



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, January 17, 2011
Large Conference Room - City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Education Session – 2010 Police Department Annual Report – Art Mabry.**
3. **Executive Session – Economic Development contractual item.**
4. **Briefing on the January 17, 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, January 17, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. January 3, 2011 Special Session; January 3, 2011 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
 - a. Relay for Life Proclamation.
 - b. Rotary Awareness month Proclamation.
 - c. Dance Marathon and Children's Miracle Network month Proclamation.
6. **Public Hearings**
 - a. First Reading of Ordinance 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 S. 20 feet adjacent thereto of the Mehlhaf Addition, located in the 1300 Block of East Clark Street.
 - b. Resolution Adopting a Major Street Plan for the City of Vermillion.
7. **Old Business**
 - a. Second Reading of Ordinance 1247 – Prohibiting the Deposit of Snow, Ice, Leaves, Grass and other Debris into the Public Right of Way and Declaring said Deposits a Nuisance.
8. **New Business**
 - a. Resolution establishing a fine for violation of Ordinance 1247.
 - b. First Reading of Ordinance 1249 – To allow legal guardians of minors to grant consent for body piercings and tattoos.
 - c. Appointment to Safety Center Board.
9. **Bid Openings**
 - a. Sale of Surplus Wheel Loader.
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
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 3, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, January 3, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Grayson, Ward

2. Educational Session - Update on 2012 Stanford Street Reconstruction Project - José Dominguez

John Prescott, City Manager, reported that the reconstruction of Sanford Street from Main to Cherry Street was a goal of the City Council with an estimated completion date of 2012. John asked José to outline the work planned to meet the timeline.

José Dominquez, City Engineer, reported that the survey has been completed and the consultant is working on the preliminary plans that are to be completed by February 15, 2011. The encroachment survey and the final plans need to be submitted to the DOT by August 15, 2011. He reported that construction plans will be completed three weeks after the last comments are received. Following completion of the plans, the project can be bid for construction in 2012. José noted that the grade will be lowered with a three lane street with curb and gutter similar to Dakota Street. There would be a bike/pedestrian path on the west and a sidewalk on the east. José noted that the estimated project cost is \$1.5 million which will be refined as the construction plans are completed. The funding for the project is based upon estimated STIP funds of \$750,000, \$500,000 of second penny sales tax and special assessments to the adjoining property owners of \$250,000. José noted that the STIP funds are just an estimate as the federal funding allotments have not been approved. No mill and overlay projects are planned for 2011 and 2012 to make the sales tax funds available for the project. As to the special assessments, the adjoining property owners will be assessed for a basic street width and thickness noting that intersection costs will be assessed to the property owners within 300 feet of the intersection. José noted that resolutions of necessity will need to be approved by the City Council once project costs can be refined. If a petition signed by owners of more than

55% of the project frontage to be assessed is received, the project cannot be assessed. At that time, the City Council would need to determine if the project would proceed and, if so, how it would be funded. As the plans are completed, José stated that he plans on inviting the adjoining property owners to meetings to explain the project. José answered questions of the City Council on the project.

3. Educational Session - Overview of Proposed Update to Major Street Plan - José Dominguez

John Prescott, City Manager, stated that the Planning Commission is in the process of updating the major street plan for the city and, after their review, it will be presented to the City Council for review and final adoption. John requested that José Dominguez update the Council on what is to be included.

José Dominquez, City Engineer, reported that the Planning Commission will be updating the major street plan for the City. This plan is used when reviewing plats to determine if they comply to the major street plan. José stated that the Planning Commission will be holding a public hearing on the proposed major street plan. Once adopted by the Planning Commission, the plan will be forwarded to the City Council for consideration. Once approved by the City Council, the plan will be filed with the County. Discussion followed on the proposed plan.

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

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

5. Adjourn

418-11

Alderman Zimmerman moved to adjourn the Council special session at 12:45 p.m. Alderman Willson seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd 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 3, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on January 3, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Grayson, Ward

2. Pledge of Allegiance

3. Minutes

A. December 20, 2010 Special Session: December 20, 2010 Regular Session

419-11

Alderman Zimmerman moved approval of the December 20, 2010 special session minutes and the December 20, 2010 regular session minutes. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

420-11

Alderman Osborne moved approval of the agenda with the change to the date of bid opening in Item 12A to February 1, 2011. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Retail on-off sale wine license and retail on-off malt beverage license for Café Brulé, Inc. for Café Brulé at 24 W. Main Street

Mike Carlson, Finance Officer, reported that applications for retail on-off sale wine and retail on-off sale malt beverage licenses were received from Café Brulé, Inc. for Café Brulé at 24 W. Main Street.

The notice of hearing and Police Chief's report are included in the packet. Mike noted that a building permit has been issued but final inspection has not been completed so, if the licenses are approved, it should be contingent upon final inspection. Mike noted that the owners are present to answer questions.

421-11

Alderman French moved approval of the of the retail on-off sale wine and retail on-off sale malt beverage licenses for Café Brulé, Inc. for Café Brulé at 24 W. Main Street contingent upon final inspection by the Building Official. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. MidAmerican Energy Annual Report

John Prescott, City Manager, reported that when the City Council renewed the natural gas franchise with MidAmerican Energy the Council requested that the company provide an annual update. He stated that representatives are present to provide information and answer questions.

Brad Howard, MidAmerican Community Relations and Economic Development representative, reported on customer surveys conducted on behalf of the company noting that they finished in the top 10% on all surveys. As to economic development, he stated that he works with Steve Howe from the Vermillion Area Chamber of Commerce and Development Company to provide the needed information for natural gas service for business prospects. He stated that they have grant funds available to the VCDC for economic development.

Denny VanRuler, MidAmerican Operations Supervisor, reported on change in personnel in the area over the last year, along with the individuals located in Vermillion and the area. He reported on the number of gas leaks in 2010 along with the response time noting that only one exceeded 60 minutes.

Tim Forsch, MidAmerican Customer Technician, noted that new construction was down this past year but wanted to inform the Council and community of the different rebate programs available for furnaces and hot water heaters. He noted that they offer a Home Check Program for homes built prior to 1989.

The representatives answered questions of the City Council on the MidAmerican operations.

B. First Reading of Ordinance 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 over the past two years there have been numerous calls regarding snow from private property being pushed or placed in and across streets, alleys and sidewalks. This practice creates problems for neighboring properties and/or the City as when snow is pushed or placed from one side of the street to the other the one side becomes overloaded, causing driveways to become plugged with twice as much snow or overloading the snow plowing equipment. Pushing or placing snow on or across the street after the City Plows have gone by can also create a dangerous snow pile in an otherwise clear street, causing safety issues. Farrel noted that there currently is an ordinance contained in the littering section prohibiting the placing of snow in the public right-of-way. As such, the Police would be required to issue a citation on this type of violation. A Police citation is not the most customer friendly approach to improper placement of snow in the public right-of-way and our current ordinance does not recognize this activity as a nuisance. The proposed ordinance makes the placement of snow, grass, leaves or other debris into the public right-of-way as to impede storm drainage, the passage of vehicles, pedestrians, or creating a hazardous condition a nuisance. The current ordinance provided that the City can abate a nuisance by requiring the owner to correct the action or the City can correct the action and bill the property owner. Farrel stated that for second reading a fee schedule can be adopted by resolution.

Troy Gregorie, owner of Quality Motors at 401 W Cherry, stated that he was told by the Street Superintendent that he could not push snow across the access road or across the alley and requested clarification. John Prescott, City Manager, reported that the City does not give permission to place snow across the street or alley but that these arrangements will need to be made between the two property owners. If you are pushing snow across the street or alley, the snow must be cleaned from the street and moved back away from the curb far enough to allow the snow being plowed from the street to be stored. Discussion followed on Troy's concerns.

Bill Brunick stated that he has the property on West Cherry with the frontage road similar to Troy's and has always moved the snow across the frontage road and would plan on continuing. He stated that at his townhome on East Main they move the snow across the street as

there is farm ground on the other side. John Prescott stated that the snow needs to be moved back from the curb and cleared from the street so that it does not create a hazard. Bill asked who is responsible for moving snow from the bike path that is along East Main Street. John stated that he would research this and get back to him.

Discussion followed on the language as well as the abatement fee. Jim McCulloch, City Attorney, stated that the fee schedule adopted by the City Council would have the court fine for a nuisance violation at \$114. Farrel Christensen, Building Official, stated that he would propose an administrative fee similar to the grass and snow tagging noting that the ordinance provides for charging the cost for abating a nuisance in lieu of going to court. The consensus was to have an administrative fees resolution for second reading. As to the wording, Alderman Davies suggested adding to #4 "or person effectuating lawn care services" so that it is the same as #3.

422-11

Mayor Powell read the title to the above mentioned Ordinance and Alderman Davies moved adoption of the following Resolution with the addition to item #4 "or person effectuating lawn care services":

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1247 entitled An Ordinance Amending Chapter 50 by enacting provisions prohibiting placement of snow, ice, leaves, grass and debris into streets and storm sewer drainage systems 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 3rd 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 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. 2011 Payroll Resolution

John Prescott, City Manager, reported that State Statute requires the City Council to adopt a resolution setting the wages/salaries for all employees for 2011 at its first meeting. John noted that both the AFSCME and Teamsters Union agreements included 2.5%

increases for 2011 and this same increase was used for non-union employees. Discussion followed.

423-11

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

CITY OF VERMILLION
2011 PAYROLL RESOLUTION

WHEREAS, effective and responsive delivery of City goods and services is dependent upon the employment of a highly competent and motivated workforce; and

WHEREAS, the City of Vermillion, as an employer, makes periodic adjustments to wages and compensation for inflation and in comparison to other municipal employers; and

WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with AFSCME Local 1052 covering the calendar year 2011 that includes a 2.50% increase to the wages of employees covered by AFSCME; and

WHEREAS, the City of Vermillion has previously approved a collective bargaining agreement with General Drivers & Helpers Local 749 (Teamsters) covering the calendar year 2011 that includes a 2.50% increase to the wages of Police and Emergency Communications employees; and

WHEREAS, the City of Vermillion desires to increase wages and salaries for management, professional, and non-union employees by 2.50% on January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion hereby approves and adopts the following wage rates for the calendar year 2011.

Elected Officials/Boards/Commissions:

Mayor: John Powell/\$9,956.70. City Council: Tom Davies/\$5,764.46; Jennifer French/\$5,764.46; John Grayson/\$5,764.46; Clarene Meins/\$5,764.46; Kent Osborne/\$5,764.46; Dennis Zimmerman/\$5,764.46; Steve Ward/\$5,764.46; Howard Willson//\$5,764.46. Planning Commission: Matthew Fairholm/\$15.00/Meeting; Don Forseth/\$15.00/Meeting; Steve Howe/\$15.00/Meeting; Robert Iverson/\$15.00/Meeting; Mitch Flanagan /\$15.00/Meeting; Ted Muenster/\$15.00/Meeting; Thomas Reasoner /\$15.00/Meeting; Debra Gruhn/\$15.00/Meeting; Douglas Tuve \$15.00/ Meeting. Library Board: Cyndy Chaney/\$15.00/Meeting; Jon Flanagan

/ \$15.00/Meeting; Carl Gutzman/\$15.00/Meeting; Janet Hoff/\$15.00/Meeting; Fern Kaufman/\$15.00/Meeting.

FULL-TIME/PART-TIME:

Ambulance: Merritt Groh/\$15.38; Amy Frankl/\$10.25; Jamie Tigert/\$6.00;\$6.00/1st;\$6.00/2nd; Michael Wildermuth/\$6.00/hr;\$37.14/1st;\$23.35/2nd; Valerie Hower/\$6.00;\$36.41/1st;\$22.89/2nd; Lee Huber/\$6.00;\$36.41/1st;\$22.89/2nd; Nicole Huber/\$6.00;\$36.41/1st;\$22.89/2nd; Shawn Vuong/\$6.00;\$6.00/1st;\$6.00/2nd; Anthony Klunder/\$6.00;\$35.70/1st;\$22.40/2nd; Brandon Hansen/\$6.00/hr;\$35.70/1st;\$22.40/2nd; Beth Boyd/\$6.00;\$31.21/1st;\$17.69/2nd; Mandy Reed \$6.00;\$35.00/1st;\$22.00/2nd; Collin Michels;\$6.00/hr;\$35.00/1st;\$22.00/2nd; Ethan Young/\$6.00;\$35.00/1st;\$22.00/2nd;\$35.00/1st;\$22.00/2nd; Kevin Oliver/\$6.00/hr;\$35.00/1st;\$22.00/2nd; Joe Kyte/\$6.00;\$32.47/32.47/1st;\$18.40/2nd; Robin Hower/\$6.00;\$31.21/1st;\$17.69/2nd; Jon Christensen/\$6.00/hr;\$30.60/1st;\$17.34/2nd; Merritt Groh/\$6.00/hr;\$30.60/1st;\$17.34/2nd; Patrick Farrens/\$6.00/hr;\$30.00/1st;\$17.00/2nd; Daniel Fleming/\$6.00/hr;\$30.00/1st;\$17.00/2nd; Travis Bjordahl/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Doug Brunick/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Rena Brunick/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Rachel Coyle/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Darryl Madsen/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Teri Madsen/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Neil Melby/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Layne Stewart/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Zachary Talage/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Michael Wager/\$6.00/hr;\$6.00/1st;\$6.00/2nd; Lisa Wood/\$6.00/hr;\$6.00/1st;\$6.00/2nd. Code Enforcement: Farrell Christensen/\$48,776.00; Jim Balleweg/\$15.93. Custodial: Karl Bottessini/\$13.24; Ron Maher/\$9.98; Zibeon Samudzi/\$9.75. Electric: Mark Koller/\$71,884.80; Rodney Tieman/\$29.76; Monty Munkvold/\$27.97; Mike Wensel/\$27.97; Richard Brown/\$27.50; Chad Christopherson/\$27.50; Todd Halverson/\$27.50; Travis Tarr \$27.50; Austin Anderson/\$22.14; Karen Harris/\$17.46; Terry Johnson/\$0.25/Meter; Jon Trefz/\$0.25/Meter. Engineering: Harold Holoch/\$80,932.80; José Dominguez/\$66,019.20; Travis VanBeek/\$17.85; Duane Schilling/\$16.73; Dean Hansen/\$8.25. Finance: Mike Carlson/\$82,035.20; Michelle Eidem/\$23.00; Sherry Howe/\$21.37; Vicki Fader/\$14.63; Mari Mehlbrech/\$13.66; Janis Johnson/\$13.06. Fire & Rescue: Doug Brunick/\$49,358.40. General Government: John Prescott/\$101,129.60; Andrew Colvin/\$46,467.20; Kate Amundson/\$13.37; Jennifer Wippert/\$7.75. Library: Jane Larson/\$56,784.00; Wendy Nilson/\$16.64; Joyce Moore/\$16.04; Michelle Koller/\$15.59; Misi Kayl/\$14.00; Linda Calleja/\$13.01; Michael Stark/\$10.58; Bobbi Burgess/\$9.65; Anna Isaacson/\$7.84; Megan Amundson/\$7.25; Katie Beck/\$7.25; Nancy Chelgren/\$7.25-Work Study; Ashley Dwyer/\$7.25-Work Study; Joséph Finn/\$7.25-Work Study; Bobbie Greenfield/\$7.25-Part-Time; Briann Mann/\$7.25; Germaine Martin/7.25-Work Study; Brandon Olson/\$7.25; Rebecca Packard/\$7.25-Work Study. Parks & Recreation: Dirk Waite/\$25.00/Game; David Nelson/\$64,001.60; Kirk Hogen/

55,411.20; Lauren Tolsma/\$48,422.40; Mark Clark/\$25.40; Russell Jensen/\$16.96; Aaron Baedke/\$16.49; Ryan Baedke/\$15.33; Devin Christensen/\$14.07; Jessica Kennedy/\$13.92; Dennis Chandler/\$11.53; Karrie Plate/\$10.00; Nick Hovden/\$8.25; Elly Melby/\$8.00; Amber Walker/\$8.00; Jon Brooks/\$7.75; Marissa Bunger/\$7.75; Tim Christopherson/\$7.75; McKenzie Huska/\$7.75; Amber Luitjens/\$7.75; Camden Nettetstad/\$7.75; Ashley Ouellette/\$7.75; Alisha Reiffenberger/\$7.75; Ryan Sevensing/\$7.75; Aaron Steele/\$7.75; Mark Turner/\$7.75; Erik Ustad/\$7.75; Emily Witte/\$7.75; Ellen Brown/\$7.50; Courtney Carmichael/\$7.50; Natasia Eastman/\$7.50; Tia Haines/\$7.50; Jenna Hatfield/\$7.50; Jared Heiden/\$7.50; Carol Logoto/\$7.50; Alexa Regnerus/\$7.50; Lindsay Robinet/\$7.50; Chris White/\$7.50; Tyler Williamson/\$7.50. Police: Arthur Mabry/\$71,801.60; Chad Passick/\$59,134.40; Ryan Hough/\$24.98; James Walker/\$24.98; Crystal Brady/\$23.68; Robin Hower/\$23.10; Randy Crum/\$21.24; Ben Nelsen/\$21.23; Jonathan Warner/\$20.71; Luke Trowbridge/\$20.65; Jacy Nelsen/\$19.23; David Kyte/\$18.76; Bryan Beringer/\$18.31; Kevin Malloy/\$18.31; Jordan Helming/\$18.31; Anthoney Klunder/\$17.69; Janna Mollet/\$17.29; Brandon Hansen/\$17.26. Betty Mozak/\$13.71; Cindy Carrington/\$11.69; Vicki Eilts/\$12.13. Solid Waste: Robert Iverson/\$54,308.80; David Christopherson/\$20.04; Daniel Goeden/\$16.32; Mark Milbrodt/\$15.60; Timothy Taggart/\$14.88; Barry Braaten/\$14.88; Jim Zimmerman/\$14.74; Todd Moe/\$14.09; Matthew Puthoff/\$13.77; Cory Lacina/\$13.47. Street: Pete Jahn/\$52,270.40; Ernie Halvorson/\$20.19; Fred Savoie/\$20.20; Bradley Swee/\$19.72; Jeffrey S. Mart/\$17.61; Mike Taggart/\$17.61; Chris Nissen/\$15.38; Duane Fulk/\$14.69; Rich Walker/\$9.00; Larry Gray/\$8.00; Telecommunications: Ryan Anderson/\$44,595.20; David Stammer/\$19.00; Liv West/\$19.00; Marsha McKinney/\$19.00; Wendy Carroll/\$15.02; Laura Bergeleen/\$13.89; Jessica Drevo/\$13.89; Alicia Kloster/\$13.36. Wastewater: Paul Brunick/\$58,323.20; Fred Balleweg/\$22.01; John Walker/\$18.93; Michael Heine/\$15.39; Cory Moore/\$15.39; Rob Pickens/\$14.76. Water: Randy Isaacson/\$55,140.80; Tom Kruse/\$22.50; Allen Clark/\$19.35; Wade Mount/\$19.35; Curtis Haakinson/\$18.65; Josh Balleweg/\$16.65; Dale Husby/\$14.71; Brook Hansen/\$14.71. Volunteer Firefighters: Dick Brown; Doug Brunick; Nick Buckman; Jon Christensen; Ray Decker; Frank DePaula; Gary Eidem; Patrick Farrens; Ryun Fischbach; Todd Halverson; Brandon Hansen; Brook Hansen; Lee Huber; Ryan Husby; Pete Jahn; Tony Klunder; Austin Martensen; Curtis Mincks; Cory Moore; Wade Mount; Monty Munkvold; Rob Pickens; Jay Rydstrom; Travis Schroeder; Tom Sorensen; Bill Sperry; Layne Stewart; Chuck Taggart; Cory Taggart; Mark Taggart; Matt Taggart; Keith Thompson; Brad Waage; Brian Waage; John Walker; Rich Walker; Derrick Walter; Brandon Wiemers; Ethan Young; Tyler Zimmerman.

PROVIDED, HOWEVER, the City Manager may make wage increases for the completion of education requirements, for passing certification

tests, for fulfillment of job requirements set at the date of employment, and the City Manager may make meritorious wage increases for Department Heads within the budgetary appropriation of the respective departments.

Dated at Vermillion, South Dakota this 3rd day of January 2011.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 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. Fuel Quotes

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

4,350 gal. unleaded: Stern Oil \$2.7415, Brunick's Service \$3.00
4,350 gal. unleaded (10% ethanol): Stern Oil \$2.7195

Average cost of No. 1 and No. 2 fuel-dyed: Stern Oil \$2.9626,
Brunick's Service \$3.05

Average cost of No. 1 and No. 2 fuel-clear: Stern Oil \$3.2008,
Brunick's Service \$3.33

424-11

Alderman Zimmerman moved approval of the low quote of Stern Oil on all three items. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reminded citizens of the need to clear sidewalks within 24 hours after the end of the snow event.

B. John reported that the Christmas tree collection site is open and accepting real trees on the south side of Broadway Street just west of Dakota Street. He asked citizens to remove all decorations, lights and plastic before depositing the trees.

C. John reported that a raffle request was received from the Fraternal Order of Eagles who will be selling \$20 raffle tickets between February 1st and September 10th for an opportunity to win a 2011 Harley Davidson motorcycle. Proceeds will be used to benefit the Diabetes Research Center at the University of Iowa and local charities. Maximum of 2,000 tickets sold.

2010 PAYROLL ADDITIONS AND CHANGES

Finance: Mari Mehlbrech \$13.32/hr; Recreation: Joey James \$25.00/game;
Wastewater: Fred Balleweg \$21.47/hr, John Walker \$18.47/hr

11. Invoices Payable

425-11

Alderman Davies moved approval of the following bills:

3D SPECIALTIES INC	SUPPLIES	1,005.04
5 STAR COMMUNICATIONS, INC	ADVERTISING	118.50
AIR LIQUIDE AMERICA CORP	CHEMICALS	917.75
ALLEGIANT EMERGENCY SERVICE	SAFETY CLOTHING - FIRE DEPT	320.00
AMERILAB TECHNOLOGIES, INC	SUPPLIES	152.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	156.60
ARAMARK-WEARGUARD	UNIFORM	20.49
AUDIO GO	BOOKS	351.85
AUTOMATIC BUILDING CONTROL	PARTS	38.45
B & L COMMUNICATIONS	RADIOS & PAGER	3,823.50
BAKER & TAYLOR BOOKS	BOOKS	823.87
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	16,095.85
BARNES DISTRIBUTION	SUPPLIES	293.80
BARRYS PLUMBING	REPAIRS	133.76
BLACKBURN MANUFACTURING CO.	SUPPLIES	150.52
BOOK WHOLESALERS, INC	BOOKS	161.33
BROADCASTER PRESS	ADVERTISING	833.63
BRUNICKS SERVICE INC	DIESEL	453.34
BUTLER MACHINERY CO.	REPAIRS/PARTS	1,956.29
CADD/ENGINEERING SUPPLY, INC	SUPPLIES	206.38

CAMPBELL SUPPLY	SUPPLIES	720.17
CANFIELD BUSINESS INTERIOR	TRAINING TABLES/CHAIRS	12,957.48
CANON FINANCIAL SERVICES, INC	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	1,171.13
CBCINNOVIS, INC	TESTING SUPPLIES	25.96
CENTER POINT LARGE PRINT	BOOKS	129.90
CENTURY BUSINESS PRODUCTS	COPIER CONTRACTS	705.63
CERTIFION CORPORATION	ONLINE AGREEMENT	79.00
CHAD PASSICK	MEAL REIMBURSEMENTS	73.00
CHEMCO, INC	SUPPLIES	75.00
CHEMSEARCH	SUPPLIES	138.73
CHRISTENSEN RADIATOR & REPAIR	PARTS	341.20
CITY OF SIOUX FALLS	TESTING	168.72
CITY OF VERMILLION	COPIES/POSTAGE	1,570.42
CITY OF VERMILLION	UTILITY BILLS	35,709.52
CLAY RURAL WATER SYSTEM	SODA ASH	1,825.10
CLEVELAND GOLF	MERCHANDISE	74.50
COLONIAL LIFE ACC INS.	INSURANCE	3,250.10
CRYSTAL BRADY	MEAL REIMBURSEMENTS	73.00
CULHANE COMMUNICATION INC	ADVERTISING	118.50
CULLIGAN WATER	SALT	166.80
CURT HAAKINSON	REIMBURSEMENT	99.44
DAKOTA BEVERAGE	MERCHANDISE	6,610.12
DAKOTA PC WAREHOUSE	COMPUTER/PARTS/REPAIRS	924.93
DAKOTA PUMP INCORP	PARTS	69.46
DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	111.60
DAKOTA SUPPLY GROUP	PARTS	2,359.98
DANKO MES, INC.	PARTS/REPAIRS	719.50
DEAR READER.COM	BOOKS	175.00
DELTA DENTAL PLAN	INSURANCE	5,387.78
DEMCO	SUPPLIES	73.75
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	208.00
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	22,932.71
DISPLAY SALES COMPANY	SUPPLIES	28.80
DUST TEX	SUPPLIES	45.08
ECHO ELECTRIC SUPPLY	PARTS	4,473.25
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	262.05
ENERGY LABORATORIES	TESTING	305.00
ERIN J. SEEP	MAINTENANCE	65.25
FAIR MANUFACTURING, INC	PARTS	646.59
FARMER BROTHERS CO.	SUPPLIES	57.90
FASTENAL COMPANY	PARTS	403.75

FEDEX.	SHIPPING	23.67
FILTERTEC	SUPPLIES	297.08
FOOT-JOY	MERCHANDISE	85.31
FOREMAN MEDIA	COUNCIL MTG	100.00
FRED HAAR CO, INC	KEYS	8.06
FREEDOM PUMP CONTROLS & SVC	REPAIRS	814.98
FULLERTON LUMBER CO	SUPPLIES	117.05
GALE	BOOKS	504.91
GE CAPITAL	COPIER LEASE	114.48
GENTLE TOUCH CARPET CARE	CLEAN RUGS	8.03
GRAHAM TIRE CO.	TIRES	1,396.16
GRAINGER	REPAIRS	46.84
GREGG PETERS	FREIGHT	1,602.25
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	72.00
GUARANTEE ROOFING & SIDING	ROOF REPAIRS WASTEWATER	23,150.00
HACH CO	WASTEWATER FLOW SESOR	10,283.55
HANSEN LOCKSMITHING	KEYS	20.00
HD SUPPLY WATERWORKS	SUPPLIES	55.86
HERC-U-LIFT	REPAIRS	119.15
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	788.67
HY VEE FOOD STORE	SUPPLIES	35.71
INDEPENDENCE WASTE	HAUL REFUSE/PORTABLE TOILET RENT	915.05
INGRAM	BOOKS	3,124.47
INVENTORY TRADING COMPANY	EMS JACKETS	1,278.00
JACKS UNIFORM & EQPT	UNIFORM	151.70
JOHN A CONKLING DIST.	MERCHANDISE	5,819.40
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	26,562.40
JOHNSON CONTROLS	REPAIRS/MAINTENANCE AGREEMENT	2,116.43
JOINT UTILITY TRAINING SCHOOL	REGISTRATION	600.00
JONES ACE HARDWARE	SUPPLIES	973.67
JONES FOOD CENTER	SUPPLIES	515.98
JOYCE MOORE	MILEAGE REIMBURSEMENT	57.35
KAISER REFRIGERATION	SAW SHARPENING	48.00
KALINS INDOOR COMFORT	SUPPLIES	18.64
KARSTEN MFG CORP	MERCHANDISE	375.13
LAVA MARKETING GROUP	MERCHANDISE	213.56
LAWSON PRODUCTS INC	SUPPLIES	148.24
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	4,490.17
LESSMAN ELEC. SUPPLY CO	SUPPLIES	3,136.50
LINCOLN MUTUAL LIFE & CASU	INSURANCE	520.10
LINDA CALLEJA	MILEAGE REIMBURSEMENT	94.72
LINWELD	OXYGEN/CYLINDER RENTAL	49.01

LOCATORS AND SUPPLIES, INC	SUPPLIES	690.45
LONGS PROPANE INC	PROPANE/PARTS	14,401.08
MACHINERY TRADER	ADVERTISING	288.00
MANUFACTURERS NEWS, INC	SD MANUFACTURERS REGISTER	84.45
MARKS MACHINERY	BOBCAT SKID LOADER/PARTS	13,160.11
MART AUTO BODY	TOWING/PARTS	3,029.17
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,424.00
MEDICAL WASTE TRANSPORT, INC	MEDICAL WASTE DISPOSAL	157.50
MENARDS	SUPPLIES	271.16
MICHAEL HEINE	SAFETY BOOT REIMBURSEMENT	100.00
MICHAELS FENCE	PARTS	55.60
MICHELLE KOLLER	MILEAGE REIMBURSEMENT	105.00
MID-AMERICAN RESEARCH	SUPPLIES	168.00
MIDWEST ALARM CO	REPAIRS	264.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	475.10
MIDWEST RADAR	RADAR CERTIFICATION	120.00
MINITEX LIBRARY	SOFTWARE	495.00
MISSOURI VALLEY MAINTENANCE	REPAIRS	590.12
MOORE WELDING & MFG	REPAIRS	15.00
NCL OF WISCONSIN, INC	CHEMICALS	194.76
NETSYS+	PROFESSIONAL SERVICES	380.00
NEW YORK LIFE	INSURANCE	95.00
NIKE INC	MERCHANDISE	105.95
NORTHERN BALANCE & SCALE	SERVICE & CALIBRATION	423.00
OFFICE SYSTEMS CO	COPIES & MAINTENANCE	866.12
ORIENTAL TRADING CO	SUPPLIES	188.78
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	291.00
OVERHEAD DOOR OF YANKTON	REPAIRS	155.20
OXMOOR HOUSE	BOOKS	36.91
PATSY STENSLAND	BOOKS	49.88
PETE LIEN & SONS, INC	CHEMICALS	4,196.10
PHYSIO-CONTROL CORP	SUPPLIES	150.00
PITNEY BOWES	POSTAGE METER RENTAL	242.49
PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	107,291.65
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
PRAIRIE BERRY WINERY	MERCHANDISE	843.00
PRESSING MATTERS	SUPPLIES	284.00
PRINT SOURCE	ADVERTISING/SUPPLIES	802.00
PROGR MEDICAL INTERNATIONAL	BATTERIES	366.67
PUBLIC AGENCY TRAINING COUNCIL	REGISTRATION	550.00
PUMP N PAK	FUEL	2,228.46
QUALITY TELELCOMMUNICATION	PROFESSIONAL SERVICES	50.00
QUILL	SUPPLIES	1,378.58

QWEST	TELEPHONE	732.84
R P & H, INC	BIKE TRAIL	32,599.07
RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
RADIANT HEAT, INC	PARTS	8,465.85
RANDOM HOUSE, INC	BOOKS	285.44
RANDY CRUM	BOOT REIMBURSEMENT	50.00
RANDY ISAACSON	SAFETY BOOT REIMBURSEMENT	100.00
RASMUSSEN MOTORS, INC	PARTS	283.44
RECORDED BOOKS, INC	BOOKS	613.55
REGENT BOOK CO.	BOOKS	13.62
REINHART FOODSERVICE, LLC	SUPPLIES	21.32
REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	23,018.15
RESCO	SUPPLIES	252.00
RIVERSIDE HYDRAULICS & LAB	REPAIRS	108.89
ROB PICKENS	SAFETY BOOT REIMBURSEMENT	100.00
ROBINSON PRO CLEANING	PROFESSIONAL SERVICES	75.00
SAFARILAND, LLC	TRAINING	100.00
SANFORD CLINIC VERMILLION	SUPPLIES	113.48
SANITATION PRODUCTS	PARTS	333.52
SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	487.77
SD BD OF OPERATOR CERTIF	OPERATOR CERTICATION RENEWAL	132.00
SD CHAPTER APWA	REGISTRATION	70.00
SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
SD ONE CALL	LOCATES	103.95
SD PARK & RECREATION ASSOC	MEMBERSHIP DUES	20.00
SD RETIREMENT SYSTEM	CONTRIBUTION	65,190.32
SDN TECHNOLOGIES	PROFESSIONAL SERVICES	29.55
SDWWA	MEMBERSHIP DUES	50.00
SERVALL TOWEL & LINEN	SUPPLIES	24.96
SIOUX FALLS TWO WAY RADIO	REPAIRS	361.40
SKARSHAUG TESTING LAB.	TESTING	1,419.68
STAN HOUSTON EQPT CO	SUPPLIES	600.99
STANDARD BEARINGS	PARTS	154.02
STANLEY SECURITY SOLUTIONS	SUPPLIES	616.86
STEFFEN	PARTS	529.14
STERN OIL CO.	AVIATION FUEL	15,854.53
STO-COTE PRODUCTS, INC	ICE RINK LINER	1,360.80
STURDEVANTS AUTO PARTS	PARTS	1,575.19
TESTAMERICA LABORATORIES, INC	TESTING	1,603.39
THATCHER COMPANY	SODA ASH	6,947.60
THE EQUALIZER	ADVERTISING	42.00
THE NEW SIOUX CITY IRON CO	SUPPLIES	1,027.24
THE WALKING BILLBOARD	EMT UNIFORMS	1,225.00

TITAN ACCESS ACCOUNT	PARTS	369.61
TITLEIST DRAWER CS	MERCHANDISE	53.78
TODD HALVERSON	SAFETY BOOT REIMBURSEMENT	100.00
TODDS ELECTRIC SERVICE	SUPPLIES	64.00
TOTAL TOOL SUPPLY, INC	REPAIRS	74.96
TRI TECH SALES	PART	416.17
TRI-B-TRIM SHOP	REPAIRS	125.00
TRUE FABRICATIONS	SUPPLIES	111.48
TRUE VALUE	SUPPLIES	407.73
UNITED WAY	CONTRIBUTIONS	296.50
US POSTMASTER	FIRST-CLASS PRESORT FEE	185.00
VALIANT VINEYARDS	MERCHANDISE	516.00
VERMEER HIGH PLAINS	SUPPLIES	1,905.09
VERMILLION FORD	PARTS	238.69
VESSCO, INC	PARTS	5,029.02
VISA/FIRST BANK & TRUST	TRAVEL/LODGING/SUPPLIES	4,077.99
VS VISUAL STATEMENT INC	MAINTENANCE	1,194.30
WAL-MART COMMUNITY	SUPPLIES	655.99
WALKER CONSTRUCTION	SNOW REMOVAL	280.00
WESCO DISTRIBUTION, INC	SUPPLIES	8,153.17
WHITE HEADED ROBIN WINERY	MERCHANDISE	690.00
YANKTON FIRE & SAFETY	EXT. RECHARGE	97.50
YANKTON JANITORIAL SUPPLY	SUPPLIES	412.08
ZEE MEDICAL SERVICE	SUPPLIES	252.80
DENNIS HARVEY	BRIGHT ENERGY SOLUTIONS REBATE	250.00
KEITH JOY	BRIGHT ENERGY SOLUTIONS REBATE	10.50
MICHELE MECHLING	BRIGHT ENERGY SOLUTIONS REBATE	200.00
ORLA CHRISTENSEN	BRIGHT ENERGY SOLUTIONS REBATE	150.00
2011 INVOICES		
SDML WORKERS COMPENSATION FUND	WORKERS COMPENSATION	112,627.00
SD PUBLIC ASSUARANCE ALLIANCE	BOILER/MACHINERY INSUR COVERAGE	12,167.00

Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a bid opening date of February 1, 2011 for Water Treatment and Wastewater Treatment chemicals

426-11

Alderman Osborne moved approval of the consensus agenda. Alderman French seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

427-11

Alderman Meins moved to adjourn the Council Meeting at 7:53 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 3rd 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 _____.



Proclamation
Recognizing and Supporting the American Cancer Society Relay For Life

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, Relay For Life is a life-changing event that brings together more than 3.5 million people; and

WHEREAS, there are an estimated 11.1 million Americans with a history of cancer alive today; and

WHEREAS, money raised during the American Cancer Society Relay For Life, of the City of Vermillion, Clay County, South Dakota and USD, helps support the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year.

NOW, THEREFORE, we, the governing body of the City of Vermillion, South Dakota do hereby proclaim Sunday, January 30, 2011 as "Relay For Life Day" in Vermillion and encourage citizens to participate in Relay For Life of Clay County at the USD Dakota Dome on January 30, 2011.

Dated 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



ROTARY PROCLAMATION

WHEREAS, Rotary International, founded in 1905 in Chicago, Illinois, is the world's first and one of the largest non-profit service organizations; and

WHEREAS, there are more than 1.2 million professional and business leaders who are Rotary club members in more than 31,000 clubs in more than 165 countries; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian service; and

WHEREAS, Rotary funds projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary, in 1985, launched Polio Plus and spearheaded efforts with the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF and recently with the Bill & Melinda Gates Foundation to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by ninety-nine percent (99%) since 1988; and

WHEREAS, Rotary Clubs across this district and the globe sponsor service projects that address poverty, health, hunger, illiteracy, and the environment in their local communities, and the world; and

WHEREAS, The Rotary Club of Vermillion, founded in November of 1943, has 70 members from all walks of life in our community.

NOW THEREFORE, we, the governing body of the City of Vermillion, South Dakota do hereby proclaim the month of January as Rotary Awareness Month in Vermillion, South Dakota, and encourage all citizens to join us in recognizing Rotary International and the Rotary Club of Vermillion, South Dakota, for its many years of service to improving the human condition.

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

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

PROCLAMATION
Dance Marathon and Children's Miracle Network Hospitals'
MIRACLE MONTH

WHEREAS, 170 Children's Miracle Network Hospitals care for 17 million sick and injured children nationwide; and

WHEREAS, Funds received through Children's Miracle Network Hospitals at Sanford Children's Hospital in Sioux Falls, South Dakota directly impacts the lives of children and their families by providing assistance in travel, lodging, food, and medical expenses; and

WHEREAS, The Dance Marathon at the University of South Dakota has given more than \$300,000 to creating miracles at Sanford Children's Hospital in Sioux Falls, South Dakota by raising year-long funds that culminate in a 24-hour event that celebrates children and families in the moment for the past 14 years in Vermillion, South Dakota; and

WHEREAS, Dance Marathon at the University of South Dakota is the largest student-run philanthropy organization in the State of South Dakota; and

WHEREAS, Dance Marathon at USD has partnered with area businesses to help raise awareness for the 2011 event to be held March 26-27, 2011 as well as raise funds for the region's only Children's Miracle Network Hospital, Sanford Children's Hospital.

NOW THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim our appreciation of Dance Marathon and Children's Miracle Network and declare February 2011 to be Miracle Month. We are urging all citizens to actively participate in the scheduled events and programs and to think about the miracles made every day for local sick and injured children.

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

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Unapproved Minutes
Vermillion Planning Commission
Monday January 10, 2011 Regular Meeting

The regular meeting of the Vermillion Planning Commission was called to order in the conference room at City Hall on January 10, 2011 at 5:30 p.m.

1. Roll Call

Present: Fairholm, Flanagan, Forseth, Howe, Muenster, Reasoner, Tuve, and Iverson. Absent: Gruhn.

Also present were Farrel Christensen, Building Official, José Dominguez, City Engineer, and Darby Ganschow, USD Representative.

2. Minutes

a. December 13, 2010 Regular Meeting.

Moved by Fairholm to approve the December 13, 2010 regular meeting minutes, seconded by Tuve. Motion carried 8-0.

3. Adoption of the Agenda

Moved by Tuve to adopt the agenda as printed, seconded by Reasoner. Motion carried 8-0.

4. Visitors to be Heard

5. Public Hearing

a. A Petition to exclude from the R-2 Residential District and include in the R-3 Residential district Outlot C and the S. 20 feet adjacent thereto of the Mehlhaf Addition to the City of Vermillion, located in the 1300 Block of East Clark Street.

Farrel Christensen reported that Duane Mehlhaf submitted a request to rezone a parcel of his property from R-2 medium density residential to R-3 high density residential. Farrel noted that the Comprehensive Plan future land use map calls for the area to be single family.

Duane Mehlhaf presented his proposal to the Planning Commission, citing his position that the current zoning classification makes it expensive to develop two different lots, with a rezone to a less restrictive classification making it more favorable with less development costs. Mr. Mehlhaf also made it clear that he wishes to take advantage of the reduced setback requirements of the R-3 district.

Discussion on the zone change followed. The Planning Commission discussed the setbacks, site plan and current layout of the proposed buildings.

Moved by Howe to deny the zone change request, seconded by Muenster. Motion carried 8-0.

b. City of Vermillion Major Street Plan.

The Planning Commission held a public hearing to consider and make a recommendation on a Major Street Plan for the City of Vermillion. José Dominguez, City Engineer, presented the plan and reported that its purpose is to indicate where the major roadways will be located and extended as the City grows. José also reported that a Major Street Plan ensures platting jurisdiction for the City and will become part of the Comprehensive Plan.

Discussion followed. The Planning Commission inquired as to whether the County has seen the plan. José reported that the proper hearings have been scheduled with notices posted in accordance with state law. José also indicated that the County will receive a copy of the adopted plan in the Register of Deeds' office.

Moved by Forseth to recommend adoption of the Major Street Plan to the City Council, seconded by Fairholm. Motion carried 8-0.

6. Old Business

7. New Business

8. Staff Reports

9. Adjourn

Moved by Howe to adjourn, seconded by Fairholm. Motion carried 8-0.

Chairman Iverson declared the meeting adjourned 6:30 p.m.



Council Agenda Memo

From: Farrel Christensen, Building Official
Meeting: January 17, 2011
Subject First Reading of Ordinance 1248 - Petition for change of zoning –
1300 Block of East Clark Street
Presenter: Farrel Christensen

Background: Last summer Duane Mehlhaf constructed two four-unit apartment buildings on the south side of the 1300 Block of East Clark Street. Dr. Mehlhaf now wishes to construct additional apartments to the east of the recently constructed buildings. The area south of Clark street is currently zoned R-2 Residential. Four-unit apartment buildings are the maximum allowed in the R-2 district. Dr. Mehlhaf has submitted a request to change the zoning of the parcel to the east of the new apartments from R-2 to R-3, a higher density residential district that allows apartment buildings with more than four units.

Dr. Mehlhaf has indicated his intentions to construct either additional four-unit apartments similar to the new ones built within the last year, or an eight-unit building. Dr. Mehlhaf has also indicated that the primary reason for the zone change is to follow the less restrictive setback requirements found in the R-3 district and save money in development costs.

Discussion: The Comprehensive Plan future land use map shows the undeveloped land south of East Clark Street to be low to medium density residential east to Crawford Road and south to Main Street. The north side of East Clark is designated to be multi-family residential. Additionally, when the Planning Commission and City Council revised the City zoning map in 2008, Clark Street was considered a reasonable dividing line between low density and high density residential uses.

Dr. Mehlhaf also owns undeveloped property on the north side of Clark (north of the existing buildings) that is currently zoned R-3. His justification to rezone based on the expense of developing two R-2 lots versus one R-3 lot is irrelevant since he

does have R-3 ground available right now, but is choosing not to develop it. Instead, Dr. Mehlhaf is asking the City Council and Planning Commission to make a broad change to accommodate his needs. The City needs to ensure availability of land for low to medium density residential development in the future. A change of zoning to R-3 would permit high-density residential uses as well as provide justification to rezone additional land to the south and east.

The Planning Commission held a hearing on January 10th and forwarded a unanimous recommendation to deny the zone change request. The unapproved minutes of the meeting are included in the council packets.

Financial Consideration: Dr. Mehlhaf has paid the required \$50 application fee.

Conclusion/Recommendations: Staff does not see how a change of zoning such as the one requested by Dr. Mehlhaf will benefit the future planning of the community. The Comprehensive Plan clearly indicates low to medium density residential development for the area south of Clark Street. In a unique community like Vermillion it is important to provide for a balance of low, medium and high density residential development. Many of Dr. Mehlhaf's financial concerns would be solved by building on the north side of Clark Street, where he already owns land zoned R-3. Administration concurs with the Planning Commission recommendation to deny the zone change.

PETITION FOR ZONE CHANGE

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF VERMILLION, SOUTH DAKOTA

1. As authorized by § 155.101 of the City of Vermillion Zoning Ordinance (I) (we) (Name & Address):

Duane and Jeanne Mehlhaf
1300 E. Clark St.

Hereby petition to rezone property owned by (Name & Address): Duane Mehlhaf
1300 E. Clark St.

From the classification R-2, _____ to R-3, _____.

2. The legal description of that part of the property to be rezoned is (include only the description of the land proposed to be rezoned. You may need to have a surveyor draft this description):

Outlot C and the S. 20' adjacent thereto of the
Mehlhaf Addition

Parcel Identification Number (PIN): _____

3. The proposed change is to facilitate the use of the land for (be specific-list all proposed uses):

Apartments

4. Please address the following criteria as best as you can. These are the "standards for rezoning" which will be addressed at the public hearing. (Use additional sheets if necessary).

A. In detail, explain what public facilities and services serve the proposed development at present, or how they will be provided. All utilities are up to property boundary.

B. Explain how the provision for these facilities will not be an unreasonable burden to local government.

No Burden expected.

C. What have you done to determine that the land is suitable for the development proposed?

We have worked with Farrell Christensen on design layouts.
Property is bordered by R-2 and R-3.

D. Explain what will have to be done so the development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas. N/A

E. Explain any potential for conflict with existing land uses in the area. None

(OVER)

F. Demonstrate the need of the proposed development at this location. See attached letter.

G. What is the availability of alternative locations? Be specific. N/A

H. If cropland is being consumed by this Zone Change, what is the productivity of the agricultural lands involved? Thirty bales of grass hay was harvested this year on this location.

I. If cropland is being consumed by this zone change, explain how the proposed development will be located to minimize the amount of agricultural land converted. It borders proposed street.

5. Planning Commission recommendation, The Zoning Administrator shall set the date, time and place for a Planning Commission public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. The notice shall be published in a legal newspaper of the city once not less than 10 days prior to the public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The Planning Commission shall either recommend or not recommend approval of the amendment to the City Council.

6. City Council action, The Zoning Administrator shall set the date, time and place for a City Council public hearing. The Zoning Administrator shall post a sign of the public hearing on the property affected by a change of zone no less than 7 days prior to the scheduled public hearing. Any person may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the City Council. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to these zoning regulations, in accordance with standard procedures for reading, approval, publication and effective date. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect 20 days after publication, unless the referendum shall have been invoked.

7. Petitioner's Signature [Signature] Phone 624 8805 Date 12-20-10

8. Owner's Signature _____ Phone 202-1007 Date 12-20-10
(if different)

Date Fee Received: 12/23/10 Fee \$50.00 PAYABLE TO the City of Vermillion

FAILURE OF THE APPLICANT OR HIS AGENT TO APPEAR AT THE HEARING WILL CAUSE THE COMMITTEE TO DENY THIS APPLICATION.

We are requesting a zoning change from R2 to R3 on this particular parcel, due to the size and unique dimensions of the lot. Our first preference is to build an 8-plex apartment. In order to do this, we need it to be zoned R3.

Our next preference, would be to construct two 4-plexes. However, this being zoned R2 creates a few problems. First, the platting would be expensive and complicated: needing a maze of zigzag lines to accommodate each building with stand-alone features (parking spaces, 50-50 split of the driveway, up to eight property pins per lot). Second, are all of the extra costs having this platted as two lots. These costs include twice as many tapping fees, twice as many electrical hookup fees, twice as many appraisal costs preconstruction, twice as many appraisal costs post construction, increased property taxes being two lots instead of 1, twice as many banking fees, twice as many title insurance fees, and twice as many closing cost fees.

This being a corner lot also comes with twice as much frontage development costs, as well as intersection costs. We are aware that the intersection and the Norbeck street expenses would probably not be initial costs, but they will be eventual costs. Being platted as one lot rather than two lots will also create a more equitable distribution of street costs to the property. If this property would be forced to be platted as two individual lots, the East property would be absorbing 75 percent of the street costs, while the West lot would always be absorbing 25 percent of the street costs. This would complicate mortgage matters as well as resale matters.

Developing this parcel as 2 separate lots instead of 1 would increase development costs so significantly plus the fact that this is a corner lot makes development marginally feasible.

Last, we have no intentions of building anything taller than a two-story building on this property or anything larger than an 8-plex apartment building due to a lack of parking spaces that would be required for the larger buildings.

We appreciate your consideration on this matter.

Respectively submitted,


Duane and Jeanne Mehlhaf



NOTICE OF HEARINGS

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Vermillion, South Dakota, will meet at 5:30 p.m. on Monday, the 10th day of January 10, 2011, in the 2nd floor Meeting Room at 25 Center Street in the City of Vermillion, at which time the said Planning Commission will hear, consider and act upon a recommendation for the following;

A Petition to amend the Zoning Ordinance of the City of Vermillion From R-2 Medium density Residential District to R-3 High density Residential District for the following described real property, viz.

Outlet C and the S. 20 feet adjacent thereto of the Mehlhaf Addition located in the 1300 block of E Clark Street

NOTICE IS HEREBY GIVEN that the Governing Body of the City of Vermillion, South Dakota, will meet at 7:00 p.m. on Monday, the 17th day of January, 2011 in the City Council Chambers at 25 Center Street in the City of Vermillion, at which time the said Governing Body will hear, consider and act upon the following:

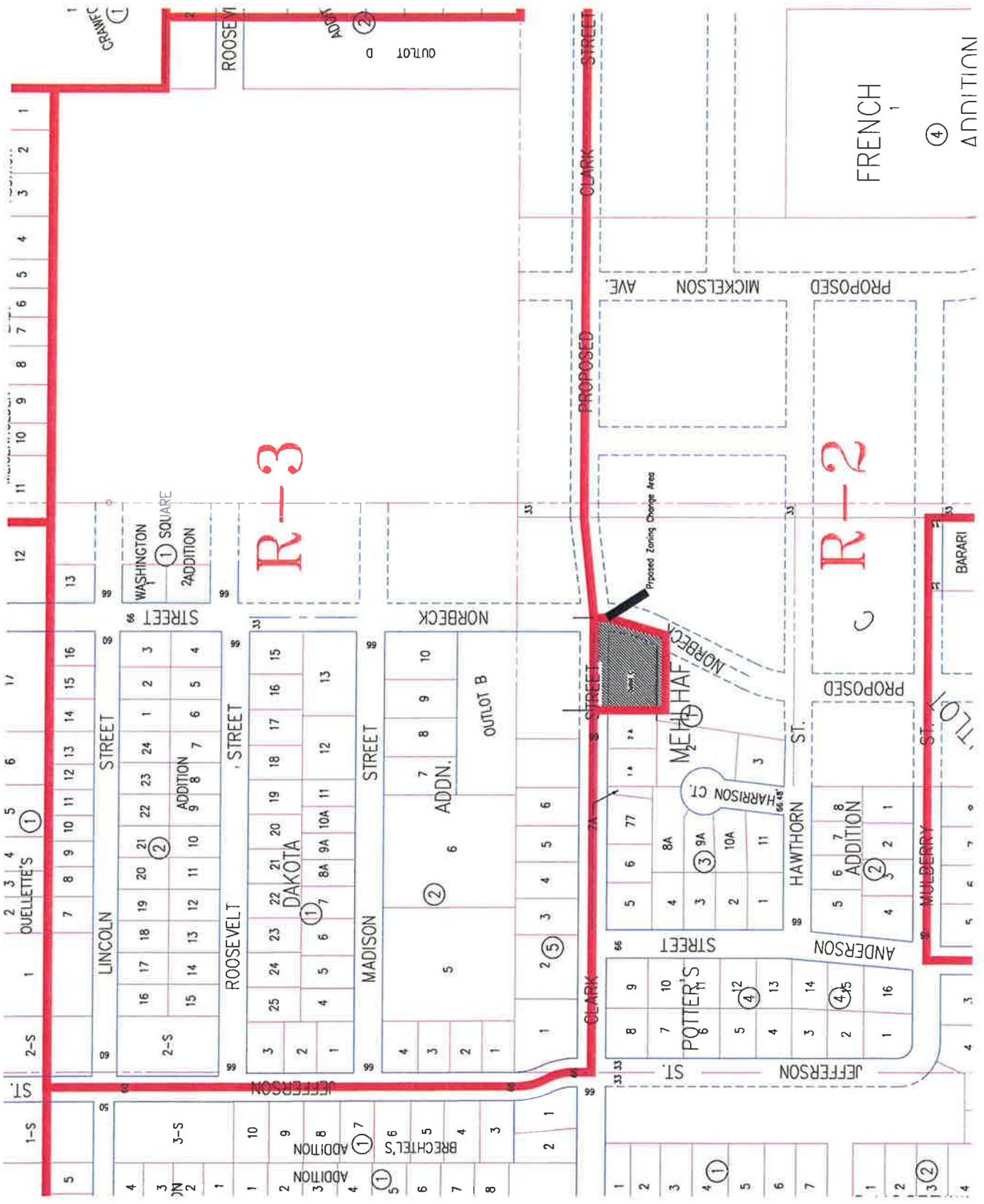
A Petition to amend the Zoning Ordinance of the City of Vermillion From R-2 Medium density Residential District to R-3 High density Residential District for the following described real property, viz.

Outlet C and the S. 20 feet adjacent thereto of the Mehlhaf Addition located in the 1300 block of E Clark Street.

Notice is further given that at the times and places aforesaid any person may appear and be heard upon all matters pertaining to the said zone change and that at said time and place the Governing Body Will consider and decide whether or not this ordinance change should be approved.

Farrel Christensen, City Building Inspector

Publish: December 31, 2010



R-3

R-2

Proposed Zoning Change Area

FRENCH

④ ADDITION

BARBARY

MULBERRY

ANDERSON

HAWTHORN

HARRISON CT.

POTTER'S

NORBECK

MADISON

ROOSEVELT

LINCOLN

JEFFERSON

CLARK

WASHINGTON

ADDITION

PROPOSED ORDINANCE NO. 1248

AN ORDINANCE AMENDING ORDINANCE NO. 1189 - ZONING ORDINANCE FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY REZONING CERTAIN PROPERTY FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT

BE IT ORDAINED, BY THE GOVERNING BODY OF VERMILLION, SOUTH DAKOTA:

That Ordinance 1189, the Zoning Ordinance for the City of Vermillion, is hereby amended as follows:

That the Outlet C and the S. 20 feet, adjacent thereto, of the Mehlhaf Addition, located in the 1300 block of E. Clark Street, in the City of Vermillion, Clay County, South Dakota, is hereby rezoned from the R-2 Residential District to the R-3 Residential District and the official zoning map referred to in Section 155.026 of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, is amended to include such land in the R-3 Residential District.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: January 17, 2011

Subject Adoption of Major Street Plan

Presenter: Jose Dominguez

Background: The Major Street Plan is a document that shows where the City is planning on constructing new roads or extending existing roads as the physical limits of the City expand. As such, the plan needs to be updated every so often to show any new needs that arise through the planning process.

In addition, a Major Street Plan is authorized by State statute and requires the plan be filed with the County Register of Deeds. Once the plan is filed, the statute grants the municipality platting jurisdiction a maximum of three-miles from its corporate limits, or as far as the Major Street Plan goes, whichever is less.

The Planning Commission reviewed the plan at their January 10th meeting and recommended approval. Furthermore, staff met with SECOG and discussed the recommended plan. SECOG strongly suggested including a line defining the platting jurisdiction outside of the City limits. The platting jurisdiction line has been included in the updated plan. This line did not change the intent of the recommended plan, and no major change has been done to the plan as reviewed by the Planning Commission.

Discussion: The plan proposed by Staff shows all future arterial and collector streets. Any possible structures (bridges or large culverts) are also shown. Portions of the plan were derived from the 2004 Vermillion Transportation Study. In this study, the consultant recommended extending or constructing several streets. Said streets are listed below:

- Coyote Street (minor arterial from Carr Street to 466th Avenue)
- Carr Street (major collector from South Dakota Highway 50 to Coyote Street)

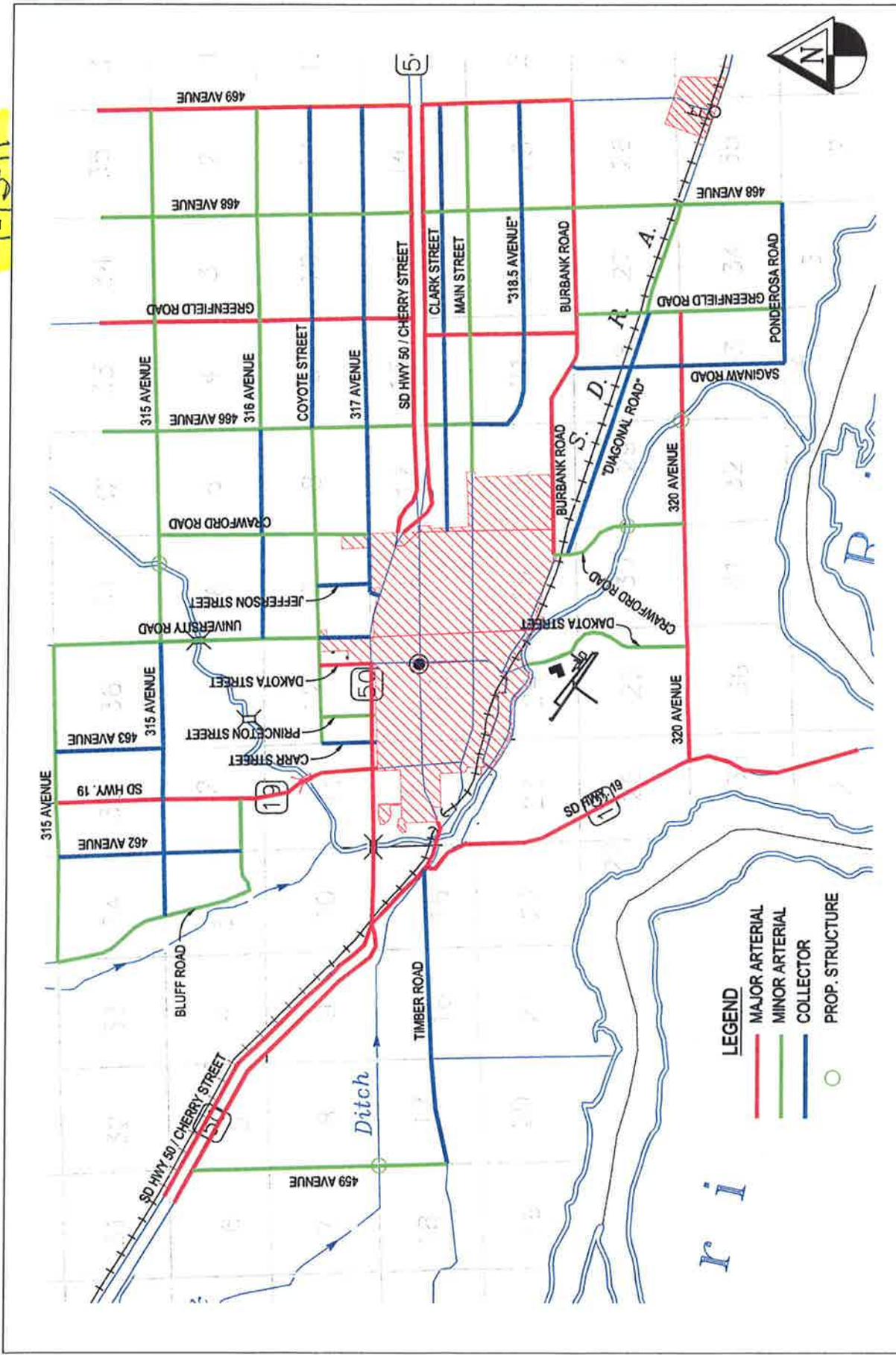
- Princeton Street (minor arterial from South Dakota Highway 50 to Coyote Street)
- Dakota Street (minor arterial from South Dakota Highway 50 to Coyote Street)
- University Street (major collector from South Dakota Highway 50 to Coyote Street)
- Jefferson Street (major collector from Duke Street to Coyote Street)
- Crawford Street (minor arterial from Cherry Street to Coyote Street)
- 466th Avenue (minor arterial from South Dakota Highway 50 to Coyote Street)
- 317th Street (major collector from Jefferson Street to 466th Avenue)
- Clark Street (major collector from Norbeck Street 466th Avenue)

The streets recommended on the study were further reviewed and updated to include the area of land within the Future Land Use Plan and any other area that could affect the City.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends approval of the Major Street Plan as suggested by SECOG and recommended by the Planning Commission.

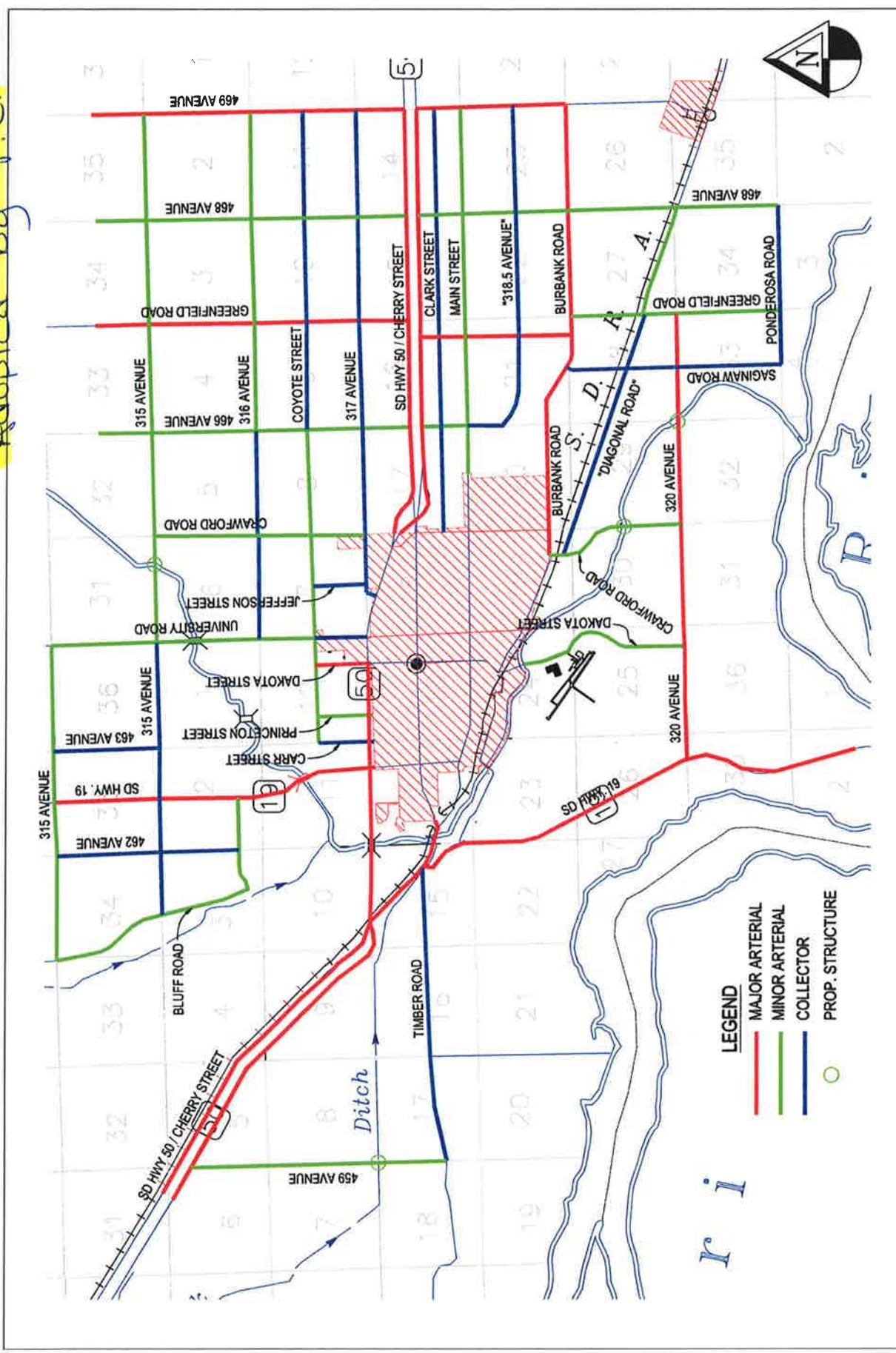
1-13-11



- LEGEND**
- MAJOR ARTERIAL
 - MINOR ARTERIAL
 - COLLECTOR
 - PROP. STRUCTURE

CITY OF VERMILLION, SD 57069	DATE: OCT. 2010	SCALE: 1:2000	SHEET NO.
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Adopted by P.C.



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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.

Adopted this 17th day of January, 2011.

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Publication Date: _____

Effective Date: _____



Council Agenda Memo

From: Farrel Christensen, Building Inspector

Meeting: January 17, 2011

Subject: Specific Nuisances Snow/Grass

Presenter: Farrel Christensen

Background: The City has been receiving numerous calls and complaints regarding snow from private property being pushed or placed in and across streets, alleys and sidewalks. This practice creates problems for neighboring property owners and the City. When snow is pushed or placed from one side of the street to the other, one side becomes overloaded, causing driveways to become plugged with twice as much snow when plows come through to clear the street. Pushing and placing snow on or across the sides and alleys after the City plows have gone by can also create a dangerous snow pile in an otherwise clear street, causing a safety issue for City plow operators and the public.

Currently, City ordinance prohibits debris from private property being deposited into the right-of-way. Snow is included in Section 96.13 Unlawful to Litter in Public Places. As a littering item, the Police are required to issue a citation for this type of violation. A Police Department citation to address the problem is not the most customer friendly approach for improper placement of snow in the public right-of-way and makes it difficult for Code Enforcement staff to effectively address the problem as a nuisance.

The City Council approved first reading of Ordinance 1247 at the January 3, 2011 meeting. The City Council suggested changes to have similarity of language between 90.16(B)(3) and 90.16(B)(4) and additional clarity of the act which creates a violation. The version of 1247 presented for second reading includes language to address these concerns.

Discussion: In order for the Street Department to do its job effectively, and to minimize inconvenience to property owners as much as possible, home owners and businesses need to provide for snow storage on their property or other private property where arrangements have been made. Business sites that have been developed to capacity need to haul snow off the property to maintain required

parking and ingress/egress. The adoption of this ordinance would enable the City's Code Enforcement Department to address snow removal issues as a nuisance. City staff believe that the ordinance provides a fair and equitable solution and will, hopefully, limit arguments between neighbors and the City.

Section 90.18 - Notice to Remove of the current code provides that the notice to abate a specific nuisance provided for in Section 90.16 be provided. Section 90.18 also provides that an administrative fee for each occurrence of a specific nuisance as defined in Section 90.16 be set by Resolution. The "set by Resolution" language does not need to be part of Ordinance 1247 as the authority is already provided for to set the administrative fee. The City Council will have the ability to set an administrative fee with item "a" of New Business.

Financial Consideration: The placement of snow into the right-of-way can be a financial issue if additional resources are needed to clear the area. The major issue is not financial, but safety. The City will not incur additional costs with the adoption of the ordinance.

Conclusion/Recommendations: Staff feels that this ordinance will provide a mechanism to address problems and reduce snow from private property being deposited into the right-of-way. Administration recommends approval of the second reading of ordinance 1247. A roll call vote is required with the second reading of any ordinance.

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

First Reading: January 3, 2011

Second Reading: January 17, 2011

Publish: January 28, 2011

Effective: February 17, 2011



Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: January 17, 2011

Subject: Resolution setting Fee for Depositing Ice, Snow, Leaves, Grass or other Debris into the Right of Way

Presenter: Farrel Christensen

Background: If the City Council approves the second reading of Ordinance No. 1247, which designates the deposit of snow, ice and other debris into the right of way a nuisance violation, an administrative fee will need to be established for the citation and necessary abatement procedure. Section 90.18 (B) provides that the fee be set by resolution of the City Council.

Discussion: The attached resolution proposes an administrative fee of \$50, which is twice that of the administrative fee for abating a sidewalk snow nuisance of \$25. Snow piled in the street or gutter will likely be of a larger volume and affect neighboring property owners, City plows and drainage.

Financial Consideration: The administrative fee is meant to offset the City's cost to abate the nuisance and levy the required special assessments. The revenue generated is not a significant source of income for the City, but is meant to address behavior that impacts the public and right of way.

Conclusion/Recommendations: Administration recommends adoption of the resolution setting the administrative fee at \$50.

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

WHEREAS, Ordinance 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 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.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Published: January 28, 2011
Effective date: February 17, 2011



Council Agenda Memo

From: Andy Colvin, Assistant to the City Manager
Meeting: January 17, 2011
Subject: First Reading of Ordinance 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 second reading of Ordinance 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 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 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 meeting. Publication costs will be incurred.

Conclusion/Recommendations: Administration recommends approval of the first reading of Ordinance 1249.

PROPOSED ORDINANCE NO. 1249

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 115, TO ALLOW LEGAL GUARDIANS 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 legal guardians 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 the minor's parents, or legal guardians, 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', 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



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: January 17, 2011
Subject: Public Safety Center Board appointments
Presenter: Mike Carlson

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

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

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

Discussion: The current members of the board are Bruce Plate (2011), John Storm (2010) and Dave Thiesse (2012). Sheriff Howe and Police Chief Mabry recommend reappointing John Storm for a term ending December 31, 2013. The County Commissioners appointed John Storm at their January 4th meeting.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends reappointing John Storm to the Public Safety Center Board with a term expiring December 31, 2013.



Council Agenda Memo

From: Harold Holoch, Utilities Engineer

Meeting: January 17, 2011

Subject: Sale of Surplus Wheel Loader

Presenter: Mike Carlson

Background: The 2003 Caterpillar 950G wheel loader was included in the Equipment Replacement Fund to be replaced in 2010. 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 January 12, 2011 was set for the opening of sealed bids.

Discussion: The 2003 Caterpillar 950G wheel loader was appraised at \$85,000. The City cannot accept a bid for less than 90% of appraised value, which would be \$76,500. Bid specifications were sent to 12 potential bidders with six 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 appropriate fund.

Conclusion/Recommendations: Administration recommends awarding the sale of the surplus 2003 Caterpillar 950G wheel loader to the high bidder, Richards Excavating, for \$93,100.

Project: Sale of Surplus Wheel Loader

Bid Tabulation

Date: January 12, 2011

Bidder	Butler Machinery	Northeast Equipment	Machinery Maintenance	Banks Equipment	Richards Excavating	Brannt Valley Exc
Address	PO Box 1210 Sioux Falls, SD 57101	PO Box 219 Wayne, NE 68787	1900 Southern Blvd Parsons, KS 67357	1272 W 12700 S Suite D Riverton, UT 84065	PO Box 1943 Fargo, ND 58107	32588 Cty Rd 12 Winona, MN 55987
Bid Security	10% Bid Bond	\$7,833.00 C. Ck.	10% Bid Bond	\$7,730.00 C. Ck.	\$9,310.00 C. Ck.	\$8,111.00 C. Ck.
Proposal 2003 Caterpillar 950G Wheel Loader appraised at \$85,000	\$81,750.00	\$78,330.00	\$78,680.00	\$77,300.00	\$93,100.00	\$81,110.00

CITY OF VERMILLION
 INVOICES PAYABLE-JANUARY 17, 2011
2010 INVOICES

1 ALLTEL	POLICE COMMUNICATIONS	211.10
2 ARAMARK-WEARGUARD	UNIFORM SHIRTS	1,008.40
3 ARGUS LEADER	ADVERTISING	45.28
4 BAKER & TAYLOR BOOKS	BOOKS	414.83
5 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	15,462.09
6 BORDER STATES ELEC SUPPLY	PARTS	1,147.26
7 BROADCASTER	ADVERTISING	1,763.34
8 BUREAU OF ADMINISTRATION	TELEPHONE	362.87
9 BUTLER MACHINERY CO.	REPAIRS	712.54
10 CAMPBELL SUPPLY	SUPPLIES	366.48
11 CASK & CORK	MERCHANDISE	326.00
12 CBCINNOVIS, INC	PROFESSIONAL SERVICES	12.98
13 CITY OF VERMILLION	LANDFILL VOUCHERS	65.00
14 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,172.67
15 COYOTE VENDING	SUPPLIES	137.50
16 CULLIGAN WATER	SALT	166.80
17 D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
18 DAKOTA BEVERAGE	MERCHANDISE	1,413.75
19 DAKOTA PC WAREHOUSE	PARTS	254.98
20 DANKO MES, INC.	SUPPLIES	1,494.00
21 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,550.57
22 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	170.00
23 EAST RIVER ELECTRIC POWER	WHEELING OF POWER	4,875.00
24 ECHO ELECTRIC SUPPLY	SUPPLIES	100.46
25 ELBO COMPUTING RESOURCES	REPAIRS	230.00
26 EMERGENCY MEDICAL PRODUCTS	SUPPLIES	617.46
27 ENERGY LABORATORIES	TESTING	970.00
28 FULLERTON LUMBER CO	SUPPLIES	11.00
29 GRAHAM TIRE CO.	TIRES	575.74
30 GREGG PETERS	MANAGERS PROFITS 4TH QTR	23,957.53
31 HD SUPPLY WATERWORKS	PARTS	373.45
32 HENDERSONS ULTIMATE CAR WASH	WASH CARDS AMBULANCE	200.00
33 HY VEE FOOD STORE	SUPPLIES	20.11
34 INGRAM	BOOKS	516.27
35 JACKS UNIFORM & EQPT	UNIFORM	883.35
36 JOHN A CONKLING DIST.	MERCHANDISE	989.35
37 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	5,690.43
38 JONES ACE HARDWARE	SUPPLIES	102.66
39 JONES FOOD CENTER	SUPPLIES	43.49
40 KOLLY FOSTVEDT	REFUND WATER METER FEE	146.78
41 LAKE REGION CONTRACTING, INC	HAUL SNOW	1,351.50
42 LINWELD	MEDICAL OXYGEN	78.68
43 LOCATORS AND SUPPLIES, INC	SUPPLIES	34.35

44 LONGS PROPANE INC	PROPANE	1,512.80
45 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
46 M.W BEVINS CO	REPAIRS	258.70
47 MARKS MACHINERY	PARTS	45.04
48 MART AUTO BODY	TOW CHARGE	60.00
49 MATHESON TRI-GAS, INC	CYLINDER RENTAL	125.16
50 MCLEODS PRINTING	SUPPLIES	1,699.99
51 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	52.50
52 MIDAMERICAN	GAS USAGE	8,895.82
53 MIDWEST OIL COMPANY	OIL	483.10
54 MISSOURI VALLEY MAINTENANCE	REPAIRS	592.00
55 MOORE WELDING & MFG	SUPPLIES	190.45
56 MUHLBAUER ENTERPRISES	HAUL SNOW	554.63
57 NETSYS+	PROFESSIONAL SERVICES	45.00
58 NORTHLAND	OIL	324.50
59 OVERHEAD DOOR OF YANKTON	PART	54.00
60 PAUL BRUNICK	SAFTETY GLASSES REIMBURSEMENT	150.00
61 PETE LIEN & SONS, INC	CHEMICALS	4,123.68
62 PRESTO-X-COMPANY	INSPECTION/TREATMENT	45.15
63 PUMP N PAK	FUEL-POLICE	2,414.61
64 QUILL	SUPPLIES	63.98
65 REPUBLIC NATIONAL DIST.	MERCHANDISE	4,316.57
66 RIEKES EQUIPMENT CO.	REPAIRS	320.34
67 SD DEPT OF LABOR	UNEMPLOYMENT BENEFITS	607.00
68 SERVICES UNLIMITED INC	REPAIRS	2,183.98
69 SIOUX CITY JOURNAL	ADVERTISING	34.60
70 SIOUX FALLS TWO WAY RADIO	REPAIRS	41.87
71 SIOUXLAND HUMANE SOCIETY	FEES	74.00
72 STEFFEN	HOIST	3,525.00
73 STERN OIL CO.	FUEL/OIL	18,002.54
74 STURDEVANTS AUTO PARTS	PARTS	9.98
75 TESTAMERICA LABORATORIES	TESTING	2,417.94
76 THE EQUALIZER	ADVERTISING	108.00
77 TRUE VALUE	SUPPLIES	57.96
78 UNITED PARCEL SERVICE	SHIPPING	33.04
79 VERMILLION FORD	PART	105.96
80 VISA/FIRST BANK & TRUST	TRAVEL/FUEL/SUPPLIES	1,382.99
81 WAL-MART COMMUNITY	SUPPLIES	100.18
79 YANKTON JANITORIAL SUPPLY	SUPPLIES	205.74

TOTAL 2010 \$126,402.35

2011 INVOICES

1 JOHN POWELL	TRAVEL REIMBURSEMENTS	224.99
2 ACS-FIREHOUSE SOFTWARE	SUPPORT CONTRACT RENEWAL	625.00
3 DEPT OF SOCIAL SERVICES	REFUND AMBULANCE PMT	100.19

4 DEPT. ENVIRONMENT NATL RES	WW FEE-DISCHARGE PERMIT	10,500.00
5 FIREHOUSE MAGAZINE	SUBSCRIPTION	41.95
6 GREGG PETERS	MANAGERS FEE	5,375.00
7 KNOLOGY	E911 CIRCUIT/DIAL-UP SERVICE	1,415.45
8 LEADSONLINE	SUBSCRIPTION	1,428.00
9 LOGIN/IACP NET	ANNUAL FEE	500.00
10 MIDCONTINENT COMMUNICATIONS	CABLE/INTERNET SERVICE	91.75
11 MIDWEST ALARM CO	ALARM MONITORING	240.00
12 MUNICIPAL ELEC. ASSOC	MEMBERSHIP DUES	3,855.00
13 NATIONAL FIRE PROTECTION ASSOC	MEMBERSHIP	150.00
14 PENNINGTON COUNTY FIREFIGHTERS	REGISTRATION	110.00
15 QWEST	TELEPHONE	1,549.36
16 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
17 SD AIRPORT MANAGEMENT ASSOC	MEMBERSHIP DUES	25.00
18 SD ASSOC. OF CODE ENFORCEMENT	MEMBERSHIP DUES	40.00
19 SD BUILDING OFFICIALS ASSOC	MEMBERSHIP DUES	55.00
20 SD CITY MGMT ASSOCIATION	MEMBERSHIP DUES	300.00
21 SD FIRE CHIEFS ASSN.	MEMBERSHIP	50.00
22 SD GOVERNMENTAL HUMAN RESOURCES	MEMBERSHIP DUES	25.00
23 SD MUNICIPAL LEAGUE	MEMBERSHIP DUES	3,272.37
24 SD MUNICIPAL LIQUOR CONTROL ASSOC	MEMBERSHIP DUES	25.00
25 SDWWA	REGISTRATION	90.00
26 SE FIREFIGHTERS ASSOC.	DUES	50.00
27 SECOG	DUES	10,753.00
28 SPRINT	CELL PHONES	972.13
29 TRAVIS TARR	SAFTEY BOOT REIMBURSEMENT	100.00
30 TRI TECH EMERGENCY MEDICAL	SOFTWARE SUPPORT	2,389.47
31 TYLER TECHNOLOGIES	MAINTENANCE	704.00
32 US POSTMASTER	POSTAGE FOR UTILITY BILLS	975.00
33 VERMILLION DEVELOPMENT CO	QUARTERLY CONTRIBUTION	46,350.00
34 DON DAHLIN	BRIGHT ENERGY REBATE	21.00
35 CHAD LAVIN	BRIGHT ENERGY REBATE	250.00
	TOTAL 2011	\$93,603.66
	GRAND TOTAL	\$220,006.01