costs associated with the project will be paid through a combination of City and Federal funds and assessments.

In addition to the street work, the City will also be upgrading the sanitary sewer lines and water mains in the area. This utility work will be completed under the same contract.

The City Council passed a Resolution of Necessity and Notice of Hearing on January 3, 2012 for the construction of concrete paving along this stretch of Stanford Street. The Resolution of Necessity set today for the public hearing.

**Discussion:** The affected property owners will be assessed for the improvements based on frontage. However, the owners will be assessed at a maximum \$28.00 per foot. This maximum value was arrived at the public meeting held on June 8, 2011. Setting a maximum is feasible for this project due to the large amount of Federal and City money being utilized (\$750,000 and \$450,000, respectively).

In addition, setting the maximum amount to be assessed allows the affected owners to plan ahead for the cost of the project. This method also allows the City to facilitate the funding of the project by removing some of the construction cost from the affected owners.

The property owners have been notified and the notice of hearing has been published in the Plain Talk. Following the construction, the City Council will adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

**Financial Consideration:** There is no cost associated at this time. However, the cost of the project is estimated at \$1.2 million. This cost includes the improvements on the storm sewer system. The City will assess approximately \$96,000, with the Federal funds covering approximately \$750,000 of the project cost. The City will pay for the remaining \$354,000 from second penny funds. In addition to this money, the City has \$167,000 saved for contingencies.

In addition to the construction cost, an eight (8%) percent administrative fee will be added to the assessable portion of the project. The assessment would be placed on the tax rolls and the property owner given ten years at ten (10%) percent interest to pay the cost. The owner has the option to pay the entire assessment before it's placed on the tax rolls without any interest accrual.

**Conclusion/Recommendations:** Administration recommends approval of the Resolution of Necessity.

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR CONSTRUCTION OF  
CONCRETE SURFACING, TRAILS AND SIDEWALKS ON STANFORD STREET FROM  
WEST MAIN STREET TO WEST CHERRY STREET IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 6<sup>th</sup> day of February 2012, that the convenience and necessity has arisen for the construction of concrete surfacing on the portion of the public streets and in front or abutting the lot or parcel of land hereinafter named:

Lot 1, Block 1, Bliss Addition  
Lot 2, Block 1, Bliss Addition  
Auditors Tract 3 and 4 of SE ¼, 14-92-52  
Lot 1, Replat of Block 28 and N ½ of Lot 5 and Lot 8, Block 9, Van Meters Addition  
Lot 3, Block 1, Bliss Addition  
Lot 21, Replat Lots 15 & 17, E ½ SE ¼, 14-92-52  
Lot 14, NE ¼ SE ¼, 14-92-52  
Lot A and B of Lot 13, Collins Addition  
Lot 1D, Collins Addition  
Lot 1A, Collins Addition  
Lot 1B, Collins Addition  
Lot 1 & W ½ of Lot 2, Larson's Subdivision  
Lot 22, Replat of Lot 16, E ½ SE ¼, 14-92-52  
Lot 23, Replat Lots 15 & 17, E ½ SE ¼, 14-92-52  
South 103' of Lot 6, Oden Addition  
North 255' of Lot 6, Oden Addition

in the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 3<sup>rd</sup> day of January 2012, is approved and that the Engineer shall proceed with the work in the manner provided by law.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of February 2012.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** February 6, 2012

**Subject:** Facility Plan for State Funding of Landfill Expansion Project

**Presenter:** Mike Carlson

**Background:** In July, the City Council approved a resolution for the application to include the landfill expansion of Cell 5, and the leachate pond funding, on the State Water Plan with the Department of Environment and Natural Resources (DENR). The resolution also authorized the application for grant and loan funding for the project. In working with HDR engineering and DENR, the side slope of the existing Cells 2-4 was increased to provide additional solid waste storage, delaying the need for Cell 5 until 2014. The proposed schedule is to make grant/loan applications in the first half of 2012, followed by project design, with bid letting in early 2013, for construction during the balance of 2013. SECOG has recommended application for grants/loans in the first quarter of 2012, as this is when more grant funds are available. Solid Waste grants/loans, and State Revolving Loan funding applications, were completed and submitted in late December, 2011. SECOG advised the City that a facility plan was required for the grant/loan applications which were completed by HDR and included with the grant applications. A requirement of the environmental section of the facility plan is a public hearing, which was advertized for February 6, 2012.

The current estimated cost of the project is \$2,261,210. The DENR meeting, to consider the grant/loan applications, is set for March 29-30, 2012.

**Discussion:** SECOG and the City were notified on January 24, 2012 of the receipt of the grant/loan applications by DENR. The notification also noted that they have made a rule change and the environmental section of the facility plan is not required for this type of project, since it does not discharge into a public waterway. As a public hearing was a requirement in the environmental section of the facility plan, removing this requirement of the plan makes a public hearing no longer needed. The public hearing was listed on the January 16, 2012 consensus agenda and advertised in the Plain Talk.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends, as the public hearing was advertised, allowing any public comment, if any, and then closing the hearing without any action.



## *Council Agenda Memo*

**From:** José Domínguez, City Engineer

**Meeting:** February 6, 2012

**Subject:** Final Plat of Tracts 1 and 2, of Lots 2, 3, 4, 5 and 6, Block 2, Brooks Industrial Park Subdivision

**Presenter:** José Domínguez

**Background:** McLaury Engineering has filed a plat to re-plat a portion of land located south of 317<sup>th</sup> Street and west of North Crawford Street. This area includes the entire Masaba Industrial Center, and it is within the City limits. The proposed plat will combine portions of Lot 2 with Lots 3 through 6 into Tract 1, and a portion of Lot 2 will become Tract 2.

The applicant will also be dedicating all of the required utility easements around the perimeter of each tract.

The plat was presented to the Planning Commission during their January 23, 2012 meeting. At the meeting, the Commission unanimously recommended approval of the plat.

**Discussion:** The owner is required to replat the land, since the new construction taking place is encroaching on Lot 3, while the rest of the operation is on Lots 4, 5, and 6.

Staff reviewed the final plat and find that it complies with all code provisions.

This plat meets the requirements for the Major platting process. Due to this, the recorded Brooks Industrial Park Subdivision plat will be treated as the preliminary plat and this plat as the final.

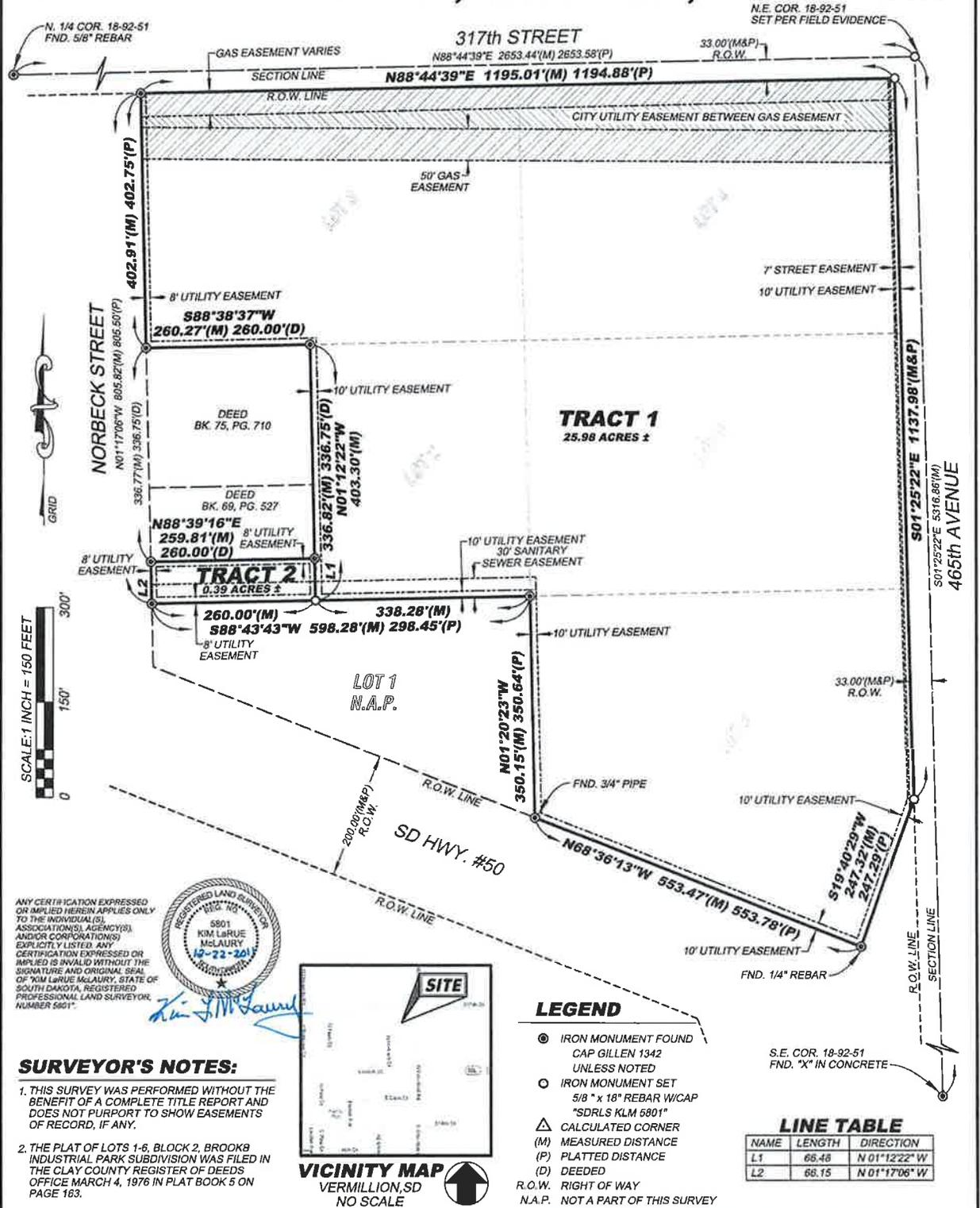
**Financial Considerations:** The owner has paid all applicable platting fees.

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

# SURVEY PLAT

OF

## TRACTS 1 AND 2, OF LOTS 2, 3, 4, 5 AND 6, BLOCK 2, BROOKS INDUSTRIAL PARK SUBDIVISION IN THE CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA



ANY CERTIFICATION EXPRESSED OR IMPLIED HEREIN APPLIES ONLY TO THE INDIVIDUAL(S), ASSOCIATION(S), AGENCY(S), AND/OR CORPORATION(S) EXPLICITLY LISTED. ANY CERTIFICATION EXPRESSED OR IMPLIED IS INVALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF YOUNG LAURIE MCLAURY, STATE OF SOUTH DAKOTA, REGISTERED PROFESSIONAL LAND SURVEYOR, NUMBER 5801.



SURVEY CREW: TAA 12/19/11      DRAWN BY: TAA 12/20/11      PROJECT NO. 12111203      SCALE: 1" = 150'



**McLaurie Engineering, Inc.**

P.O. BOX 1130  
118 W. MAIN STREET  
ELK POINT, SD 57025  
(605) 356-2308

PAGE 1 OF 2



## *Council Agenda Memo*

**From:** Jose Dominguez, P.E., City Engineer

**Meeting:** February 6, 2012

**Subject:** Stanford Street Easements

**Presenter:** Jose Dominguez

**Background:** For several years, the City has been planning on reconstructing Stanford Street from W. Main Street to W. Cherry Street. The reconstruction will include widening the street to three lanes, extending the storm sewer, constructing an 8-foot hike/bike trail and constructing a 5-foot sidewalk. This work will be designed through a contract with Sayre Engineering. The costs associated with the project will be paid through a combination of City and Federal funds and assessments.

**Discussion:** Part of the project requires that the City acquire construction easements for the project. The construction easements will be temporary. The construction easements will expire one (1) year after the project is completed. The City will require a total of nine easements from eight property owners.

The City Council approved six easements related to this project at the October 17, 2011 meeting. These are the last three easements required for the project to proceed to the bidding process.

**Financial Consideration:** The City will incur a cost of \$52.00 to file the three easements with the Clay County Register of Deeds. Payments to the property owners involved will cost the City \$72.00. Two of the last easements will be acquired for the amount of \$1.00 each. The third easement will cost the City \$70.00.

**Conclusion/Recommendations:** Administration recommends signing the temporary construction easements for the construction of Stanford Street.



## *Council Agenda Memo*

**From:** Jose Dominguez, P.E., City Engineer

**Meeting:** February 6, 2012

**Subject:** Rose Street Easements

**Presenter:** Jose Dominguez

**Background:** The City, in conjunction with the University of South Dakota and the SD Department of Transportation (DOT), has been in the process of placing a traffic signal at the intersection of Rose Street and Cherry Street. The intent of the signal is to diminish any possible vehicle and pedestrian accidents from occurring in the future.

One of the items that the City has been assisting USD and the DOT with is with the easement acquisition. The easements are required to place the signal in the proper location within the intersection.

**Discussion:** The easements, at hand, are both for the property located on the northwest corner of the intersection (308 East Cherry Street). There are two easements that will be required; one is temporary and needed only during construction, while the other will be permanent and will encompass the location of the signal and new sidewalk.

These are the last two easements required for the project to proceed to the bidding process.

**Financial Consideration:** The City will incur the cost to file the easements at the Clay County Register of Deeds. In addition, the City will pay \$2,000 for the easement. The University will reimburse \$1,000 to the City for the easement.

**Conclusion/Recommendations:** Administration recommends approval of the permanent and temporary construction easements to provide for the construction of a traffic signal at the intersection of Rose Street and Cherry Street.



## *Council Agenda Memo*

**From:** Andrew Colvin, Assistant to the City Manager  
**Meeting:** February 6, 2012  
**Subject:** Joint Cooperative Agreement for Building Inspection Services  
**Presenter:** Andrew Colvin

**Background:** The City and County have adopted zoning regulations for the Joint Jurisdictional Area. During the work sessions to develop the proposed draft zoning regulations, the County expressed an interest in adopting and enforcing a building code within the joint zoning area.

**Discussion:** During the work sessions, the County representation was very adamant about enforcement of building regulations within the joint jurisdictional area. This goes in line with the City's position that all future development should meet code requirements and that building standards, in areas adjacent to the City, should be consistent with the standards within City limits.

The City and County discussed a few options:

1. Permit the City's building code to extend outside of City limits, with the City performing inspections and issuing all permits;
2. The County would adopt a building code, issue permits and perform inspections; or
3. The County would adopt a building code and the City would be responsible for performing inspections.

Building inspections have been a contentious issue between the City and County for several years. Under the previous arrangement, the City took care of all inspections. The County Zoning Administrator would be aware of building projects, but did not have oversight. After several discussions, Option 3 seemed to make the most sense for both the City and County.

The County has adopted a building code applicable to the Joint Jurisdictional area. In order to ensure consistency in standards, this is the same code that the City has adopted: the 2009 IBC and IRC, with the same modifications adopted by the City (note: the County exempted certain agricultural buildings from the code, such as hay sheds, grain bins, barns and similar structures). The ordinance adopted by the County also outlines the process for appeals, which will be a joint process between the City Council and County

Commission, should the building official's judgment come into question. In comparison, the City also has a similar appeal process that involves the governing body.

The attached agreement provides the following:

- The City will provide plan review and building inspection services for residential, commercial and industrial building projects.
- The City will bill the County for these services on a quarterly basis.
- The County will still be the primary enforcement agency of the code, which includes the revocation of permits and the issuance of stop orders, fines and other penalties.
- An indemnification that holds the City harmless from liability, unless due to willful or negligent acts of the City.

With respect to fees, City staff wanted to develop a structure that was simple and easy to anticipate. Staff looked at the average permit costs for residential and commercial construction projects according to the fee schedule adopted by the City. Most projects were very close in terms of permit costs; therefore, an average was determined for each category to develop a flat fee. A percentage was deducted since the City will not be responsible for certain administrative items. The fees are as follows:

- Residential accessory structures and additions/alterations: \$65 per permit.
- New single-family residential structures: \$350 per permit
- Commercial and industrial accessory structures and additions/alterations: \$125 per permit
- For new commercial and industrial structures, the City shall charge a minimum fee of \$350 per permit.

Many larger commercial and industrial projects are harder to determine and can involve more time to review. Several City departments can be involved to look at drainage, utility impacts or more intensive architectural review. Because of this, the City reserves the right to develop a fee accordingly should a larger project be proposed.

**Financial Consideration:** Fees remitted to the City will go into the General Fund.

**Conclusion/Recommendations:** The proposed agreement was sent to the County Commission for approval. The Commission approved the agreement on January 31, 2012, without modifications. City staff feels that the agreement meets the mutual interests for a fair process between the City and County, and ensures consistency for building projects within the City and Joint Jurisdictional area.

**RESOLUTION**

**A RESOLUTION TO ENTER INTO A JOINT COOPERATIVE AGREEMENT FOR BUILDING INSPECTION SERVICES BETWEEN THE CITY OF VERMILLION AND CLAY COUNTY COVERING TERRITORY DESIGNATED AS THE JOINT JURISDICTIONAL ZONING AREA.**

WHEREAS, the City Council of the City of Vermillion and the Clay County Board of Commissioners believe it to be in the best interests of their citizens to enter into a Joint Cooperative Agreement providing for building inspection services within the Joint Jurisdictional Zoning Area.

BE IT RESOLVED, by the City of Vermillion, as follows:

The City of Vermillion is hereby authorized to enter into and execute the Joint Cooperative Agreement, a true and correct copy of which is attached to this resolution as "Exhibit A", and the Mayor and Finance Officer are directed to sign the Joint Cooperative Agreement in the name of the City of Vermillion as of the date of this Resolution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF VERMILLION

BY: \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

(SEAL)

First Reading: \_\_\_\_\_  
Publication: \_\_\_\_\_  
Effective: \_\_\_\_\_

**JOINT COOPERATIVE  
AGREEMENT FOR  
BUILDING INSPECTION SERVICES**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between CITY OF VERMILLION, South Dakota (“City”), and CLAY COUNTY, South Dakota (“County”).

WHEREAS, the County and the City have enacted Joint Zoning Regulations for the Joint Jurisdictional Area of Clay County and the City of Vermillion, illustrated by the Official Joint Jurisdiction Zoning Map that has been incorporated by reference into the Joint Zoning Regulations; and

WHEREAS, the County has adopted Building Regulations and Building Codes adopted and proposed by the International Code Council as modified or amended in its Code of Ordinances ; and

WHEREAS, pursuant to Section 2.(5) of County Ordinance No. 2011-04 and Section 2.(6) of County Ordinance No. 2011-05, the County wishes to contract with the City of Vermillion for certain services related to the construction of new residential, commercial and industrial structures or alterations located within the Joint Jurisdictional Area; and

WHEREAS, the County will serve as the primary enforcement agency of the Building Code and has the authority to issue occupancy permits and grant, deny, suspend or revoke any permit for work authorized by County Ordinance Nos. 2011-04 and 2011-05; and

WHEREAS, the County and the City mutually agree to bind each party to the terms of this contract and to perform the rights, duties, and obligations contained herein under the terms of this contract; and

WHEREAS, the County and City mutually agree that this contract shall be governed by the laws of the State of South Dakota and any applicable Federal Laws.

NOW, THEREFORE, in exchange for mutual promises and covenants contained herein and for other good and valuable consideration, the parties agree as follows:

1. GENERAL.

- 1.1 The City shall perform professional services as hereinafter stated which include customary plan review and building inspection services for new construction within the Joint Jurisdictional Area.
- 1.2 All work shall be performed under direct supervision of the Building Official, or designee, of the City of Vermillion.

2. PLAN REVIEW.

The City Shall:

- 2.1 Review all plans and documents submitted by applicants for building permits upon timely receipt from the Clay County Zoning Administrator, including but not limited to site plans, architectural drawings, drainage plans, sketches and other application materials and information requested by the City.
- 2.2 Upon completion of the review, submit a written recommendation to the Clay County Zoning Administrator to either approve or deny a building permit. The City reserves the right to request additional information or materials prior to making a recommendation to the County Zoning Administrator to approve or deny any building permit.

3. BUILDING INSPECTIONS.

The City Shall:

- 3.1 Inspect all new permitted residential, commercial and industrial structures or alterations within the Joint Jurisdictional Area, for compliance with applicable building codes and permitted plans and specifications to include a footing inspection, framing inspection and a final inspection.
- 3.2 Generally perform inspections between 8:00am and 5:00pm, Monday through Friday at the discretion of the City. The City shall be compensated for work in accordance with the fees established in this contract.
- 3.3 Maintain records of inspections on forms and in formats furnished by the City and remit copies of such records to the County upon completion of the project or at the request of the County.
- 3.4 Reserve the right to refuse the inspection of any structure that has been granted a building permit against the recommendation of the City.

4. PAYMENTS TO THE CITY.

- 4.1 The City will bill the County on a quarterly basis and the County shall pay the City for services rendered according to the following schedule:

Residential accessory structures and additions/alterations: \$65 per permit.

New single-family residential structures: \$350 per permit

Commercial and industrial accessory structures and additions/alterations: \$125 per permit

For new commercial and industrial structures, the City shall charge a minimum fee of \$350 per permit.

For new commercial and industrial structures, additional fees may be charged depending on the value and scope of the project. Upon completion of the review of the permit

application materials received from the County, the City will provide the additional fee amounts, if applicable.

The above fees include basic plan review, a footing inspection, framing inspection and a final inspection. The City reserves the right to charge additional fees for extra work outside of the basic scope of services.

5. INDEMNIFICATION.

5.1 County will indemnify and hold the City, its officers, agents and employees harmless from any and all claims or liability arising from the City's performance of obligations and duties under this agreement, unless such claims or liability are the result of willful or solely negligent acts or omissions of the City.

6. TERMINATION

6.1 This agreement can be terminated by either party upon 30 days written notice.







## *Council Agenda Memo*

***From:*** Jason Anderson, Assistant City Engineer  
***Meeting:*** February 6, 2012  
***Subject:*** Purchase of Police Vehicle at State Contract Price  
***Presenter:*** Jason Anderson

**Background:** The replacement of one 2009 police patrol car is budgeted in the 2012 Equipment Replacement Fund. After a presentation from Police Chief Matt Betzen, at the November 21, 2011 Noon meeting, the City Council granted permission to replace the patrol car with a Police Special Service Vehicle (a full-sized, 4x4 Sport Utility Vehicle).

**Discussion:** The State of South Dakota awarded its annual contracts for vehicle acquisition on October 1, 2011 for the 2012 model year vehicles. The State contract for item 10C, Truck Utility 4x4 Special Service Vehicle, was awarded to Billion Auto of Sioux Falls. The vehicle that they offer is a Chevrolet Tahoe for a base price of \$27,203.

Through research, it was determined that Ford no longer makes a Police Package Ford Expedition—they only produce a smaller, V6 AWD Ford Interceptor Utility. Therefore, between Ford and Chevy, the Chevy Tahoe Police Package vehicle is the only vehicle in its class

After discussion with Vermillion Ford and Rasmussen Motors, it was determined that the best option for the City is acquiring the Chevy Tahoe from Billion Auto for the State contract price. The police patrol car will be declared surplus after delivery of the new vehicle and sold on a sealed bid.

**Financial Consideration:** The 2012 Equipment Replacement Fund includes the purchase of a police vehicle. The revenue from the sale of the surplus equipment will be returned to the equipment replacement fund.

**Conclusion/Recommendations:** Administration recommends awarding the purchase of one Police Special Service SUV to Billion Auto of Sioux Falls for the

State Contract base price of \$27,203, with an additional \$2,592 for necessary options.



## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** February 6, 2012  
**Subject:** Library Expansion/Renovation Bid Award  
**Presenter:** John Prescott

**Background:** In early 2010, the Library Board selected Architecture Incorporated of Sioux Falls to design a library addition and renovation project. The proposed project will include adding 11,110 square 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.

Through the generosity of a local donor, during the summer of 2011, the library addition and renovation project was able to move forward. In December 2011, the City Council approved plans and specifications and set a bid opening date of January 19, 2012 for the Library addition and renovation.

**Discussion:** Eight bids were received and opened. Proper bid documentation was submitted by all of the bidders. A bid tabulation sheet, and the architect's recommendation, are attached. Welfl Construction of Yankton submitted the lowest base bid of \$2,298,000. The architect's estimate of the project cost is approximately \$2,662,696. The contract completion date is April 1, 2013.

The bid included three alternates. Alternate #1 is to add HVAC manufactured by Johnson Controls, which are found in most other City buildings. Welfl's bid for this alternate is \$4,900.

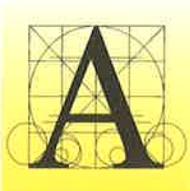
Alternate #2 is to add four brick columns to the exterior of the building. The columns serve as an architectural feature and are not structurally connected to the building. Welfl's cost for this alternate is \$28,500.

Alternate #3 is for skylights. This alternate would provide five skylights through the south end of the main space added to the north end of the existing building. The skylights would add a substantial amount of light to the interior of the new space and existing building. Welfl's cost for this alternate is \$44,300.

**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. A copy of the project budget is attached. It may be that additional second penny funds in 2013 will be needed to complete the project.

**Conclusion/Recommendations:** Administration recommends awarding the bid to Welfl Construction in the amount of \$2,298,000. Administration also recommends the Council accept alternate #1 and alternate #3, which together adds \$49,200 to the bid, for a total bid award of \$2,347,200. Administration is not opposed to alternate #2, to add the brick columns at a cost of \$28,500, but strong interest in this alternate has not been expressed and this alternate doesn't directly contribute to the provision of library services.

# Architecture



Incorporated

January 20, 2012

Mr. John Prescott  
City Manager  
City of Vermillion  
25 Center Street  
Vermillion, South Dakota 57069

Re: Vermillion Public Library Addition and Remodel  
Bid Opening Recommendation

Dear Mr. Prescott,

A public bid opening was held January 19, 2012 at 2 PM for the Vermillion Public Library Addition and Remodel. Eight bids were received ranging from the high bid of \$2,476,236 to the low bid of \$2,298,000. The bid tab is attached.

We have reviewed the bids and required documents received with the bids and recommend the project be awarded to the low bidder, Welfl Construction Corporation, 800 W. 23<sup>rd</sup> Street, PO Box 60, Yankton, South Dakota, for their base bid of \$2,298,000. We also find Welfl Construction's add alternate bids and unit price bids appropriate and recommend acceptance. The add alternates are options and not mandatory for the completion of the project. In our opinion, all three alternates would benefit the project, especially the addition of the skylights. The add alternates and unit prices are listed below:

Alternate #1: HVAC Controls - Add \$4,900

Alternate #2: Add Exterior Columns – Add \$28,500

Alternate #3: Add Skylights – Add \$44,300

Unit Price #1: Replace Existing Door and Hardware – \$800 Per Door

Unit Price #2: Removal and Replacement of Unsatisfactory Soil - \$11 per Cubic Yard

Unit Price #3: Cutting and Patching Floor Slab - \$30 per Square Foot

The Unit Prices were included in the event they are needed as it was deemed advantageous to have a bid price for those items.

Unit Price #1: Replace Existing Door and Hardware. If a stain color for the new doors is selected that does not match the existing doors, there are four doors visible to the public that may be desirable to replace with new doors to match.

A.R. Dempster, AIA, LEED® AP  
Mark Aspaas, AIA  
Steve Jastram, AIA  
Patti Monson, Assoc. AIA, LEED® AP  
Elizabeth Squyer, AIA  
Sarah Aldinger, AIA, LEED® AP  
Lisa VandeVoort, LEED® AP  
Mitchell Aldinger, AIA, LEED® AP  
Kris Anderson  
Scott Anderson, Assoc. AIA  
Kristine Bjerke, AIA, LEED® AP  
Diane de Koeÿer, Assoc. AIA  
Catherine Dekkenga, LEED® GA  
Andrew Eitreim, LEED® AP  
Kelly Evans  
Ron Griebel, Assoc. AIA  
Ryan Huber, Assoc. AIA  
Susan Kahler  
Heather Mergen, NCIDQ  
Kelli Mitzel, NCIDQ, LEED® AP  
Trisha Murphy  
Jason Pittmann, LEED® AP  
Mandy Schneider  
Adam Scholes  
Dorsey Tellekson

415 South Main Avenue  
P.O. Box 2140  
Sioux Falls, SD 57101-2140  
P. 605.339.1711  
F. 605.339-2331

909 St. Joseph Street  
Suite 202  
P.O. Box 8047  
Rapid City, SD 57709  
P. 605.721.1158  
F. 605.721.4114

Unit Price #2: Removal and Replacement of Unsatisfactory Soil. As the site is in a downtown location and unsatisfactory soils could be encountered beyond what was described in the Geotechnical Report, we included this unit price in the event unsatisfactory soils were encountered.

Unit Price #3: Cutting and Patching Floor Slab. The base bid includes removal and replacement of concrete slab based on the existing drawings of mechanical and electrical lines. If the utilities are not as shown, this unit price would be used to adjust quantities above and beyond what is shown on the drawings.

Attached to Welfl Construction's bid was a bid bond, Part C: DBE & WBE Assurance and Part J: Excise Tax License. Additionally they included Part H: Elimination of Segregated Facilities and Part I: Suspended or Debarred Contractors Certification. Part H and Part I are to be submitted prior to Contract Award. A copy of these documents is enclosed.

I contacted Kevin Schulz of Welfl Construction today and he confirmed that the firm is comfortable with the bid and believe the bid includes all costs needed to complete the project. They intend to start construction on site after the frost is out of the ground this spring, so if the City Commission considers the bids at their next scheduled meeting, that should work well with the schedule.

It is our opinion that the favorable bidding climate and competition from eight general contractors contributed to the bids being below our statement of probable cost of \$2,662,696. Please feel free to contact Mark Aspaas, AIA, or me should you have any questions or need additional information regarding the bids.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth S. Squyer". The signature is written in a cursive, flowing style.

Elizabeth Squyer, AIA

Attachments

**BID TABULATION**

**Project:** Vermillion Public Library Addition and Remodel  
Vermillion, South Dakota

**Owner:** City of Vermillion, John Prescott, City Manager

**Architect:** Architecture Incorporated

**Bid Date:** January 19, 2012

**Time:** 2:00 p.m. Central Time

**Location:** City of Vermillion - Office of John Prescott  
25 Center Street  
Vermillion, South Dakota

General Bidders	Bid / Add.				Part C: DBE & WBE Assurance	Part J: Excise Tax License	Base Bid	Alternate #1 Add	Alternate #2 Add	Alternate #3 Add	Unit Price No. 1 Replace Existing Door & Hardware Unit Price Per Door	Unit Price No. 2 Removal of Unsatisfactory Soil and Replacement Unit Price Per Cubic Yard	Unit Price No. 3 Cutting and Patching Floor Slab Unit Price Per Square Foot
	#1	#2	#3	#4									
DA Davis Co. Inc.	x	x	x	x		2,436,300	HVAC Controls	\$0	\$32,000	\$35,000	\$850	\$30	\$4
Eagle Construction	x	x	x	x		2,404,865		\$15,931	\$27,990	\$45,125	\$955	\$40	\$12
GA Johnson Construction	x	x	x	x		2,407,000		\$16,000	\$28,400	\$40,700	\$894	\$23	\$77
Gil Haugan Construction	x	x	x	x		2,383,000		\$15,500	\$30,000	\$48,000	\$800	\$22	\$25
HCI Construction	x	x	x	x		2,476,236		\$5,096	\$40,049	\$59,933	\$729	\$52	\$20
Peska Construction	x	x	x	x		2,425,000		\$15,500	\$28,000	\$40,000	\$800	\$50	\$20
Sunkota Construction	x	x	x	x		2,374,000		\$15,000	\$24,000	\$37,000	\$875	\$18	\$16
Weifl Construction	x	x	x	x		2,298,000		\$4,900	\$28,500	\$44,300	\$800	\$11	\$30

City of Vermillion  
Library Expansion Project  
Estimated Project Funding

Revenues:

Community Development Block Grant	200,000	
Contributions and Donations	804,772	
City Sales Tax	1,400,000	
Library Board	120,000	
Library Foundation	200,000	
Library Foundation Furniture & Fixtures	<u>100,000</u>	
Total Revenues		2,824,772

Contractor Project Costs:\*

Base Bid	2,298,000	
Add alternate 1 HVAC controls	4,900	
Add alternate 2 Exterior Columns \$28,500	-	
Add alternate 3 skylights	<u>44,300</u>	
Subtotal Contract		2,347,200

Items outside Contract bid:

Site work (completed by city)	-	
Furniture & Fixtures - Foundation	100,000	
Contingency - Liz estimated	200,000	
Architect fees 8% less \$10,000	177,776	
Architects out of pocket	7,750	
SECOG grant administration	7,500	
Professional services testing - Liz estimate	<u>27,500</u>	
Subtotal Other		<u>520,526</u>
Total		<u>2,867,726</u>

Project shortfall \* (42,954)

\* This excludes items outside the contract such as the following:

Water service installed by city	-	
Lock system	8,200	John quote
Architects fee if contingency paid to contractor	16,000	8% of amount paid
Stack mover rental		
Cost of Landscaping materials to be installed by City	7,500	estimated from city hall
Baby changing stations	800	estimated
Window Blinds		
Others		



## *Council Agenda Memo*

**From:** Jason Anderson, Assistant City Engineer

**Meeting:** February 6, 2012

**Subject:** Sale of Surplus Wheel Loader

**Presenter:** Jason Anderson

**Background:** The Landfill's 2005 Caterpillar 938G II wheel loader was budgeted for replacement in 2011. The new wheel loader has been received and is now being utilized. The used wheel loader was declared surplus, appraised, and a bid date of February 1, 2012 was set for the opening of sealed bids.

**Discussion:** The 2005 Caterpillar 938G II wheel loader was appraised at \$78,000. The City cannot accept a bid for less than 90% of the appraised value, which would be \$70,200. Bid specifications were sent to 17 potential bidders with five bids received. The bid tabulation is attached for review.

**Financial Consideration:** The revenue from the sale of the surplus equipment will be placed in the Joint Powers Landfill fund.

**Conclusion/Recommendations:** Administration recommends awarding the sale of the surplus 2005 Caterpillar 938G II wheel loader to the high bidder, Diamond Mowers, Inc., for \$82,650.

Project: Sale of Surplus Wheel Loader

Bid Tabulation

Date: February 1, 2012

Bidder	Address	Bid Security
<p>Buffer Machinery PO Box 1210 Sioux Falls, SD 57101</p>	<p>Milo Meyer Const. Inc. 1002 Industrial Rd Wayne, NE 68787</p>	<p>10% Bid Bond \$70,000.00</p>
<p>Johnson Sand &amp; Gravel 105 Andrews Ave SW DeSmet, SD 57231</p>	<p>Track II Corporation 21860 Kenrick Ave Lakeville, MN 55044</p>	<p>CC \$8,210.00 CC \$7,365.10</p>
<p>Diamond Mowers, Inc. 27134 S Parklane Dr Sioux Falls, SD 57106-8000</p>		<p>CC \$7,255.56 CC \$8,300.00</p>
		<p>\$72,555.55 \$73,651.00 <b>\$82,650.00</b></p>

Proposal  
2005 Caterpillar 938G Wheel Loader  
appraised at \$78,000



## *Council Agenda Memo*

**From:** Jason Anderson, Assistant City Engineer  
**Meeting:** February 6, 2012  
**Subject:** Annual Supply of Water & Wastewater Chemicals  
**Presenter:** Jason Anderson

**Background:** The City annually receives bids for lime and soda ash used in water and wastewater treatment. The City opened bids for the chemicals on Tuesday, January 31, 2012 at 2:00 p.m. The bids are listed on the attached bid tabulation sheet.

**Discussion:** Bid documents were sent to nine prospective bidders and included a diesel fuel surcharge bid item to allow for cost changes due to fluctuating diesel fuel prices. Four bids, with proper bid securities, were received; two for quicklime and two for soda ash. Pete Lien & Sons and Thatcher Company are the lowest bidders for quicklime and soda ash, respectively. All bidders submitted bids which are higher than last year's prices.

**Financial Consideration:** The purchases are budgeted for in the Water and Wastewater Treatment Funds. The 2012 water department budget includes \$260,000 for the water treatment chemicals. The 2012 wastewater budget includes \$50,000 in lab supplies and chemicals.

**Conclusion/Recommendations:** Administration recommends awarding Proposal #1 for quicklime to the low bidder, Pete Lien & Sons, at \$155.00/ton for a total of \$77,500.00.

Administration also recommends awarding Proposal #2 for soda ash to the low bidder, Thatcher Co., at \$323.87/ton for a total of \$145,741.50..

**BID TABULATION** January 31, 2012

Water & Wastewater Chemicals  
Vermillion, SD

**Proposal #1**  
500 ton - Quicklime

**Proposal #2**  
475 ton - Soda Ash

<u>Bidder-Address</u>	<u>Bid Bond</u>	<u>Unit Price FOB Plant</u>	<u>Freight Charge</u>	<u>Fuel Surcharge</u>	<u>Total</u>	<u>Unit Price FOB Plant</u>	<u>Freight Charge</u>	<u>Fuel Surcharge</u>	<u>Total</u>
Graymont- PO Box 16807 Duluth, MN 55816-0807	Insufficient								
Mississippi Lime-3870 S Lindbergh Blvd St. Louis, MO 63127	10% Bid Bond	\$ 170.00	\$ 56.80	None	\$ 226.80				
Pete Lien & Sons-PO Box 440 Rapid City, SD 57709	10% Bid Bond	\$ 85.00	\$ 70.00	None	\$ 155.00				
Thatcher Company-PO Box 27407 Salt Lake City, UT 84127-0407	\$ 7,691.91 C. Ck.					\$ 323.87	None	None	\$ 323.87
Hawkins-3100 E Hennepin Ave Minneapolis, MN 55413	No Bid								
Brenntag Pacific-10747 Patterson Place Santa Fe Springs, CA 90670	10% Bid Bond					\$ 337.80	None	None	\$ 337.80

<u>LOW BID PRICE</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
LIME	\$ 93.40	\$ 103.80	\$ 124.02	\$ 145.80	\$ 151.78	\$ 142.00	\$ 137.00	\$ 155.00
SODA ASH	\$ 210.00	\$ 256.38	\$ 267.03	\$ 282.00	\$ 340.75	\$ 315.80	\$ 312.99	\$ 323.87



## *Council Agenda Memo*

**From:** Jason Anderson, Assistant City Engineer

**Meeting:** February 6, 2012

**Subject:** Purchase of Four Pickup Trucks

**Presenter:** Jason Anderson

**Background:** The replacement of three pickups is budgeted for in the 2012 Equipment Replacement Fund, and one pickup is budgeted for replacement in the Joint Powers Landfill Fund. The City opened sealed bids on February 1, 2012, at 10:00 a.m. A copy of the bid tabulation sheet is attached.

**Discussion:** Proposals #3 and #4 were written with the intent of purchasing only one pickup or the other. The Parks Department expressed interest in receiving a  $\frac{3}{4}$  ton 4x4 pickup, as opposed to the scheduled  $\frac{1}{2}$  ton 2WD pickup. The Parks Department cited the necessity due, to an increasing role in winter snow removal, and the need for greater towing capacity. Therefore, the City received a proposal for both a  $\frac{1}{2}$  ton pickup and a  $\frac{3}{4}$  ton 4x4 pickup. The  $\frac{1}{2}$  ton proposal came in at \$19,424 and the  $\frac{3}{4}$  ton 4x4 pickup will cost \$23,699. The Equipment Replacement Fund has \$20,000 budgeted for the replacement of this pickup. If the 4x4 pickup is purchased, the difference will be paid into the fund by the Parks budget during a budget revision in September.

**Financial Consideration:** The 2012 Equipment Replacement Fund includes the purchase of three pickup trucks, while the 2012 Joint Powers Landfill Fund includes the purchase of one pickup truck. The revenue from the sale of the surplus pickups will be placed back in their respective funds.

**Conclusion/Recommendations:** Administration recommends awarding Proposal #1 to purchase two  $\frac{3}{4}$  ton 4x4 pickup trucks, #2 to purchase one  $\frac{3}{4}$  ton 4x4 pickup truck with snow package, and #3 to purchase one  $\frac{3}{4}$  ton 4x4 pickup truck with snow package to Vermillion Ford for a total of \$70,900. It is recommended that no award be made on Proposal #4 for one  $\frac{1}{2}$  ton 2WD pickup.

**BID TABULATION**

**Pickup Trucks**

Date: February 1, 2012

BIDDER: ADDRESS:	Rasmussen Motors 209 West Cherry St. Vermillion, SD 57069		Vermillion Ford 101 West Cherry St. Vermillion, SD 57069	
	\$1,221.55	\$978.70	\$1,200.00	\$2,400.00
BID SECURITY:	\$1,221.55	\$2,429.60	\$1,200.00	\$1,050.00
<b><u>PROPOSAL NO. 1</u></b>	<b>Unit Price</b>	<b>Total</b>	<b>Unit Price</b>	<b>Total</b>
Two New 9500 GVWR Pickup Truck	\$ 24,146.00	\$ 48,292.00	\$23,560.00	<b>\$47,120.00</b>
Make	Chevrolet		Ford	
Model	Silverado 2500		F250	
ADD/OPTION--Auxillary Switch Panel	\$ 150.00	\$ 300.00	\$ 125.00	\$ 250.00
<b><u>PROPOSAL NO. 2</u></b>				
One New 9500 GVWR Pickup Truck		\$24,281.00		<b>\$23,699.00</b>
Make	Chevrolet		Ford	
Model	Silverado 2500		F250	
ADD/OPTION--Auxillary Switch Panel		\$150.00		\$125.00
<b><u>PROPOSAL NO. 3</u></b>				
One New 9500 GVWR Pickup Truck		\$24,281.00		<b>\$23,699.00</b>
Make	Chevrolet		Ford	
Model	Silverado 2500		F250	
ADD/OPTION--Auxillary Switch Panel		\$ 150.00		\$125.00
<b><u>PROPOSAL NO. 4</u></b>				
One New 6400 GVWR Pickup Truck		<b>\$19,424.00</b>		\$20,413.00
Make	Chevrolet		Ford	
Model	Silverado 1500		F150	
ADD/OPTION--Auxillary Switch Panel		\$ 150.00	Not Available	

CITY OF VERMILLION  
 INVOICES PAYABLE-FEBRUARY 6, 2012

1 JOHN POWELL	MILEAGE REIMBURSEMENT	202.40
2 UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	5.00
3 AHEAD, INC	SUPPLIES	100.00
4 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	147.87
5 ARCHITECTURE INC.	PROFESSIONAL SERVICES	7,478.29
6 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	112.93
7 ATCO INTERNATIONAL	SUPPLIES	91.95
8 AUDIO GO	BOOKS	231.90
9 BAKER & TAYLOR BOOKS	BOOKS	581.45
10 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	1,243.00
11 BARNES DISTRIBUTION	SUPPLIES	327.19
12 BATTERIES PLUS	BATTERIES	203.76
13 BEST WESTERN RAMKOTA HOTEL	LODGING	643.93
14 BLUE SQUARE PARTNERS, LLC	EASEMENT	1.00
15 BOMGAARS	SUPPLIES/BATTERIES	569.39
16 BOOK WHOLESALERS, INC	BOOKS	819.88
17 BOOKPAGE	SUBSCRIPTION	282.00
18 BOUND TREE MEDICAL, LLC	SUPPLIES	810.26
19 BRUNICKS SERVICE INC	DIESEL	561.10
20 BUTCH'S PROPANE INC	PROPANE	7,135.75
21 BUTLER MACHINERY CO.	PARTS	1,616.79
22 CADD/ENGINEERING SUPPLY, INC	SUPPLIES	134.50
23 CAMPBELL SUPPLY	SUPPLIES	392.89
24 CANON FINANCIAL SERVICES, INC	COPIER LEASE	56.16
25 CARYL CROZIER	BOOK	30.00
26 CASK & CORK	MERCHANDISE	370.40
27 CBCINNOVIS, INC	TESTING MATERIALS	12.98
28 CENTER FOR CHILDREN & FAMILIES	EASEMENT	1.00
29 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	362.50
30 CENTURLINK	TELEPHONE	734.89
31 CITY OF VERMILLION	COPIES/POSTAGE	1,821.81
32 CITY OF VERMILLION	UTILITY BILLS	33,917.66
33 CLAY CO REGISTER OF DEED	FILING FEES	50.00
34 CLAY RURAL WATER SYSTEM	WATER USAGE	42.20
35 COLLINS BROTHERS, INC	MERCHANDISE	701.96
36 COLONIAL LIFE ACC INS.	INSURANCE	1,609.63
37 CONCERNS OF POLICE SURVIVORS	MEMBERSHIP	200.00
38 CURT HAAKINSON	MEALS REIMBURSEMENT	82.00
39 D-P TOOLS	PARTS	312.23
40 DAKOTA BEVERAGE	MERCHANDISE	6,349.10
41 DAKOTA FLUID POWER INC	PARTS	526.47
42 DAKOTA LOCK & KEY	REPAIRS	48.76
43 DAKOTA PC WAREHOUSE	COMPUTER/SUPPLIES	539.95
44 DANKO MES, INC.	SUPPLIES	584.00

45 DELTA DENTAL PLAN	INSURANCE	5,617.94
46 DEMCO	SUPPLIES	525.59
47 DENNIS MARTENS	MAINTENANCE	833.34
48 DEPT OF REVENUE	TESTING	179.00
49 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	6,237.58
50 DICK BROWN	MEALS REIMBURSEMENT	42.00
51 DOUG BRUNICK	MEALS REIMBURSEMENT	40.00
52 DUST TEX	SUPPLIES	46.60
53 EBSCO	SUBSCRIPTIONS	3,222.21
54 ECHO ELECTRIC SUPPLY	SUPPLIES	550.99
55 ENVIRONMENTAL PRODUCTS	PARTS	166.82
56 ERIN J. SEEP	MAINTENANCE	36.25
57 FAIR MANUFACTURING, INC	SNOW BODY INSERT	8,908.00
58 FASTENAL COMPANY	SUPPLIES	4.11
59 FIRE ENGINEERING	SUBSCRIPTION	36.00
60 FOREMAN MEDIA	COUNCIL MTG	100.00
61 GCSA OF SD	REGISTRATION	360.00
62 GE CAPITAL	COPIER LEASE	114.48
63 GOULD & GOODRICH LEATHER	UNIFORM	179.37
64 GRAHAM TIRE CO.	TIRES	543.86
65 GRAINGER	PARTS	308.19
66 GREGG PETERS	FREIGHT/ADVERTISING	2,609.25
67 GREGG PETERS	RENT	937.50
68 GUARANTEE OIL CO INC	SUPPLIES	65.16
69 HACH CO	FLOW SENSOR/SUPPLIES	19,977.85
70 HARLAND TECHNOLOGY SERVICE	SUPPLIES	101.96
71 HAWKINS WATER TREATMENT	CHEMICALS	741.00
72 HD SUPPLY WATERWORKS	SUPPLIES	4,700.94
73 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	16,696.59
74 HERCULES HARDWARE	SUPPLIES	142.21
75 HERREN-SCHEMPP BUILDING	SUPPLIES	199.57
76 HILL HOUSE PUBLISHING, LLC	SUBSCRIPTION	12.95
77 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	374.76
78 HOLIDAY INN EXPRESS	EASEMENT	1.00
79 HY VEE FOOD STORE	SUPPLIES	78.23
80 HYDRO TECH SERVICE	WATER MAIN TAP	663.00
81 INA CHERINGTON	BOOKS	15.95
82 INDEPENDENCE WASTE	WASTE HAULING	888.75
83 INGRAM	BOOKS	2,084.68
84 INTL ASSOC OF FIRE CHIEFS	MEMBERSHIP DUES	204.00
85 ISTATE TRUCK CENTER	PARTS	304.84
86 JACKS UNIFORM & EQPT	UNIFORM	2,242.55
87 JEFF MART	SAFETY GLASSES REIMBURSEMENT	150.00
88 JOHN A CONKLING DIST.	MERCHANDISE	4,315.15
89 JOHN WALKER	MEALS/SAFETY BOOTS REIMBURSEMENT	213.00
90 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	23,875.55
91 JOHNSON CONTROLS	SERVICE AGREEMENT/REPAIRS	2,719.52
92 JONES ACE HARDWARE	PARTS	800.54
93 JONES FOOD CENTER	SUPPLIES	438.08

94 JORDAN HELMING	SAFETY BOOTS REIMBURSEMENT	89.96
95 JOYCE MOORE	MILEAGE REIMBURSEMENT	36.26
96 JWR, INC	SUPPLIES	419.36
97 KAIROI, INC	WEBSITE HOSTING/MAINTENANCE	275.00
98 KALINS INDOOR COMFORT	REPAIRS	90.92
99 KEITH THOMPSON	MEALS REIMBURSEMENT	40.00
100 KNOLOGY	911 CIRCUIT/DIALUP SERVICES	1,415.45
101 LAYNE STEWART	MEALS REIMBURSEMENT	40.00
102 LAYNES WORLD	PLAQUE	58.84
103 LEADSONLINE	SOFTWARE MAINTENANCE	1,428.00
104 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	3,556.46
105 LESSMAN ELEC. SUPPLY CO	SUPPLIES	630.00
106 LIBRARY & EDUCATIONAL SERVICES	BOOKS	74.86
107 LINCOLN MUTUAL LIFE	INSURANCE	489.50
108 LOCATORS AND SUPPLIES, INC	SUPPLIES	174.98
109 LOGIN/IACP NET	ANNUAL FEE	500.00
110 LONG RIDER BOOKS	BOOKS	537.92
111 LONGS PROPANE INC	PROPANE	25.00
112 LUDEY'S READY MIX	SAND	172.13
113 LYLE SIGNS	SUPPLIES	704.00
114 MALLOY ELECTRIC	PARTS	2,113.01
115 MANUFACTURERS NEWS, INC	BOOKS	88.45
116 MARK KOLLER	MEALS REIMBURSEMENT	33.00
117 MARKS MACHINERY	PARTS	138.92
118 MART AUTO BODY	TOWING	1,370.00
119 MATHESON TRI-GAS, INC	SUPPLIES	38.19
120 MC2, INC	SUPPLIES	7,292.24
121 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,680.00
122 MEAD LUMBER	SUPPLIES	3.09
123 MICHAEL STARK	MILEAGE REIMBURSEMENT	17.76
124 MID-STATES ORG. CRIME	MEMBERSHIP DUES	150.00
125 MIDWEST ALARM CO	ALARM MONITORING	120.00
126 MIDWEST BUILDING MAINTENANCE	MAT SVC	339.25
127 MIDWEST RADIATOR & EXHAUST	REPAIRS	193.00
128 MIKE MANNING	ROSE STREET EASEMENT	2,000.00
129 MIRACLE RECREATION EQPT CO	SUPPLIES	133.00
130 MISSOURI VALLEY MAINTENANCE	REPAIRS	439.00
131 MIZUNO USA, INC	MERCHANDISE	486.30
132 MOUNTAIN PLAINS LIB ASSN	MEMBERSHIP DUES	65.00
133 MUNICIPAL ELEC. ASSOC.	CONFERENCE REGISTRATION	120.00
134 NATL EMERGENCY NUMBER ASSOC	MEMBERSHIP DUES	130.00
135 NCL OF WISCONSIN, INC	SUPPLIES	497.18
136 NEBRASKA JOURNAL-LEADER	ADVERTISING	64.42
137 NETSYS+	PROFESSIONAL SERVICES/REPAIRS	306.25
138 NORTHLAND	SUPPLIES	1,108.50
139 PAUL & GAYLE BLISS	CONSTRUCTION EASEMENT	70.00
140 PAUL BRUNICK	MEALS/MILEAGE REIMBURSEMENT	158.00
141 PETE JAHN	MEALS REIMBURSEMENT	40.00
142 PETE LIEN & SONS, INC	CHEMICALS	3,860.66

143 PETER BULLENE	REFUND RENTAL REG. FEE	40.00
144 PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
145 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
146 POLARIS INDUSTRIES	EASEMENT	1.00
147 PRAIRIE BERRY WINERY	MERCHANDISE	1,938.00
148 PRESSING MATTERS	SUPPLIES	171.49
149 PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
150 PROGRESSIVE BUSINESS PUBLICATION	SUBSCRIPTION	299.00
151 QUALITY BOOKS INC.	BOOKS	145.12
152 QUEEN CITY WHOLESale	MERCHANDISE	325.01
153 QUILL	SUPPLIES	2,099.52
154 RACOM CORPORATION	MAINTENANCE	368.50
155 RANDOM HOUSE, INC	BOOKS	210.94
156 RANDY ISAACSON	MEALS REIMBURSEMENT	82.00
157 RASMUSSEN MOTORS, INC	PARTS	163.52
158 RECORDED BOOKS, INC	BOOKS	6.95
159 RECYCLING EQUIPMENT MANUFACTURING	CONVEYOR PARTS	857.25
160 REPUBLIC NATIONAL DIST	MERCHANDISE	20,400.66
161 RESERVE ACCOUNT	POSTAGE	1,892.00
162 ROB PICKENS	SAFETY BOOTS REIMBURSEMENT	100.00
163 RODNEY TIEMAN	MEALS REIMBURSEMENT	30.00
164 SCHAEFFER MFG. CO	SUPPLIES	595.20
165 SD CHAPTER APWA	REGISTRATION	105.00
166 SD ENGINEERING SOCIETY	MEMBERSHIP DUES	115.00
167 SD LIBRARY ASSOCIATION	MEMBERSHIP DUES	520.00
168 SD REDBOOK FUND	BOOKS	75.00
169 SD RETIREMENT SYSTEM	CONTRIBUTION	23,620.71
170 SD SOCIETY OF FIRE SERVICE	DUES	175.00
171 SERVALL TOWEL & LINEN	SUPPLIES	29.40
172 SHEEHAN MACK SALES & EQPT	PARTS	307.89
173 SIOUX CITY INSULATION	REPAIRS	181.39
174 SIOUX FALLS TWO WAY RADIO	REPAIRS	70.00
175 SPECIAL T'S AND MORE	UNIFORM LOGOS	59.65
176 STANLEY M. SLOWIK, INC	REGISTRATION	325.00
177 STATE RADIO COMMUNICATION	TELETYPE SERVICE	3,500.00
178 STUART C. IRBY CO.	SUPPLIES	160.65
179 STURDEVANTS AUTO PARTS	PARTS	1,285.45
180 TESTAMERICA LABORATORIES, INC	PROFESSIONAL SERVICES	4,014.50
181 THATCHER COMPANY	CHEMICALS	6,886.00
182 THE BAG CONNECTION, INC	RECYCLING BAGS	225.30
183 THE EQUALIZER	ADVERTISING	43.20
184 THE WALKING BILLBOARD	SHIRTS	62.00
185 TITAN ACCESS ACCOUNT	PARTS	625.85
186 TODDS ELECTRIC SERVICE	INSTALL LOAD CONTROLLER	25.00
187 TOM SORENSEN	MEALS REIMBURSEMENT	40.00
188 TRAVIS TARR	SAFETY GLASSES REIMBURSEMENT	150.00
189 TRI TECH SALES	PARTS	210.97
190 TRUE VALUE	SUPPLIES	147.50
191 TYLER TECHNOLOGIES	MAINTENANCE/SUPPORT	17,975.17

192 ULTRAMAX	SUPPLIES	8,894.00
193 UNITED WAY	CONTRIBUTIONS	166.40
194 USD ATHLETIC DEPARTMENT	SOFTBALL COMPLEX ENHANCEMENTS	20,000.00
195 VEOLIA ENVIRONMENTAL SERVICES	HAUL ELECTRONICS	183.23
196 VERIZON WIRELESS	POLICE COMMUNICATIONS	227.99
197 VERMEER HIGH PLAINS	SUPPLIES	466.27
198 VERMILLION CHAMBER OF COMMERCE	MEMBERSHIP DUES	750.00
199 VERMILLION COMMUNITY CPR	HEARTSAVER CPR CLASS	48.00
200 VERMILLION PUBLIC TRANSIT	CONTRIBUTION	7,500.00
201 VERMILLION ROTARY CLUB	MEALS/DUES	131.75
202 VISA/FIRST BANK & TRUST	TRAVEL/LODGING/SUPPLIES	8,159.20
203 VS VISUAL STATEMENT INC	MAINTENANCE	1,194.30
204 WAL-MART COMMUNITY	SUPPLIES	413.69
205 WESCO DISTRIBUTION, INC	SUPPLIES	645.20
206 WIGMAN CO	PART	25.24
207 WINTER EQUIPMENT COMPANY	REPAIRS	277.52
208 YANKTON FIRE & SAFETY	EXTINGUISHER	540.00
209 YANKTON JANITORIAL SUPPLY	SUPPLIES	1,946.48
210 ZEE MEDICAL SERVICE	SUPPLIES	52.50
211 DERRICK WALTER	BRIGHT ENERGY REBATE	150.00
212 JENNIFER STROEH	BRIGHT ENERGY REBATE	250.00
213 LINDA ISEMAN	BRIGHT ENERGY REBATE	275.00
214 SUSAN GRAY	BRIGHT ENERGY REBATE	275.00
215 THOMAS ODENBRETT	BRIGHT ENERGY REBATE	175.00
216 ELDEAN WEVIK	BRIGHT ENERGY REBATE	150.00
217 GREGG RADIGAN	BRIGHT ENERGY REBATE	275.00
218 ANDY SYKES	BRIGHT ENERGY REBATE	275.00
	GRAND TOTAL	\$364,390.53

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

**COPY**

Date: Jan. 16, 2012

1. Name of organization/group: Vermillion Public Library Foundation  
Contact person: Name: Shirley Huber Phone: 624-8141  
624-8141
2. Date(s) that tickets/chances will be sold: from Feb. 1 to April (TBA)  
Cost of tickets/chances: \$ 5.00 each or 6 for \$25 Day of Groundbreaking
3. Date(s) of drawing(s): TBA - Day of VPL Groundbreaking
4. Can anyone purchase tickets? Yes  No
5. Will the prize winner(s) be selected at random? Yes  No
6. Description and approximate value of top prize: \$ 450.00

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.

Pauline Grossman, long-time, quilter donated a 72" x 90" quilt for a raffle to raise funds for the VPL Foundation fundraiser. The quilt, "America the Beautiful" consists of houses, barn, church to purple mountains of patchwork in greens & blues. The quilt will be displayed at VPL during raffle sales. We plan to begin ticket sales Feb. 1 - April (Day of Groundbreaking) TBA

Shirley Huber - Pres. VPL Foundation  
Applicant signature

Approval: <u>John Prescott</u> City Manager	<u>1-17-12</u> Date
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# City of Vermillion

## Raffle and Lottery Notification Form

Date: February 25, 2012

1. Name of organization/group: University of South Dakota School of Law Class of 2014

Contact person: Name: SHEKAR JAYARAMAN Phone: 513-295-0730  
KATE DAHLENG 651-448-0188  
KARI FOSS 512-751-5215

2. Date(s) that tickets/chances will be sold: from 2/1/2012 to 2/25/2012

Cost of tickets/chances: \$ 20.00

3. Date(s) of drawing(s): 2/25/2012

4. Can anyone purchase tickets? Yes  No

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

6. Description and approximate value of top prize: \$ \$100-\$200.

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.

OUR EVENT WILL BE HELD AT THE EAGLES CLUB, 114 MAIN, VERMILLION. IT WILL BE "POKER NIGHT." FOR \$20, ANYONE CAN PURCHASE A TICKET FOR A RAFFLE TO WIN THE TOP PRIZE WHICH ALSO GETS THEM A SEAT TO PLAY POKER. THE WINNER OF THE TOURNAMENT WILL GET ADDITIONAL ENTRIES IN THE RAFFLE AND THE DRAWING WILL BE HELD AT THE END OF THE NIGHT. THE PROCEEDS WILL GO TO THE USD LAW SCHOOL CLASS OF 2014, GRADUATION HOODING ACTIVITIES.

  
Applicant signature

Approval:

John Prescott  
City Manager

1-26-12  
Date