



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, February 7, 2011
Large Conference Room - City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Review of the process to complete the City Manager and Finance Officer performance evaluations.**
3. **Educational Session – Review of process for elected officials to complete FEMA tests.**
4. **Briefing on the February 7, 2011 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Monday, February 7, 2011

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. January 17, 2011 Special Session; January 17, 2011 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
7. **Old Business**
 - a. Second Reading of Ordinance 1249 – To allow legal guardians of minors to grant consent for body piercings and tattoos.
8. **New Business**
 - a. Final Plat Lot 4, Block 1 and Lots 1 thru 5, Block 2, Arobba Addition to the City of Vermillion.
 - b. Resolution fixing the time and place for a hearing and notice of hearing for the Special Assessment Roll for construction of concrete surfacing on South Mickelson Street from East Main Street to 525-foot south of East Main Street.
 - c. Resolution fixing the time and place for a hearing and notice of hearing for the Special Assessment Roll for construction of concrete sidewalk at 217 S. Crawford Road.
 - d. Tractor Lease for Street and Solid Waste Department with the Fred Haar Company.
 - e. Agreement with Dr. Matt Fairholm to conduct City Manager and Finance Officer evaluations.
9. **Bid Openings**
 - a. Water and Wastewater Treatment Chemicals.
 - b. Fuel Quotes.
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
 - a. Set a bid opening date of February 28, 2011 for Wastewater Sewer Cleaning Truck.
 - b. Set a bid opening date of March 1, 2011 for chassis cab truck.
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 17, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, January 17, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: Ward

2. Educational Session - 2010 Police Department Annual Report - Art Mabry

Art Mabry, Police Chief, reviewed the Police Department 2010 Annual Report explaining the items with major changes. Art answered questions of the City Council on the report.

3. Briefing on the January 17, 2011 City Council Regular Meeting Agenda

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

3. Executive Session - Economic Development contractual item

011-11

Alderman French moved to go into executive session for economic development contractual items at 12:42 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Mayor Powell declared the Council out of executive session at 1:17 p.m.

5. Adjourn

012-11

Alderman Zimmerman moved to adjourn the Council special session at 1:18 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of January, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
January 17, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on January 17, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Ward

2. Pledge of Allegiance

3. Minutes

A. January 3, 2011 Special Session; January 3, 2011 Regular Session

013-11

Alderman Meins moved approval of the January 3, 2011 special session minutes and the January 3, 2011 regular session minutes. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

014-11

Alderman French moved approval of the agenda with the removal of Item 6A - Public hearing for First Reading of Ordinance No. 1248 to amend the zoning ordinance for the City of Vermillion, to exclude from the R-2 Residential District and include in the R-3 Residential District Outlot C and the south 20 feet adjacent thereto of the Mehlhaf Addition, located in the 1300 Block of East Clark Street as Mr. Mehlhaf requested that it be removed. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Relay for life Proclamation

Alderman Meins read the proclamation recognizing and supporting the American Cancer Society Relay for Life event and proclaiming January

30, 2011 as "Relay for Life Day" in Vermillion. Mayor Powell presented the proclamation to Wess Pravecek and Sarah Olson, representing the Cancer Society. Wess and Sarah explained the event and invited the community to attend.

B. Rotary Awareness Month

Alderman Davies read the proclamation recognizing the month of January 2011 as "Rotary Awareness Month" in Vermillion. Mayor Powell presented the proclamation to John Prescott, President of the local Rotary Club.

C. Dance Marathon and Children's Miracle Network month Proclamation

Alderman French read the Dance Marathon and Children's Miracle Network Month Proclamation that proclaimed February 2011 to be "Miracle Month" in Vermillion. Mayor Powell presented the proclamation to representatives of the Dance Marathon. TJ Jerke, Dzenan Berberovic and Allyse Thaler, representing the local organization, explained the Dance Marathon scheduled for March 26-27, 2011.

6. Public Hearings

A. First Reading of Ordinance No. 1248 to amend the zoning ordinance for the City of Vermillion, to exclude from the R-2 Residential District and include in the R-3 Residential District Outlot C and the south 20 feet adjacent thereto of the Mehlhaf Addition, located in the 1300 Block of East Clark Street

Item removed from agenda per Motion 014-11.

B. Resolution Adopting a Major Street Plan for the City of Vermillion

José Dominguez, City Engineer, reported that the Major Street Plan is authorized by State statute and, once adopted, is to be filed with the County Register of Deeds. The Major Street Plan was reviewed by the Planning Commission on January 10th with a recommendation of adoption. Jose reviewed the Major Street Plan as presented.

015-11

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

RESOLUTION
ADOPTING A MAJOR STREET PLAN FOR THE CITY OF VERMILLION

WHEREAS, Chapter 11-6-18 of South Dakota Codified Law has empowered the Planning Commission and City Council of Vermillion to prepare and adopt a Comprehensive Plan for the development of the City and the surrounding area; and

WHEREAS, the Vermillion Planning Commission has recommended for adoption a Major Street Plan and has held the required Public Hearing; and

WHEREAS, the Vermillion City Council has received the recommendation of the Planning Commission and has held the required Public Hearing; and

WHEREAS, the adoption of the Major Street Plan would ensure the responsible development of Vermillion and the surrounding area.

NOW THEREFORE, be it resolved by the governing body of the City of Vermillion that the Major Street Plan for the City of Vermillion be hereby adopted and made a part of the Vermillion Comprehensive Plan, and filed with the Clay County Register of Deeds effective upon 20 days after publication of this resolution.

Dated at Vermillion, South Dakota this 17th day of January, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:
BY _____
Michael D Carlson, Finance Officer

The motion was seconded by Alderman Grayson. 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.

7. Old Business

A. Second Reading of Ordinance No. 1247 - Prohibiting the Deposit of Snow, Ice, Leaves, Grass and other debris into the Public Right of Way and Declaring said Deposits a Nuisance

Farrel Christensen, Building Official, reported that the ordinance has not changed since First Reading. Farrel noted that, in talking with Pete Jahn, Street Superintendent, the downtown sidewalks will continue to be moved into the street following a snow and will be picked up as before. If a citizen has a question about moving snow into or across the street, they should contact Pete Jahn, Street Superintendent. Discussion followed.

016-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1247 entitled An Ordinance Prohibiting the Deposit of Snow, Ice, Leaves, Grass and Other Debris into the Public Right-of-Way and Declaring said Deposits a Nuisance 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 3rd day of January, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of January, 2011 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1247

AN ORDINANCE AMENDING CHAPTER 90: HEALTH AND SAFETY; NUISANCES, OF THE CITY OF VERMILLION, SOUTH DAKOTA CODE OF ORDINANCES BY ENACTING PROVISIONS PROHIBITING PLACEMENT OF SNOW, ICE, LEAVES, GRASS AND DEBRIS INTO STREETS AND STORM SEWER DRAINAGE SYSTEMS.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Section 90.16 of Chapter 90 be amended as follows:

90.16 SPECIFIC NUISANCES.

(A) Generally. In addition to the acts given in §90.15, the following acts are hereby declared to be dangerous to the

health, repose, and comfort of the city and are hereby declared to be nuisances.

(B) Acts.

(1) The keeping, maintaining, depositing, or accumulation on any property by the owner, occupant or person in charge of any garbage, rubbish, refuse or waste material as defined by §52.01; and

(2) (a) The presence on any private property of any standing water which constitutes a health hazard and endangers the health or safety of others, or any objects between April 1 and November 1 each year which may tend to contribute to the presence of standing water, including, but not limited to, the following:

1. The outside storage of tires; and/or

2. The presence of any items such as wheelbarrows, pool covers, recycling containers that are not designed to hold water but may hold water for more than 24 hours

(b) The presence of any items that are designed to be located outside and hold water such as wading pools, bird baths, outdoor saunas, hot tubs, and other similar items provided the water is not allowed to become stagnant are excepted from the provisions of this section.

(3) The depositing, placing, throwing, blowing, pushing or accumulation of any ice or snow from private property, sidewalks, or driveways onto or across any street, alley, or sidewalk, as to impede storm drainage, the passage of vehicles upon a street or alley, the passage of pedestrians upon a sidewalk, or create an otherwise hazardous condition by a property owner, occupant, agent, employee, or person effectuating snow removal activities, except when the City's street superintendant has determined that it is imperative to do so.

(4) The depositing, placing, throwing, blowing, raking, or accumulation of leaves, grass or any other debris likely to be washed into a storm sewer from private property, sidewalks, or driveways onto or across any street, alley, or sidewalk, as to impede storm drainage, the passage of vehicles upon a street or alley, the passage of pedestrians upon a sidewalk, or create an otherwise hazardous condition

by a property owner, occupant, agent, employee, or person effectuating lawn care services.

Dated at Vermillion, South Dakota this 17th day of January, 2011

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

John E, (Jack) Powell, Mayor

ATTEST

BY: _____

Michael D Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman 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, French-Y, Grayson-Y, Meins-Y, Osborne-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

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

8. New Business

A. Resolution establishing a fine for violation of Ordinance No. 1247

Farrel Christensen, Building Official, reported that the resolution is to provide a \$50.00 administrative fee for the inspection, re-inspection and resolving the nuisance of depositing snow, ice, leaves, grass or other debris into the public right-of-way. Farrel stated that any cost incurred to abate the nuisance would be in addition to the administrative fee. Discussion followed on the resolution and the fee.

017-11

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

RESOLUTION TO ESTABLISHING ADMINISTRATIVE FEE
FOR SPECIFIC NUISANCES OF DEPOSITING ICE, SNOW,
LEAVES, GRASS OR OTHER DEBRIS INTO PUBLIC RIGHT OF WAY

WHEREAS, Ordinance No. 1247 has been added to the specific nuisances acts addressing the depositing of ice, snow, leaves, grass or other debris into the public right-of-way creating a hazardous condition; and

WHEREAS, Section 90.18 (B) requires notice to be provided of the need to abate such nuisance or the City will cause the same to be abated and assess the costs thereof, including an administrative fee for each occurrence and any other costs of levying the special assessment with the administrative fee, to be set by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 17th day of January, 2011, that the administrative fee is established as follows:

For each violation of Section 90.16 (3) & (4) the administrative fee shall be \$50.00.

The City Manager may abate all or a portion of any fee or penalty for just cause.

Dated at Vermillion, South Dakota this 17th day of January, 2011.

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

ATTEST:
BY _____
Michael D Carlson, Finance Officer

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

B. First Reading of Ordinance No. 1249 - To allow legal guardians of minors to grant consent for body piercings and tattoos

Andy Colvin, Assistant City Manager, reported that the question was raised as to who could sign the consent form if a minor did not have a parent, as our current ordinance only lists parent. The proposed ordinance is to amend the consent reference from parents to parent or legal guardian. Discussion followed.

018-11

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1249 entitled An Ordinance to Allow Legal Guardians of Minors to Grant Consent for Body Piercings and Tattoos of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting, being a regularly called meeting of the Governing Body of the City on this 17th day of January, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. Appointment of Safety Center Board

Mike Carlson, Finance Officer, reported that an agreement with the County on the Public Safety Center created the Public Safety Center Board that would resolve any issue between the City and County on the use of the facility. The current Board members are Dave Thiese (2012), Bruce Plate (2011) and John Storm (2010). Sheriff Howe and Police Chief Mabry recommended the reappointment of John Storm for a three year term ending December 31, 2013. Mike reported that the County Commissioners have approved this appointment.

019-11

Alderman Zimmerman moved approval of the reappointment of John Storm to the Public Safety Center Board until December 31, 2013. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Sale of Surplus Wheel Loader

Mike Carlson, Finance Officer, read the bids received for the surplus 2003 Caterpillar 950G Wheel Loader and recommended awarding the sale to the high bidder, Richards Excavating for \$93,100.00.

Butler Machinery \$81,750.00; Northeast Equipment \$78,330.00;
Machinery Maintenance \$76,680.00; Banks Equipment \$77,300.00;
Richards Excavating \$93,100.00; Brannt Valley Exc \$81,110.00

020-11

Alderman Grayson moved approval of the sale of the surplus 2003 Caterpillar 950G Wheel Loader to the high bidder, Richards Excavating for \$93,100.00. 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 the Christmas Tree collection site is open and accepting real trees through Tuesday, January 18th. The site is located on the south side of Broadway Street just west of Dakota Street.

B. John reported on the receipt of a raffle request from St. Agnes School who will be selling \$50 raffle tickets to win a \$1,500 travel voucher. Proceeds will be used to benefit the school.

C. John reported that; in addition to the City's three trucks, the City contracts with private contractors for three trucks to assist in hauling the snow windrows. The additional trucks speed up the process of hauling away the snow.

PAYROLL ADDITIONS & CHANGES

Code: Isaac Walker \$12.35/hr; Ambulance: Travis Bjordal \$6.00-\$30.00/1st, \$6.00-\$17.00/2nd, Neil Melby \$6.00-\$30.00/1st, \$6.00-\$17.00/2nd; Recreation: Ryan Kost \$7.50/hr

11. Invoices Payable

021-11

Alderman Davies moved approval of the following invoice:

JOHN POWELL	TRAVEL REIMBURSEMENTS	224.99
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Alderman French seconded the motion. Mayor Powell requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

022-11

Alderman Davies moved approval of the following invoices:

2010 INVOICES

ALLTEL	POLICE COMMUNICATIONS	211.10
ARAMARK-WEARGUARD	UNIFORM SHIRTS	1,008.40
ARGUS LEADER	ADVERTISING	45.28
BAKER & TAYLOR BOOKS	BOOKS	414.83
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	15,462.09
BORDER STATES ELEC SUPPLY	PARTS	1,147.26
BROADCASTER	ADVERTISING	1,763.34
BUREAU OF ADMINISTRATION	TELEPHONE	362.87
BUTLER MACHINERY CO.	REPAIRS	712.54
CAMPBELL SUPPLY	SUPPLIES	366.48
CASK & CORK	MERCHANDISE	326.00
CBCINNOVIS, INC	PROFESSIONAL SERVICES	12.98
CITY OF VERMILLION	LANDFILL VOUCHERS	65.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,172.67
COYOTE VENDING	SUPPLIES	137.50
CULLIGAN WATER	SALT	166.80
D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
DAKOTA BEVERAGE	MERCHANDISE	1,413.75
DAKOTA PC WAREHOUSE	PARTS	254.98
DANKO MES, INC.	SUPPLIES	1,494.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,550.57
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	170.00
EAST RIVER ELECTRIC POWER	WHEELING OF POWER	4,875.00
ECHO ELECTRIC SUPPLY	SUPPLIES	100.46
ELBO COMPUTING RESOURCES	REPAIRS	230.00
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	617.46
ENERGY LABORATORIES	TESTING	970.00
FULLERTON LUMBER CO	SUPPLIES	11.00
GRAHAM TIRE CO.	TIRES	575.74
GREGG PETERS	MANAGERS PROFITS 4TH QTR	23,957.53
HD SUPPLY WATERWORKS	PARTS	373.45
HENDERSONS ULTIMATE CAR WASH	WASH CARDS AMBULANCE	200.00
HY VEE FOOD STORE	SUPPLIES	20.11
INGRAM	BOOKS	516.27
JACKS UNIFORM & EQPT	UNIFORM	883.35
JOHN A CONKLING DIST.	MERCHANDISE	989.35
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	5,690.43
JONES ACE HARDWARE	SUPPLIES	102.66
JONES FOOD CENTER	SUPPLIES	43.49

KOLLY FOSTVEDT	REFUND WATER METER FEE	146.78
LAKE REGION CONTRACTING, INC	HAUL SNOW	1,351.50
LINWELD	MEDICAL OXYGEN	78.68
LOCATORS AND SUPPLIES, INC	SUPPLIES	34.35
LONGS PROPANE INC	PROPANE	1,512.80
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
M.W BEVINS CO	REPAIRS	258.70
MARKS MACHINERY	PARTS	45.04
MART AUTO BODY	TOW CHARGE	60.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	125.16
MCLEODS PRINTING	SUPPLIES	1,699.99
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	52.50
MIDAMERICAN	GAS USAGE	8,895.82
MIDWEST OIL COMPANY	OIL	483.10
MISSOURI VALLEY MAINTENANCE	REPAIRS	592.00
MOORE WELDING & MFG	SUPPLIES	190.45
MUHLBAUER ENTERPRISES	HAUL SNOW	554.63
NETSYS+	PROFESSIONAL SERVICES	45.00
NORTHLAND	OIL	324.50
OVERHEAD DOOR OF YANKTON	PART	54.00
PAUL BRUNICK	SAFTETY GLASSES REIMBURS	150.00
PETE LIEN & SONS, INC	CHEMICALS	4,123.68
PRESTO-X-COMPANY	INSPECTION/TREATMENT	45.15
PUMP N PAK	FUEL-POLICE	2,414.61
QUILL	SUPPLIES	63.98
REPUBLIC NATIONAL DIST.	MERCHANDISE	4,316.57
RIEKES EQUIPMENT CO.	REPAIRS	320.34
SD DEPT OF LABOR	UNEMPLOYMENT BENEFITS	607.00
SERVICES UNLIMITED INC	REPAIRS	2,183.98
SIOUX CITY JOURNAL	ADVERTISING	34.60
SIOUX FALLS TWO WAY RADIO	REPAIRS	41.87
SIOUXLAND HUMANE SOCIETY	FEES	74.00
STEFFEN	HOIST	3,525.00
STERN OIL CO.	FUEL/OIL	18,002.54
STURDEVANTS AUTO PARTS	PARTS	9.98
TESTAMERICA LABORATORIES	TESTING	2,417.94
THE EQUALIZER	ADVERTISING	108.00
TRUE VALUE	SUPPLIES	57.96
UNITED PARCEL SERVICE	SHIPPING	33.04
VERMILLION FORD	PART	105.96
VISA/FIRST BANK & TRUST	TRAVEL/FUEL/SUPPLIES	1,382.99
WAL-MART COMMUNITY	SUPPLIES	100.18
YANKTON JANITORIAL SUPPLY	SUPPLIES	205.74

2011 INVOICES

ACS-FIREHOUSE SOFTWARE	SUPPORT CONTRACT RENEWAL	625.00
DEPT OF SOCIAL SERVICES	REFUND AMBULANCE PMT	100.19
DEPT. ENVIRONMENT NATL RES	WW FEE-DISCHARGE PERMIT	10,500.00
FIREHOUSE MAGAZINE	SUBSCRIPTION	41.95
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	E911 CIRCUIT/DIAL-UP SERV	1,415.45
LEADSONLINE	SUBSCRIPTION	1,428.00
LOGIN/IACP NET	ANNUAL FEE	500.00
MIDCONTINENT COMMUNICATIONS	CABLE/INTERNET SERVICE	91.75
MIDWEST ALARM CO	ALARM MONITORING	240.00
MUNICIPAL ELEC. ASSOC	MEMBERSHIP DUES	3,855.00
NATIONAL FIRE PROTECTION ASSOC	MEMBERSHIP	150.00
PENNINGTON COUNTY FIREFIGHTERS	REGISTRATION	110.00
QWEST	TELEPHONE	1,549.36
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 BUILDING OFFICIALS ASSOC	MEMBERSHIP DUES	55.00
SD CITY MGMT ASSOCIATION	MEMBERSHIP DUES	300.00
SD FIRE CHIEFS ASSN.	MEMBERSHIP	50.00
SD GOVERNMENTAL HUMAN RESOURCES	MEMBERSHIP DUES	25.00
SD MUNICIPAL LEAGUE	MEMBERSHIP DUES	3,272.37
SD MUNICIPAL LIQUOR CONTROL ASSN	MEMBERSHIP DUES	25.00
SDWWA	REGISTRATION	90.00
SE FIREFIGHTERS ASSOC.	DUES	50.00
SECOG	DUES	10,753.00
SPRINT	CELL PHONES	972.13
TRAVIS TARR	SAFTEY BOOT REIMBURSEMENT	100.00
TRI TECH EMERGENCY MEDICAL	SOFTWARE SUPPORT	2,389.47
TYLER TECHNOLOGIES	MAINTENANCE	704.00
US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
VERMILLION DEVELOPMENT CO	QUARTERLY CONTRIBUTION	46,350.00
DON DAHLIN	BRIGHT ENERGY REBATE	21.00
CHAD LAVIN	BRIGHT ENERGY REBATE	250.00

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

12. Adjourn

023-11

Alderman Osborne moved to adjourn the Council Meeting at 7:34 p.m. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of January, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Andy Colvin, Assistant to the City Manager
Meeting: February 7, 2011
Subject: Second Reading of Ordinance No. 1249 – Body Piercing Regulations
Presenter: Andy Colvin

Background: State statute 9-34-17 allows cities to regulate the practice of tattooing and body piercing. The City Council approved the second reading of Ordinance No. 1246 updating tattooing and body piercing regulations on December 20, 2010. Section 115.23 addresses restrictions on tattoo and body piercing artists as well as restrictions on who may receive a tattoo or body piercing. Section 115.23 (B) of Ordinance No. 1246 contained the following language:

- (2) Minors may not be tattooed or pierced unless the minor's parents have signed a consent form authorizing the tattoo or body piercing. No tattoo artist and/or body piercing artist may tattoo or pierce a patron who is under the influence of alcohol or other mind-altering drugs.
- (3) A tattoo artist and/or body piercing artist shall conspicuously post a notice stating that it is illegal to tattoo or pierce any person under the age of 18 without the parents' signed consent.

Discussion: The question was raised as to who could sign the consent form if a minor did not have a parent. The suggestion was made to modify the language as some minors may not have a parent. Ordinance No. 1249 would modify the language to allow a legal guardian to sign the consent form for a tattoo or body piercing.

Financial Consideration: The ordinance will not modify the fee structure approved at the January 3rd, 2011 meeting. Publication costs will be incurred.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1249. A roll call vote is required with the second reading of any ordinance.

ORDINANCE NO. 1249

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

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

§ 115.23 TATTOO ARTIST AND/OR BODY PIERCING ARTIST.

(B) *Patrons restricted; notice posted.*

- (1) A tattoo artist and/or body piercing artist may not tattoo or pierce a patron without first obtaining a signed consent. The consent must include a statement by the patron that he or she is free from infectious or contagious diseases in a communicable stage. This includes rashes, skin lesions, boils, and blood-borne diseases such as viral hepatitis B and human immunodeficiency virus infection. A tattoo artist and/or body piercing artist may not tattoo or pierce a patron with evident skin lesions or skin infections or who is known or suspected to have an infectious or contagious disease in a communicable stage.
- (2) Minors may not be tattooed or pierced unless a minor's parent, or legal guardian, has signed a consent form authorizing the tattoo or body piercing. No tattoo artist and/or body piercing artist may tattoo or pierce a patron who is under the influence of alcohol or other mind-altering drugs.
- (3) A tattoo artist and/or body piercing artist shall conspicuously post a notice stating that it is illegal to tattoo or pierce any person under the age of 18 without a parent's, or legal guardian's, signed consent.

Dated at Vermillion, South Dakota this 7th day of February, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael Carlson, Finance Officer

First Reading: January 17, 2011
Second Reading: February 7, 2011
Published: February 18, 2011
Effective: March 11, 2011



City Council Memo

From: José Domínguez, City Engineer

Meeting: February 7, 2011

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

Presenter: José Domínguez

Background: Brandt Land Surveying has filed a plat to subdivide a portion of land located in the south half of the southeast quarter of 17-92-51. This area is directly east of the City limits on the north side of East Main Street. The property is currently outside City limits and within the extraterritorial area. The proposed plat will subdivide the approximately 5.85-acres into 6-lots and will also dedicate a portion of East Main Street and Arobba Avenue.

The applicant will also be dedicating all of the required 8-foot easement around the perimeter of each lot. In addition, the applicant will also dedicate 20-foot wide drainage easements to drain the rest of the property through the proposed platted area. As mentioned earlier, the applicant will also dedicate the north half of East Main Street along with a portion of the proposed Arobba Avenue.

Additionally, the applicant is also requesting the proposed platted area to be annexed into the City after the plat has been approved by the Clay County Commissioners.

The Planning Commission reviewed the plat at their January 24, 2011 meeting and recommended approval.

Discussion: Staff reviewed the final plat and found that it complies with the majority of the Code. The plat does not meet the 1-acre lot requirement. Again, this is due to the fact that the applicant wants to annex the area into the City. Large lots tend to be frowned upon within the City. However, this plat also has an exception to this as a 3-acre lot will be annexed. This is due to the topography of the lot and the extensive amount of grown trees within the lot.

Financial Consideration: All platting fees have been paid.

Conclusion/Recommendations: Administration finds that the plat meets the majority of the ordinance requirements and recommends approval of the final plat with the condition that the property be annexed into the City.



Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: February 7, 2011

Subject: Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Construction of Concrete Surfacing on South Mickelson Street from East Main Street to 525-foot South of East Main Street.

Presenter: José L. Domínguez

Background: On July 19th, 2010, the City Council approved a Resolution Adopting the Resolution of Necessity for the Construction of Concrete Surfacing on South Mickelson Street from East Main Street to 525-foot south of East Main Street. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on January 20, 2011.

Discussion: Per State statute, the City is required to hold a public hearing to allow the affected property owners to review and discuss any concerns regarding the assessed value. The property owners to be assessed will also be notified of the hearing by mail. The public hearing notice will be published in the Plain Talk.

Financial Consideration: The construction cost was \$60,741.43 of which \$53,124.83 is assessable. This assessable value does not include the 8% administrative fee.

Conclusion/Recommendations: Administration recommends approving the Resolution to set a hearing date of March 21st, 2011 for the special assessments for the construction of concrete surfacing on Mickelson Street.

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

WHEREAS, a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota, on the 20th day of January, 2011, for the construction of concrete surfacing on a portion of a public street and in front or abutting lots in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property abutting upon said improvement.

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

WHEREAS, said assessment roll shows as follows:

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

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

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

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

Dated at Vermillion, South Dakota, this 7th day of February, 2011.

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

By: _____
John E. (Jack) Powell

ATTEST:

Michael D. Carlson, Finance Officer

SEAL

CERTIFICATION OF ADOPTION:

Adoption of the above and foregoing Resolution and Notice was moved by Alderman _____, seconded by Alderman _____ and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon ___ members voted in favor thereof and ___ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

Michael D. Carlson, Finance Officer

Publish: February 18, 2011



Council Agenda Memo

From: José L. Domínguez, City Engineer

Meeting: February 7, 2011

Subject: Resolution Fixing the Time and Place for a Hearing and Notice of Hearing on the Special Assessment Roll for Construction of Concrete Sidewalk at 217 South Crawford Road

Presenter: José L. Domínguez

Background: On July 6th, 2010, the City Council approved a Resolution Adopting the Resolution of Necessity for the Construction of Concrete Sidewalk at 217 S. Crawford Road. Work has been completed and the final payment has been authorized. The special assessments were calculated and filed with the Finance Officer on October 26, 2010.

On November 1, 2010 the City Council approved a Resolution Fixing the Time and Place for a Hearing and Notice on the Special Assessment for construction of the sidewalk. The hearing date was set for December 6, 2010. Staff forgot to place the hearing date on the December 6, 2010 City Council agenda. A new Resolution to set the hearing date needs to be adopted and a public hearing held to properly levy the special assessment.

Discussion: Per State statute, the City is required to hold a public hearing to allow the affected public to review and discuss any concerns regarding the assessed value. The property owner to be assessed will also be notified of the hearing by mail. The public hearing notice will be published in the Plain Talk.

Financial Consideration: The construction cost was \$2,383.95, of which all is assessable. This assessable value does not include the 8% administrative fee.

Conclusion/Recommendations: Administration recommends approving the Resolution to set a hearing date of March 21st, 2011 for the special assessments for the construction of concrete sidewalk at 217 S. Crawford Road.

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

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

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

WHEREAS, said assessment roll shows as follows:

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

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

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

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

Dated at Vermillion, South Dakota, this 7th day of February, 2011.

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

By: _____
John E. (Jack) Powell

ATTEST:

Michael D. Carlson, Finance Officer

SEAL

CERTIFICATION OF ADOPTION:

Adoption of the above and foregoing Resolution and Notice was moved by Alderman _____, seconded by Alderman _____ and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon __ members voted in favor thereof and __ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

Michael D. Carlson, Finance Officer

Publish: February 18, 2011



Council Agenda Memo

From: Harold Holoch, Utilities Engineer
Meeting: February 7, 2011
Subject: Tractor Lease for Street and Solid Waste-Fred Haar Co.
Presenter: Harold Holoch

Background: The City has been approached by Fred Haar Co., a John Deere dealership in Yankton, South Dakota, about leasing two 140 horsepower tractors to the City for approximately six months. John Deere has a governmental lease program that will lease a tractor to a governmental agency for up to six months or 250 hours with the hourly lease payment being made by the local John Deere dealership. The dealership can purchase the tractor at governmental discount pricing and after the lease is up with the municipality have a nearly new low hour tractor for their inventory. The City would be responsible for only insurance and normal maintenance and repairs during the lease period.

Discussion: The tractors with front end loaders would be used by the Street and Solid Waste departments. The Street Department would primarily use the tractor for mowing and the landfill would primarily use the tractor for mowing and working in the compost pile. By using the leased tractors, hours would not be put on other city owned tractors or wheel loaders. Fred Haar Co., in the past, has used this program with the SD Department of Transportation. This year, they are expanding the program to counties and cities. The City of Yankton and the City of Elk Point are a couple of area cities that are taking advantage of the program.

Financial Consideration: The cost of insurance has been estimated at \$200 for each tractor. Routine maintenance such as an oil change may be necessary depending on the hours put on each tractor.

Conclusion/Recommendations: Administration recommends approval of the lease agreement with Fred Haar Co. to lease two John Deere tractors for six months or 250 hours.

SOUTH DAKOTA JOHN DEERE TRACTOR AGREEMENT WITH FRED HAAR CO., INC

City of Vermillion, South Dakota agrees to rent two tractors from John Deere Company through Fred Haar Co., Inc. for a term of **6 months** with delivery to begin approximately May 2011 through October 2011 with a base payment of \$0 (zero dollars) for up to 250 hours.* **Any other payments will be the responsibility of Fred Haar Co., Inc. your servicing John Deere dealer.**
*The hourly rate is \$0 up to 250 Hours, (\$35.00 per hour after 250).

City of Vermillion, South Dakota will be responsible for excessive wear or damage to tires, glass and finish, and any abuse or neglect of units will be the Agency's responsibility.

City of Vermillion, South Dakota is responsible for normal maintenance and repairs not covered under manufacturer's standard warranty, (such as but not exclusive to) oil and filters at required maintenance intervals.

City of Vermillion, South Dakota is responsible for liability, and property insurance. John Deere Company will be the loss payee on such claims. Equipment will only be used for business, commercial, state, county or municipality purposes. No personal use is permitted. Dealer agrees to provide loaner tractor if the unit is unavailable for use for more than 7 calendar days.

Please sign and date below to acknowledge the terms and conditions of this rental agreement.

(Agency name) **City of Vermillion, South Dakota**
(Signature) _____
(Date) _____

Delivery and Billing Location:

(Address) 25 Center Street
(Address line 2) Vermillion, SD 57069
(Contact Name) John Prescott
(Contact Phone) 605-677-7050
(Contact Fax) 605-677-5461

Dealer Information: Fred Haar Co., Inc.

(Address) 2200 E Hwy 50
(Address line 2) Yankton, SD 57078
(Address line 3)
(Contact Name) Wayne Huber
(Contact Phone) 605-665-3762
(Contact Fax) 605-665-0809



Council Agenda Memo

From: John Prescott, City Manager
Meeting: February 7, 2011
Subject: Professional services agreement with Dr. Matt Fairholm
Presenter: John Prescott

Background: The City Council began utilizing Dr. Matt Fairholm in 2007 to compile responses to the City Manager and City Finance Officer evaluations. Dr. Fairholm typically reviews the document for changes with the City Council prior to the process beginning. City Council members return their completed evaluations to Dr. Fairholm who compiles the results. Dr. Fairholm presents the results to the City Council. The City Council then presents the results to the City Manager and Finance Officer.

Discussion: The process seems to have worked well for the last several years. City staff are not aware of any concerns of City Council members with regard to the work performed by Dr. Fairholm. The attached agreement is for the same dollar amount and scope of work as was performed with the last evaluation process.

Financial Consideration: Dr. Fairholm was paid \$300 to complete this same scope of work last time. The same hourly rate of compensation is provided for in the attached agreement.

Conclusion/Recommendations: Administration recommends approving the agreement with Dr. Matthew Fairholm for professional services in coordinating the City Manager and Finance Officer evaluations.

CONTRACT FOR INFORMATION COMPILATION SERVICES

This agreement made this _____ day of February, 2011, between the City of Vermillion, South Dakota, a municipal corporation, hereinafter referred to as PROCURER, and Matthew Fairholm, hereinafter referred to as PROVIDER:

1. PROVIDER, for and in consideration of the payments to be made to it by the PROCURER as herein set forth, agrees to provide personnel evaluation form information compilation services for PROCURER's governing body during the month of February for City Manager and City Finance Officer evaluation purposes.
2. PROCURER agrees, in consideration of the compilation services described above, rendered by PROVIDER under this agreement, to pay PROVIDER the sum of Seventy-Five Dollars (\$75.00) per hour during the term of this agreement, up to a maximum of Five Hundred Dollars (\$500.00).
3. PROVIDER will provide its compilation services in a timely manner so that evaluation may occur, if possible, at PROCURER's February 22, 2011 regular City Council meeting.
4. The willful violation of any of the terms and conditions herein, by either party hereto, shall terminate this agreement and it shall be of no force and effect whatever.
5. Neither this agreement, nor any part hereof, nor any money due or to become due hereunder, may be assigned by PROVIDER without the prior written approval of the PROCURER.
6. This agreement may be varied, modified or altered by the mutual consent of the parties hereto. However, no alteration, modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto.
7. PROVIDER agrees to hold, in strict confidence, personnel evaluation forms and related information furnished by PROCURER. Any and all damage that may result from the use, misuse, or transmission to third parties of information furnished PROVIDER is the sole responsibility of PROVIDER, and PROVIDER shall pay for all such damage and shall indemnify PROCURER, its officers, employees, agents, or any third party that assisted in furnishing this information against liability or loss for any such damage.
8. This agreement shall terminate upon completion and submission by PROVIDER of his compilation services, unless terminated earlier as hereinbefore provided by the mutual consent of the parties hereto.

IN WITNESS WHEREOF, the parties hereto execute this agreement the date and year first above written.

CITY OF VERMILLION

BY: _____
John E. (Jack) Powell, Mayor

ATTEST:

Finance Officer

MATTHEW FAIRHOLM

Witness

Original number ____ of two (2) original documents.



Council Agenda Memo

From: Harold Holoch, Utilities Engineer
Meeting: February 7, 2011
Subject: Annual Supply of Water & Wastewater Chemicals
Presenter: Harold Holoch

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, February 1st 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. Six bids were received, three for quicklime and three for soda ash. Pete Lien & Sons and Thatcher Company are the lowest bidders for quicklime and soda ash. Both bidders provided firm bids which are less than last year's prices. The second low bid for soda ash is Brenntag Pacific. Their bid is not firm and includes a fuel surcharge. The current price of diesel fuel is \$3.39 per gallon. Diesel fuel price would have to average \$2.12 for the entire year to make the Brenntag Pacific bid the lowest bid.

Financial Consideration: The purchases are budgeted for in the Water and Wastewater Treatment Funds. The 2011 budget includes \$260,000 for the water treatment chemicals.

Conclusion/Recommendations: Administration recommends awarding Proposal #1 for quicklime to the low bidder, Pete Lien & Sons, at \$137.00/ton for a total of \$71,925.00. Administration recommends awarding Proposal #2 for soda ash to the low bidder, Thatcher Co., at \$312.99/ton for a total of \$140,845.50.

BID TABULATION February 1, 2011
 Project Water & Wastewater Chemicals
 Vermillion, SD

Proposal #1
 525 ton -Quicklime

Proposal #2
 450 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	10% Bid Bond	\$ 171.40	Included	None	\$ 89,985.00				
Mississippi Lime-3870 S Lindbergh Blvd St. Louis, MO 63127	10% Bid Bond	\$ 214.45	Included	None	\$ 112,586.25				
Pete Lien & Sons-PO Box 440 Rapid City, SD 57709	\$3,596.25 C. Ck.	\$ 137.00	Included	None	\$ 71,925.00				
Thatcher Company-PO Box 27407 Salt Lake City, UT 84127-0407	\$7,042.28 C. Ck.	\$ 312.99	Included	None	\$ 140,845.50				
Hawkins-3100 E Hennepin Ave Minneapolis, MN 55413	10% Bid Bond	\$ 388.00	Included	None	\$ 174,600.00				
Brenntag Pacific-10747 Patterson Place Santa Fe Springs, CA 90670	10% Bid Bond	\$ 304.00	Included	\$ 21.00	\$ 146,250.00				
LOW BID PRICE									
LIME		2004 \$ 74.90	2005 \$ 93.40	2006 \$ 103.80	2007 \$ 124.02	2008 \$ 145.80	2009 \$ 151.78	2010 \$ 142.00	2011 \$ 137.00
SODA ASH		\$ 173.80	\$ 210.00	\$ 256.38	\$ 267.03	\$ 282.00	\$ 340.75	\$ 315.80	\$ 312.99

CITY OF VERMILLION
 INVOICES PAYABLE-FEBRUARY 7, 2011

1	A & A REFRIGERATION	REPAIRS	234.00
2	A.A.A. COLLECTIONS, INC	GARNISHMENT	1,552.52
3	AHEAD, INC	MERCHANDISE	790.86
4	ALICIA KLOSTER	MILEAGE REIMBURSEMENT	107.60
5	ALLEN CLARK	MEALS REIMBURSEMENT	56.00
6	ALLTEL	POLICE COMMUNICATIONS	211.00
7	AMERICAN LIBRARY ASSOC.	MEMBERSHIP DUES	180.00
8	AMERICAN PLANNING ASSOC.	MEMBERSHIP DUES	205.00
9	ANIMAL CARE EQUIPMENT & SVC	SUPPLIES	115.12
10	APCO INTERNATIONAL	MEMBERSHIP DUES	529.00
11	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	156.60
12	ARGUS LEADER MEDIA #1085	SUBSCRIPTION	113.41
13	AUDIO GO	BOOKS	351.85
14	AUSTIN ANDERSON	SAFETY BOOT REIMBURSEMENT	100.00
15	AVERA QUEEN OF PEACE HEALTH	TESTING	139.80
16	BAKER & TAYLOR BOOKS	BOOKS	872.83
17	BARNES DISTRIBUTION	SUPPLIES	369.36
18	BEST WESTERN RAMKOTA HOTEL	TRAVEL	845.91
19	BEST WESTERN RAMKOTA INN	TRAVEL	407.96
20	BIERSCHBACH EQPT & SUPPLY	LINERS	35.00
21	BOMGAARS	SUPPLIES	676.38
22	BOOK WHOLESALERS, INC	BOOKS	1,128.59
23	BOOKPAGE	SUBSCRIPTION	282.00
24	BOYER TRUCKS	PARTS	28.34
25	BROADCASTER PRESS	ADVERTISING	258.84
26	BUTLER MACHINERY CO.	PARTS	1,811.51
27	C&H DISTRIBUTORS, INC	SUPPLIES	118.82
28	CALLAWAY GOLF	MERCHANDISE	152.00
29	CAMPBELL SUPPLY	SUPPLIES	651.75
30	CANON FINANCIAL SERVICES	COPIER LEASE	56.16
31	CASK & CORK	MERCHANDISE	558.00
32	CENTER POINT LARGE PRINT	BOOKS	129.90
33	CENTRAL STATES WIRE PRODUCTS	WIRE	3,553.00
34	CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	36.00
35	CHAD CHRISTOPHERSON	MEALS REIMBURSEMENT	42.00
36	CHARLES STEWART	WATER HEATER REBATES	1,146.00
37	CHEMCO, INC	SUPPLIES	313.43
38	CITY OF VERMILLION	COPIES/POSTAGE	1,847.44
39	CITY OF VERMILLION	UTILITY BILLS	36,785.73
40	CLAY CO REGISTER OF DEED	FILING FEE	12.00
41	CLAY RURAL WATER SYSTEM	SODA ASH PALLETS/WATER USAGE	1,827.10
42	COLONIAL LIFE ACC INS.	INSURANCE	3,250.10
43	CONCERNS OF POLICE SURVIVOR	MEMBERSHIP	250.00
44	CONTINENTAL RESEARCH CORP	SUPPLIES	1,370.29
45	CULLIGAN WATER	SALT	90.35
46	D-P TOOLS	SUPPLIES	271.74
47	DAKOTA BEVERAGE	MERCHANDISE	4,349.87
48	DAKOTA PC WAREHOUSE	COMPUTER/REPAIRS	1,252.86
49	DAN GOEDEN	REFUND	74.14
50	DATAMAXX APPLIED TECHNOLOGY	MOBILE DATA SOFTWARE	1,860.00
51	DAVIS PHARMACY	BATTERIES	6.02
52	DEAR READER.COM	ONLINE BOOK CLUBS	175.00

53	DELTA DENTAL PLAN	INSURANCE	5,381.40
54	DEMCO	SUPPLIES	530.88
55	DENNIS MARTENS	MAINTENANCE	833.34
56	DEPT OF REVENUE	TESTING	185.00
57	DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	1,736.50
58	DIVISION OF MOTOR VEHICLE	TITLE & PLATES	13.00
59	DOUG BRUNICK	MEALS REIMBURSEMENT	40.00
60	DOWNTOWN DECORATIONS	BANNERS	3,495.50
61	DUST TEX	SUPPLIES	45.11
62	EBSCO	SUBSCRIPTIONS	3,075.64
63	EMERGENCY MEDICAL PRODUCTS	SUPPLIES	215.95
64	ENTERSECT	ONLINE AGREEMENT	79.00
65	ERIN J. SEEP	MAINTENANCE	79.75
66	EXCEL MANUFACTURING INC	FILTERS	291.88
67	FAR FROM NORMAL	SUPPLIES	33.91
68	FARMER BROTHERS CO.	SUPPLIES	28.95
69	FIRST NATIONAL TRUST DEPARTMENT	FISCAL FEE	2,000.00
70	FOREMAN MEDIA	COUNCIL MTGS	100.00
71	FRONTIER PRECISION, INC	REGISTRATION	70.00
72	FULLERTON LUMBER CO	SUPPLIES	311.96
73	GALE	BOOKS	1,009.79
74	GCSA OF SD	REGISTRATION	395.00
75	GE CAPITAL	COPIER LEASE	114.48
76	GEOTEK ENGINEERING	PROFESSIONAL SERVICES	6,294.00
77	GRAHAM TIRE CO.	TIRES	988.64
78	GREGG PETERS	FREIGHT/ADVERTISING	2,076.25
79	GREGG PETERS	RENT	937.50
80	GUARANTEE OIL CO INC	SUPPLIES	632.70
81	HACH CO	FLO-DAR SENSOR ASSEMBLIES	20,854.95
82	HAWKINS WATER TREATMENT	CHEMICALS	826.10
83	HD SUPPLY WATERWORKS	SUPPLIES	335.09
84	HERREN-SCHEMPP BUILDING	SUPPLIES	6.00
85	HIGH PERFORMANCE COATINGS	REPAIRS	189.00
86	HILL HOUSE PUBLISHING, LLC	SUBSCRIPTION	12.95
87	HILLYARD FLOOR CARE SUPPLY	SUPPLIES	320.06
88	HSBC BUSINESS SOLUTIONS	OIL HOSE & REEL	225.86
89	HY VEE FOOD STORE	SUPPLIES	7.88
90	IN CONTROL, INC	PROFESSIONAL SERVICES	6,489.15
91	INDEPENDENCE WASTE	WASTE HAULING/CONTAINER	1,538.75
92	INGRAM	BOOKS	4,706.75
93	INSTITUTE OF POLICE TECH.	SUPPLIES	55.00
94	INTL ASSOC OF FIRE CHIEFS	MEMBERSHIP DUES	204.00
95	INTL. ASSOC FOR PROPERTY & EVIDENCE	MEMBERSHIP	50.00
96	JACKS UNIFORM & EQPT	UNIFORMS	371.40
97	JOHN A CONKLING DIST.	MERCHANDISE	4,868.47
98	JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	18,060.89
99	JOHNSON CONTROLS	MAINTENANCE AGREEMENT/REPAIRS	4,125.90
100	JOHNSTONE SUPPLY	PARTS	211.22
101	JONES ACE HARDWARE	SUPPLIES	438.88
102	JONES FOOD CENTER	SUPPLIES	398.31
103	JOYCE MOORE	TUITION REIMBURSEMENT	241.50
104	KALINS INDOOR COMFORT	REPAIRS	265.96
105	KINETICO QUALITY WATER SYSTEMS	REPAIRS	534.24
106	KNOLOGY	E911 CIRCUIT/DIALUP SERVICE	1,415.45
107	LAWSON PRODUCTS INC	PARTS	203.37

108	LAYNE STEWART	MEALS REIMBURSEMENT	40.00
109	LAYNES WORLD	PLAQUE	46.38
110	LESSMAN ELEC. SUPPLY CO	SUPPLIES	945.70
111	LICENSED BEVERAGE DEALERS	TAM MATERIALS	300.00
112	LINCOLN MUTUAL LIFE	INSURANCE	521.20
113	LINWELD	SUPPLIES	34.88
114	LONGS PROPANE INC	PROPANE	8,792.60
115	MARK KOLLER	MEALS REIMBURSEMENT	33.00
116	MARKS MACHINERY	PARTS	94.14
117	MART AUTO BODY	TOWING	2,010.00
118	MATHESON TRI-GAS, INC	SUPPLIES	194.58
119	MATT PARROTT & SONS CO.	SUPPLIES	216.09
120	MC2, INC	PARTS	6,805.29
121	MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,600.00
122	MICHAEL TODD	SUPPLIES	2,764.61
123	MID AMERICA METER, INC	REPAIRS	172.75
124	MID STATES ELECTRIC INC	REPAIRS	375.00
125	MID-STATES ORG. CRIME	MEMBERSHIP DUES	150.00
126	MIDWEST ALARM CO	ALARM MONITORING	120.00
127	MIDWEST BUILDING MAINTENANCE	MAT SVC	648.25
128	MINITEX LIBRARY	SUPPLIES	160.00
129	MINN MUNICIPAL UTILITY ASSOC	MEMBER DUES	350.00
130	MISSOURI VALLEY MAINTENANCE	REPAIRS	150.00
131	MONTY MUNKVOLD	MEALS REIMBURSEMENT	42.00
132	MOORE WELDING & MFG	SUPPLIES	60.00
133	MOUNTAIN PLAINS LIB ASSN	MEMBERSHIP	65.00
134	MUNICIPAL ELEC. ASSOC.	REGISTRATION	120.00
135	NATL REC & PARK ASSOC	MEMBERSHIP	145.00
136	NCL OF WISCONSIN, INC	SUPPLIES	345.72
137	NETSYS+	SERVER/PROFESSIONAL SERVICES	11,853.55
138	NEW YORK LIFE	INSURANCE	95.00
139	NORTHLAND	OIL	567.70
140	OLSON MEDICAL CLINIC	PRE-EMPLOYMENT EXAM	180.00
141	OVERHEAD DOOR OF SIOUX CITY	REPAIRS	224.00
142	PAULS PLUMBING	REPAIRS	10.26
143	PETE JAHN	MEALS REIMBURSEMENT	40.00
144	PETE LIEN & SONS, INC	CHEMICALS	4,196.10
145	PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	45,712.44
146	PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
147	PRESTO-X-COMPANY	INSPECTION/TREATMENT	45.15
148	QUALITY TELELCOMMUNICATION	PROFESSIONAL SERVICES	50.00
149	QUILL	SUPPLIES	1,868.39
150	QWEST	TELEPHONE	733.56
151	RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
152	RANDOM HOUSE, INC	BOOKS	188.95
153	RANDY ISAACSON	MEALS REIMBURSEMENT	47.00
154	RASMUSSEN MOTORS, INC	PARTS	254.29
155	RECORDED BOOKS, INC	BOOKS	635.50

156	REPUBLIC NATIONAL DIST.	MERCHANDISE	13,839.44
157	RIVERSIDE HYDRAULICS & LAB	PARTS	11.97
158	SCHAEFFER MFG. CO	SUPPLIES	756.80
159	SCHUYLER RUBBER CO, INC	SUPPLIES	1,215.40
160	SD ENGINEERING SOCIETY	MEMBERSHIP DUES	115.00
161	SD LIBRARY ASSOCIATION	MEMBERSHIP DUES	495.00
162	SD LIBRARY NETWORK	NETWORK ONGOING COSTS	9,759.00
163	SD MUNICIPAL LEAGUE	MEMBERSHIP DUES	313.31
164	SD ONE CALL	LOCATES	50.95
165	SD POLICE CHIEFS ASSOCIATION	MEMBERSHIP DUES	108.67
166	SD RETIREMENT SYSTEM	CONTRIBUTIONS	23,487.47
167	SD SOCIETY OF FIRE SERVICE	MEMBERSHIP DUES	120.00
168	SD SOCIETY OF PROFESSIONALS LAND SURVEYORS	MEMBERSHIP DUES	50.00
169	SERVALL TOWEL & LINEN	SUPPLIES	24.96
170	SHORTYS HVAC SUPPLIES LLC	PARTS	85.00
171	SLATTERY CONSTRUCTION	WATER HEATER REBATE	365.00
172	STATE RADIO COMMUNICATION	TELETYPE SERVICE	3,500.00
173	STEFFEN	PARTS	143.80
174	STERN OIL CO.	OIL	561.96
175	STEWART OIL-TIRE CO	REPAIRS	61.91
176	STREICHERS	SUPPLIES	780.24
177	STURDEVANTS AUTO PARTS	SUPPLIES	1,273.87
178	TALLY COUNTER STORE	TALLY COUNTERS	112.19
179	THATCHER COMPANY	SODA ASH	6,947.60
180	THE GRAPHIC EDGE	MERCHANDISE	38.99
181	THE VON CORPORATION	SUPPLIES	3,396.16
182	TINTING PROS	WINDOW TINTING	150.00
183	TITAN ACCESS ACCOUNT	PARTS	864.56
184	TOM SORENSEN	MEALS REIMBURSEMENT	40.00
185	TOTAL TOOL SUPPLY, INC	PARTS	187.62
186	TRAVIS TARR	MEALS REIMBURSEMENT	42.00
187	TRI TECH SALES	PARTS	1,327.61
188	TRUE VALUE	PARTS	532.06
189	TYLER TECHNOLOGIES	DOCUMENT MANAGER SOFTWARE	2,256.25
190	ULTRAMAX	SUPPLIES	5,304.70
191	UNITED PARCEL SERVICE	SHIPPING	26.74
192	UNITED WAY	CONTRIBUTIONS	318.00
193	US POSTAL SERVICE	STAMPED ENVELOPES	544.60
194	USA BLUEBOOK	PARTS	178.54
195	VALIANT VINEYARDS	MERCHANDISE	96.00
196	VERMILLION CHAMBER OF COMMERCE	MEMBERSHIP DUES	750.00
197	VERMILLION COMMUNITY CPR	CPR CARDS	16.00
198	VERMILLION FORD	PARTS/CROWN VIC	25,900.60
199	VERMILLION PUBLIC TRANSIT	CONTRIBUTION	7,500.00
200	VERMILLION ROTARY CLUB	DUES/MEALS	139.75
201	VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	4,953.99
202	WAL-MART COMMUNITY	SUPPLIES	438.35
203	WALKER CONSTRUCTION	SNOW REMOVAL	735.00
204	WESCO DISTRIBUTION, INC	SUPPLIES	828.20
205	WH OVER MUSEUM	CONTRIBUTION	15,000.00
206	WITMER PUBLIC SAFETY GROUP	PARTS	346.96
207	YANKTON JANITORIAL SUPPLY	SUPPLIES	1,147.65
208	ZEE MEDICAL SERVICE	SUPPLIES	58.00
209	MARIE DAHLHOFF	BRIGHT ENERGY REBATE	20.50
210	JENNIFER FRENCH	BRIGHT ENERGY REBATE	50.00

211	RALPH BROWN	BRIGHT ENERGY REBATE	250.00
212	DARIN WADLEY	BRIGHT ENERGY REBATE	150.00
213	JULIE BECKER	BRIGHT ENERGY REBATE	250.00
214	C.J. KOCHER	BRIGHT ENERGY REBATE	250.00
215	MASABA INC	BRIGHT ENERGY REBATE	7,200.00
216	JERAD HIGMAN	BRIGHT ENERGY REBATE	150.00
217	LEE HUBER	BRIGHT ENERGY REBATE	175.00
		GRAND TOTAL	\$403,041.16