Special Meeting Agenda
City Council

12:00 pm (noon) Special Meeting
Monday, January 3, 2011
Large Conference Room - City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Education Session – Update on 2012 Stanford Street Reconstruction Project – Jose Dominguez.**

3. **Education Session – Overview of Proposed Update to Major Street Plan – Jose Dominguez.**

4. **Briefing on the January 3, 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 3, 2011
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Minutes**
   a. December 20, 2010 Special Session; December 20, 2010 Regular Session.

4. **Adoption of the Agenda**

5. **Visitors To Be Heard**

6. **Public Hearings**
   a. Retail on-off sale wine license and retail on-off sale malt beverage license for Café Brulé, Inc. for Café Brulé at 24 W. Main Street.

7. **Old Business**

8. **New Business**
   a. MidAmerican Energy Annual Report.
   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.
   c. 2011 Payroll Resolution.

9. **Bid Openings**
   a. Fuel quotes.

10. **City Manager's Report**

11. **Invoices Payable**

12. **Consensus Agenda**
    a. Set a bid opening date of February 2, 2011 for Water Treatment and Wastewater Treatment chemicals.

13. **Adjourn**

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

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please raise your hand to be recognized, go to the podium and state your name and address.
a. Items Not on the Agenda Members of the public may speak under Visitors to Be Heard on any topic NOT on the agenda. Remarks are limited to 5 minutes and no decision will be made at this time.

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

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

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Vermillion City Council's Values and Vision

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

Unapproved Minutes
Council Special Session
December 20, 2010
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, December 20, 2010 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French, Ward

2. Educational Session - Midcontinent Communications All Digital Cable Upgrade

Dan Nelson, Midcontinent Communications Director of Government Affairs, updated the City Council on the conversion from analog to digital. He stated that their number one priority is that the customers understand the conversion. Dan explained the reason for converting from analog to digital. He noted that older equipment, not going through a Midcontinent digital receiver, will need a digital adapter to view channels 23 and higher. The conversion date is scheduled for mid January to February 1st. Dan introduced Nishanth Kannan, Customer Service Manager, to review the conversion. Nishanth stated that letters have been sent to all customers explaining the conversion and customers with the basic cable have been sent one digital adapter. It was noted that the digital adapters can be installed at any time and once installed would allow access to additional channels. Newer equipment will need to have the channels scanned after the conversion date to locate the digital channels. Nishanth stated that this conversion has been completed in Huron without many issues. Dan asked that the City Council members refer any questions that they receive from Midcontinent customers about the conversion to Midcontinent's customer service department or their office on Bower Street. Dan and Nishanth answered questions of the City Council.

3. Educational Session - Vermillion Housing Authority Report - Dave Thiesse

Dave Thiesse, Director of the Vermillion Housing Authority, introduced the Housing Authority Board members that were present. Dave provided the background of the Housing Authority that was

created by the City Council in 1990 to administer the HUD rental housing voucher program in the community. Dave reviewed the housing assistance voucher program noting that it is able to provide rental assistance to 160-180 units in the community and that $805,000 was paid in rental assistance last year. Dave noted that, to administer the voucher program, HUD also provides administrative funding. While the rental assistance revenues have remained constant over the years, the administrative funding has been reducing. He noted that the Board has cut all of the administrative expenses they can and the ability to continue the administration of the program is in question without funding assistance. The Board requested that the City Council fund a $25,000 reserve to be utilized by the Board as needed to meet the operating expenses of the Housing Authority and as additional HUD funds are available they will be returned to the reserve. Dave stated that he did not know what the amount of administrative funding payments would be for this year or the next. Dave and the Board members answered questions of the City Council on the program.

4. Briefing on the December 20, 2010 City Council Regular Meeting Agenda

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

5. Adjourn

406-10
Alderman Meins moved to adjourn the Council special session at 1:08 p.m. Alderman Osborne seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of December, 2010.

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
December 20, 2010
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on December 20, 2010 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French (arrived at 7:02 pm), Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. December 6, 2010 Special Session; December 6, 2010 Regular Session

407-10
Alderman Zimmerman moved approval of the December 6, 2010 special session minutes and the December 6, 2010 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

408-10
Alderman Willson moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Alderman French arrived at 7:02 pm.

5. Visitors to be Heard - None

6. Public Hearings

A. On-Off sale malt beverage license with video lottery for Pump n Stuff Vermillion, Inc. for Pump n Stuff video lottery room #2 at 203 E. Main Street

Mike Carlson, Finance Officer, reported that an application was received for an on-off sale malt beverage license with video lottery from Pump n Stuff Vermillion, Inc. for Pump n Stuff video lottery

room #2. The Notice of Hearing and Police Chief's report are included in the packet. Mike reported that the business currently has an off sale malt beverage for all but the video lottery room and an on-off sale malt beverage license for the video lottery room. The second license will allow 10 additional video lottery machines. Mike stated that Rita Brewer, Pump n Stuff Manager, was present to answer questions. The Council asked about parking for additional customers using the video lottery noting that, with the deliveries, the area is very congested at times. Rita answered questions on parking and the video lottery operations. Discussion followed.

409-10
Alderman Osborne moved approval of the retail on-off sale malt beverage license with video lottery for Pump n Stuff Vermillion, Inc. for Pump n Stuff video lottery room #2 contingent upon the building official's final inspection to comply with building code. Alderman Davies seconded the motion. A roll call vote of the Governing Body was as follows: Davies-Y, French-Y, Grayson-N, Meins-Y, Osborne-Y, Ward-N, Willson-N, Zimmerman-N, Mayor Powell-Y. Motion carried 5 to 4. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1245 - 2010 Budget Supplemental Appropriations Ordinance

Mike Carlson, Finance Officer, reported this was second reading of the ordinance to supplement the 2010 budget. The general fund budget items were for snow removal, old landfill testing, landfill voucher program, second penny sales tax for parks equipment, park capital for additional revenue and expenses and equipment replacement for additional parks equipment. The amounts are the same as first reading. Discussion followed.

410-10
Mayor Powell read the title to the above named Ordinance, and Alderman Osborne moved adoption of the following:

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1245 entitled 2010 Budget Supplemental Appropriations Ordinance 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 6th day of December, 2010 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of December, 2010 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:

PROPOSED ORDINANCE NO. 1245
2010 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING a 2010 Supplemental Appropriations Ordinance for the City of Vermillion, South Dakota.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

	2010 Budget	Proposed Budget	Amount of Supplemental Budget
General Fund:			
Snow Removal			
Equipment Repair & Maint.	10,000	11,000	1,000
Motor Vehicle Fuel & Supp	6,000	9,000	3,000
Old Landfill			
Professional Services	10,000	11,350	1,350
Community Service			
Landfill Voucher	3,500	9,725	6,225
Revenues			
Appropriation from Reserve	59,369	70,944	11,575
Second Penny Sales Tax:			
Parks Capital Equipment	15,000	1,100	(13,900)
Transfer to Equip Replace	100,000	113,900	13,900
Parks Capital Fund			
Capital Expenditures	10,025	13,475	3,450
Revenues			
Recreation Contributions	5,500	8,950	3,450
Equipment Replacement Fund:			
Equipment Replacement	608,400	636,150	27,750
Revenues			
Transfer in Second Penny	100,000	113,900	13,900
Appropriation from Reserve	58,158	72,008	13,850

Dated at Vermillion, South Dakota this 20th day of December, 2010.

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

ATTEST:
BY_____
Michael D Carlson, Finance Officer

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

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

B. Second Reading of Ordinance No. 1246 - Tattooing and Body Piercing Establishments

Andy Colvin, Assistant to the City Manager, reported this was the second reading of an ordinance establishing licensing requirements for body piercing establishments and body piercing artists. The artist licensing section for tattooing was revised to be the same as body piercing that requires the artist to provide a DCI and FBI background check with the application. Andy noted that there have not been any comments since first reading. Discussion followed.

411-10
Mayor Powell read the title to the above named Ordinance, and Alderman Zimmerman moved adoption of the following:

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1246 entitled Tattooing and Body Piercing Establishments 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 6th day of December, 2010 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of December, 2010 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. 1246

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 115, TO AMEND VARIOUS SECTIONS TO INCLUDE BODY PIERCING REGULATIONS.

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 be amended to add new regulations for body piercing as set forth below:

§ 115.01 DEFINITIONS.

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

BODY PIERCING. The placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples, or parts thereof, for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11.

BODY PIERCING AREA, within a body piercing establishment, the immediate vicinity where body piercing is performed.

BODY PIERCING ARTIST. A person engaged in the practice of body piercing.

BODY PIERCING ESTABLISHMENT. The building or structure where body piercing is practiced.

COMMUNICABLE DISEASE. A disease, which is capable of being transmitted from person to person.

DEPARTMENT. The State Department of Health.

INFECTIOUS DISEASE. An infection, which is capable of being transmitted from person to person.

INSPECTION FEE. The amount established by the State Health Department for required inspections.

MINOR. A person who is under the age of 18 years.

PATRON. A person who receives a tattoo and/or body piercing.

TATTOO ARTIST. A person engaged in the practice of tattooing.

TATTOO ESTABLISHMENT. A building where tattooing is practiced.

TATTOOING. To puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.

TATTOOING AREA. Within a tattoo establishment, the immediate vicinity where tattooing is performed.

§ 115.02 LICENSE REQUIRED FOR TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT.

(A) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises within the city, a tattoo establishment and/or body piercing establishment, unless a tattoo establishment and/or body piercing establishment license has been issued by the City and unless the license remains in effect in conformity with the provisions of this chapter. The license shall expire on June 30th next following its issuance, unless reissued. Initial licenses issued during April, May, or June will expire on June 30th of the following year. The license may be revoked, for cause, by the governing body.

(B) Physicians and surgeons licensed under the provisions of SDCL § 36-4 are exempt from the requirements of this chapter.

§ 115.03 APPLICATION FOR TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT LICENSE.

(A) Generally. Each application for a tattoo establishment and/or body piercing establishment license shall be upon a form provided by the City Finance Officer and shall be submitted to the finance office and shall contain the following information:

(B) Information.

(1) A definition of service to be provided;

(2) The location and mailing address of the proposed establishment;

(3) The name and residence address of each applicant;

(4) If the applicant is a corporation, the names and residence addresses of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation, and the address of the corporation itself, if different from the address of the tattoo establishment and/or body piercing establishment;

(5) If the applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the tattoo establishment and/or body piercing establishment;

(6) The last 2 previous addresses (if any) during the past 3 years immediately prior to the present address of the applicant;

(7) Written proof that the applicant is over the age of 18 years;

(8) Individual or partnership applicant's height, weight, color of eyes and hair, and sex;

(9) Copy of identification, such as driver's license and social security card;

(10) The history of the applicant in the operation of a tattoo establishment and/or body piercing establishment, or similar business or occupation, including, but not limited to, previously operating in this or another city within this state with or without license, has had the license revoked or suspended and the reason therefore, and the business activity or occupation subsequent to the action of suspension or revocation;

(11) The name and address of each tattoo artist and/or body piercing artist who is, or will be, employed in the establishment;

(12) Any other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in the application;

(13) If a corporation, the name and address of a resident agent, residing within the city, which must be kept current at all times; and

(14) Submission of a nonrefundable application fee equal to the fee charged to the city by State Department of Health.

§ 115.04 INVESTIGATION OF PREMISES PROPOSED TO BE USED AS TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT.

The City Finance Officer shall refer any application to the State Health Department, the Fire Department, and the Planning and Building Services Department, each of which, within a period of 30 days from the date of application, shall review records and make an inspection of the premises proposed to be used as a tattoo establishment and/or body piercing establishment and shall make a written recommendation to the City Finance Officer concerning compliance with the law.

§ 115.05 DENIAL OF TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT LICENSE; NOTICE; RIGHT TO HEARING.

(A) The City Finance Officer shall not issue the tattoo establishment and/or body piercing establishment a license if, based upon the investigation and reports, it is found that:

(1) The operation, as proposed by the applicant, if licensed, would not comply with all applicable ordinance statutes and state regulations; and/or

(2) The applicant has, knowingly and with intent to deceive, made any false, misleading, or fraudulent statements of fact in the permit application or any other document required by the city in conjunction therewith.

(B) For denial, notifications and reasons for the denial shall be set forth, in writing, by the Finance Officer and sent to the applicant by certified mail. The denied applicant shall, at his or her election, have the right to receive a hearing before the City Council. If a hearing is not requested within 10 days of the notice of denial by the Finance Officer, the denial shall be final.

(C) This section shall not limit causes for denial but shall be in addition to other causes for denial found by the City Finance Officer or provided by this code.

§ 115.06 INSPECTION OF ESTABLISHMENTS BY OFFICIALS.

City officials may enter the tattoo establishment and/or body piercing establishment premises, from time to time, during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing, or health regulations. This shall not restrict or limit the right of entry vested in any law enforcement agency.

§ 115.07 NAME OF ESTABLISHMENT.

No person licensed to do business as provided in this chapter shall operate under any name or conduct the business under any designation not specified in the license.

§ 115.08 CHANGE OF LOCATION OF ESTABLISHMENT.

A change of location of a licensed tattoo establishment and/or body piercing establishment would require the same application process and fees as a new license under §§ 115.03 and 115.04.

§ 115.09 LICENSED TATTOO AND/OR BODY PIERCING ARTISTS.

No tattoo establishment licensee shall employ or otherwise allow any person to practice as a tattoo and/or body piercing artist who is not licensed as a tattoo and/or body piercing artist under the terms of this chapter.

§ 115.10 TATTOOS OR BODY PIERCING AT TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENTS ONLY.

No person shall tattoo and/or bodily pierce or permit a tattoo and/or body piercing to be administered at or upon any public place other than a tattoo establishment and/or body piercing establishment.

115.11 TATTOO AND/OR BODY PIERCING ARTIST LICENSE REQUIRED.

(A) No person shall practice as a tattoo and/or body piercing artist within the city unless the person has a valid tattoo and/or body artist license issued by the city.

(B) The license shall expire on June 30 next following its issuance unless reissued. The license may be revoked, for cause, by the governing body.

(C) A person who only pierces ears using a commercial ear piercing gun is required only to notify the City of Vermillion Finance Officer, he or she does not have to have a body piercing artist license.

§ 115.12 APPLICATION FOR TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE.

(A) Each application for a tattoo artist and/or body piercing artist license shall be upon a form provided by the Finance Officer and shall be submitted to the Finance Officer.

(B) Each form shall contain the following information:

(1) The applicant's full name, residence address, and telephone number;

(2) The name and address of the tattoo establishment where the applicant is to be employed as a tattoo artist and/or body piercing artist;

(3) Whether any license to practice as a tattoo artist and/or body piercing artist has previously been denied or revoked and, if so, the reasons, dates, and places of the denial or revocation;

(4) Written proof that the applicant is over the age of 18 years; and

(5) Submission of a nonrefundable application fee set by resolution.

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

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

(B) The City Finance Officer shall have discretion to approve or disapprove the application depending on whether

the City Finance Officer deems the applicant a suitable person to hold the license. The City Finance Officer may issue the license if the City Finance Officer is satisfied that the applicant:

(1) Is at least 18 years of age;

(2) Is not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body and mind that might affect his or her ability to properly and safely administer a tattoo and/or body piercing;

(3) Is a resident of Clay County for at least 1 month prior to the date of the application;

(4) Has not been convicted of a felony, as defined by state law, within 3 years of the date of the application. All conditions of any felony sentence must be fulfilled.

(5) Has been fingerprinted and photographed by the Police Department;

(6) Has not been convicted of using any controlled drug or substance within 3 years prior to the date of application;

(7) Has not been convicted of any charge of possession of marijuana or any controlled drug or substance or possession with intent to distribute marijuana or any controlled drug or substance within 3 years prior to date of the application; and,

(8) Is of good moral character.

§ 115.14 DENIAL OF TATTOO § 115.14 DENIAL OF TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE; NOTICE; RIGHT TO HEARING.

(A) The City Finance Officer shall not issue a tattoo artist and/or body piercing artist license if, based upon the investigation and report, it is found that the applicant has, knowingly, and with intent to deceive, made any false, misleading, or fraudulent statements of fact in the license application or in any other document required by the City in conjunction therewith.

(B) Denial, notifications and reasons for denial shall be set forth, in writing, by the Finance Officer and shall be

sent to the applicant by means of certified mail. The denied applicant shall, at his or her election, have the right to a hearing before the City Council. If the hearing is not requested within 10 days of the notice of denial by the Finance Officer, the denial shall be final.

(C) This section shall not limit causes for denial but shall be in addition to other causes for denial found by the City Finance Officer or provided by this code.

§ 115.15 TRANSFER OF TATTOO ARTIST AND/OR BODY PIERCING ARTIST LICENSE.

No tattoo artist and/or body piercing artist license shall be transferable.

§ 115.16 TRANSFER OF TATTOO AND/OR BODY PIERCING ESTABLISHMENT LICENSE.

No tattoo establishment and/or body piercing establishment license shall be transferable.

§ 115.17 POSTING OF TATTOO ARTIST AND/OR BODY PIERCING ARTIST AND TATTOO ESTABLISHMENT AND/OR BODY PIERCING ESTABLISHMENT LICENSES.

Each tattoo establishment and/or body piercing establishment licensee shall post, in a conspicuous place, within the tattoo establishment and/or body piercing establishment, the license of each tattoo artist and/or body piercing artist practicing as a tattoo artist and/or body piercing artist in the establishment and the license of the tattoo establishment and/or body piercing establishment.

§ 115.18 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES; GENERALLY.

(A) Within 10 days of the denial by the City Finance Officer of an application for a tattoo establishment and/or body piercing establishment license or tattoo artist and/or body piercing artist license, the applicant may file with the Finance Officer a written request for hearing before the City Council. At the hearing, evidence shall be received for the purpose of determining whether or not the denial shall be upheld. Following the hearing, if the denial is upheld, the notification of and reasons for the

decision shall be set forth, in writing, and sent to the applicant by means of certified mail.

(B) Any tattoo establishment, body piercing establishment, tattoo artist, or body piercing artist license shall be subject to suspension or revocation by the City Council for violation of any provision of this chapter, or applicable provision of any health or building code adopted by the city, city ordinance, rule, regulation or state law, regulation or provision, or for grounds that should warrant the denial of the issuance of the license in the first instance, or for the violation of any law relating to or regulating tattoo establishments and/or body piercing establishment or tattoo artists and/or body piercing artist. The suspension or revocation of a license shall be accomplished pursuant to a hearing held before the City Council at which time evidence shall be received for the purpose of determining whether or not the license shall be suspended or revoked or retained. Following the hearing, if the license is suspended or revoked, the notification of and reasons for the decision shall be set forth, in writing, and sent to the licensee by means of registered or certified mail or hand delivery. Notice of the hearing shall be in writing, directed to and delivered to applicant by means of registered or certified mail or hand delivery at least 10 days before the hearing.

§ 115.19 INJUNCTIVE RELIEF.

In addition to the legal remedies provided for in this code, the operation of any tattoo establishment and/or body piercing establishment in violation of the terms of this chapter shall be deemed a public nuisance and may be enjoined by the city.

§ 115.20 TATTOO ESTABLISHMENTS AND/OR BODY PIERCING ESTABLISHMENTS; GENERAL PROVISIONS.

(A) Generally. A tattoo establishment and/or body piercing establishment must be a minimum of 60 square feet for 1 tattoo artist and/or body piercing artist and 40 square feet for each additional artist. A tattoo establishment and/or body piercing establishment must be physically separated from facilities used for purposes other than tattooing and/or body piercing. Floors, walls, and ceilings of the tattooing area and/or body piercing area must be smooth, easily cleanable, nonabsorbent and in good repair.

A minimum of 30-foot-candles of light must be provided for applying the tattoo and/or body piercing and a minimum of 10-foot-candles for general lighting.

(B) Hand-washing facility required. An easily accessible hand-washing facility supplied with warm, potable, running water must be provided in or directly adjacent to the tattooing and/or body piercing area. Each hand-washing facility must be provided with liquid soap and single-use paper towels.

(C) Toilet facilities. Toilet facilities must be available for employee or patron use.

(D) General-use equipment. Tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General-use equipment must be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners must be provided.

(E) Animals prohibited; restricted activities. Animals other than guide dogs are prohibited in tattoo and/or body piercing establishments. Smoking, eating, and drinking are prohibited within 10 feet of the tattooing and/or body piercing area. Tattoo establishments and/or body piercing establishments may not be used for activities which are not directly associated with the practice of tattooing and/or body piercing.

(F) Maintenance. A tattoo establishment and/or body piercing establishment must be maintained in a clean, sanitary, vermin-free condition and in good repair.

(G) Inspection. A tattoo establishment and/or body piercing establishment must be inspected before any license renewal by the State Health Department to determine compliance with this chapter, state law or regulation.

§ 115.21 REQUIRED EQUIPMENT FOR TATTOO ESTABLISHMENTS AND/OR BODY PIERCING ESTABLISHMENTS.

A tattoo establishment and/or body piercing establishment must be equipped with a steam pressure autoclave capable of producing 15 pounds of pressure per square inch for at least 35 minutes at a temperature of 250°F.

§ 115.22 REQUIRED EQUIPMENT FOR TATTOO ARTISTS, TATTOO ESTABLISHMENTS, AND BODY PIERCING ESTABLISHMENTS.

(A) A tattoo artist must have the following minimum equipment:

(1) Twenty-five liner tubes of whatever style and design preferred in sealed sterile envelopes;

(2) Twenty-five shader tubes of whatever style and design preferred in sealed sterile envelopes; and

(3) Fifty needle bar setups with needles attached in sealed sterile envelopes.

(B) Each tattoo establishment must have the following minimum equipment:

(1) Five hundred disposable pigment containers;

(2) Three hundred disposable latex or vinyl examination gloves;

(3) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;

(4) Access to the applicable sterilization and sanitization measures in this chapter;

(5) Closed dust-proof containers for the exclusive storage of instruments, dyes, pigments, stencils, and other equipment; and

(6) Gauze and bandages.

(C) A body piercing establishment must have the following minimum equipment:

(1) Twenty-five disposable single-use needles of each size used;

(2) Twenty-five forceps;

(3) Two hundred cotton swabs in sealed containers;

(4) Two hundred disposable cups;

(5) Three hundred disposable latex or vinyl examination gloves;

(6) One gallon each or germicidal soap, isopropyl alcohol, and distilled water for prepping skin;

(7) Access to the applicable sterilization and sanitation measures as required in this chapter, state law or regulation;

(8) Closed dustproof containers for the exclusive storage of instruments and other equipment;

(9) Sealed gauze and bandages.

§ 115.23 TATTOO ARTIST AND/OR BODY PIERCING ARTIST.

(A) Restricted activities. A tattoo artist and/or body piercing artist may not engage in the practice of tattooing and/or body piercing while under the influence of alcohol or other mind-altering drug. Minors are prohibited from the practice of tattooing and/or body piercing. A tattoo artist and/or body piercing artist who knowingly has an infectious disease in a communicable stage may not tattoo or pierce a patron. Infectious diseases include 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 shall wear clean, laundered clothing and shall bathe daily. The tattoo artist's and/or body piercing artist's hair shall be secured, tied, or covered in such a fashion to prevent the hair from falling in front of the artist's shoulders when in a normal working position.

(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 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.

§ 115.24 COMMUNICABLE DISEASE REPORTING.

A tattoo artist and/or body piercing artist shall immediately report to the State Health Department any known or suspected communicable disease associated with the practice of tattooing and/or body piercing.

§ 115.25 RECORD OF PATRONS.

A tattoo artist and/or body piercing artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, and the locations and description of tattoos and/or body piercing. This record must be available for inspection by the City Finance Officer or his or her designated representative, and kept for a period of at least 2 years. A sample record form will be prepared and furnished each tattoo artist and/or body piercing artist by the finance office.

§ 115.26 IMMERSION METHODS.

(A) Generally. The following methods are approved for immersion of soiled equipment, such as instruments, needles, and tubes prior to cleaning and sterilization.

(B) Methods.

(1) Immersion in glutaraldehyde 2% solution mixed according to manufacturer's instruction. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.

(2) Immersion in a 500 ppm solution of chlorine. (This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 2 teaspoons bleach per quart of water.) A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.

(3) Immersion in a solution of 70% isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in a cool, well-ventilated area.

(4) Immersion in a phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to the manufacturer's instruction.

(5) Immersion in an iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.

§ 115.27 STERILIZATION METHODS.

Equipment requiring sterilization must be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch for at least 30 minutes at a temperature of 250°F in an autoclave. This must be certified by a chemical indicator, which is attached to the autoclave bag and turns color when the required temperature has been reached. A tattoo establishment and/or body piercing establishment owner or operator shall provide lab result slips which state that each autoclave has been bacteriologically tested monthly and has passed the test. These tests may be performed in the establishment by the owner with test procedures and criteria approved by the Department. Dry heat is not an acceptable method of sterilization for the purpose of this chapter.

§ 115.28 PACKAGING AND STORAGE.

All sterile equipment and supplies must be stored in a closed dust-proof container in such a manner as to prevent being contaminated. All needles and tubes must be packaged prior to autoclaving either individually or in quantities for individual

tattoos. Autoclave packages must be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment, which has been autoclaved, must be dated with an expiration date. The expiration date may not exceed 30 days from the date autoclaved sterile equipment may not be used after the expiration date without being re-sterilized. A tattoo machine must be stored in a manner that will prevent contamination.

§ 115.29 NEEDLE CONSTRUCTION; STERILIZATION REQUIRED.

(A) All needles must be either stainless steel or nickel-plated carbon steel. Needles may be soldered to stainless steel bars using a silver-bearing solder.

(B) Lead-bearing solder may not be used in this process. Needles are a single-service item and must be thoroughly cleaned and sterilized between patrons. Rusty or faulty needles may not be used for tattooing.

§ 115.30 TUBE CONSTRUCTION; STERILIZATION REQUIRED.

All tubes, including the grips on the tube, must be either stainless steel, nickel-plated carbon steel or Lexan. The grips may also be constructed of anodized aluminum. Lead-bearing solder may not be used in the construction of the tubes. Tubes must be thoroughly cleaned and sterilized between patrons.

§ 115.31 TATTOO AND/OR BODY PIERCING MACHINE SANITIZATION.

The open end of the tattoo and/or body piercing machine must be cleaned and sanitized with an approved sanitizer before each use.

§ 115.32 RAZOR REQUIREMENT.

Razors must be disposable single-use only. Single-use razors may be used for 1 patron only and must then be discarded.

§ 115.33 GENERAL-USE EQUIPMENT; SANITIZATION REQUIRED.

(A) All surfaces, counters, and general-use equipment in the tattooing and/or body piercing area must be cleaned and sanitized before a patron is seated. The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, chairs, and the open end of tattoo and/or body piercing machines:

(1) Application of a quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilutions must be according to the manufacturer's instructions;

(2) Application of phenolic germicidal detergent solution mixed according to the manufacturer's instruction. May cause skin irritation; and

(3) Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach), which is equivalent to ½ teaspoon bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily.

(B) If using spray bottles for application of these solutions, the following procedure must be followed: Each time the bottle needs refilling, any remaining old solution must be discarded, the bottle rinsed and fresh solution poured into the spray bottle. Always label spray bottles with the name of the contents. Never add fresh solution to remaining old solution.

§ 115.34 LINEN CLEANING AND STORAGE.

Cloth towels, robes, and similar items used in conjunction with tattooing and/or body piercing must be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed dust-proof container must be provided for the storage of clean towels and linen. A hamper or similar receptacle must be provided for the storage of soiled towels and linen.

§ 115.35 HYGIENIC PRACTICES; GLOVES REQUIRED.

A tattoo artist and/or body piercing artist shall use antiseptic techniques at all times in the practice of tattooing and/or body piercing. A tattoo artist and/or body piercing artist shall scrub his or her hands with liquid soap and water thoroughly before beginning preparation to tattoo or pierce. Hands must be dried with individual single-use towels. At all times when preparing the skin and while applying the actual tattoo or piercing, the tattoo artist or body piercing artist must wear latex or vinyl examination gloves, which must be discarded upon completion of the tattoo or piercing. A tattoo

artist and/or body piercing artist must discard the gloves he or she is wearing, rewash his or her hands, and put on new gloves after an interruption in the tattoo and/or body piercing process, which requires him or her to use his or her hands.

§ 115.36 SKIN PREPARATION.

The skin area to be tattooed or pierced must be shaved if needed and must be washed with germicidal soap and water, rinsed, dried, and washed again with 70% isopropyl alcohol. A single-use gauze pad or tissue may be used for washing the skin. All single-use products used must be discarded after they are used.

§ 115.37 PIGMENT REQUIREMENTS.

All pigments must be nontoxic and antiseptic. All pigments, which are in a dry form, must be suspended in a solution of isopropyl alcohol, distilled water, or witch hazel with only nontoxic and antiseptic additives. Pigments must be dispensed from a main plastic container with a sealable top, which allows a single service portion of the pigment to be dispensed into a single use container. All pigment dispensed and the material into which it has been dispensed must be immediately discarded upon completion of the tattoo.

§ 115.38 DESIGN LAYOUT.

The methods in this section are approved for the design layout of the tattoo or body piercing on the skin. In the first method, the tattoo artist and/or body piercing artist sketches the design directly onto the skin with nontoxic ink to serve as a guideline for the actual tattoo or body piercing. In the second method, the tattoo artist and/or body piercing artist makes a stencil using nontoxic ink on tracing paper and transfers the design to the skin by spraying germicidal soap and distilled water directly onto the area to be tattooed or pierced and laying the stencil over the sprayed area.

§ 115.39 TATTOO OR BODY PIERCING APPLICATION.

Before placing the tattoo and/or body piercing design on the patron's skin, the tattoo artist and/or body piercing artist must apply a thin coating of a petroleum jelly or antibacterial ointment over the area to be tattooed or pierced. This must be applied with cotton swabs, gauze, or wooden tongue depressors,

which must immediately be discarded. This application may not be directly spread with an ungloved hand.

§ 115.40 CHANGING PIGMENTS.

When changing pigments, a tattoo artist may use a solution of germicidal soap and water or an ultrasonic cleaner to rinse the needle and tube, if the needle and tube are used on the same patron. Ultrasonic cleaner solutions and solution containers and covers must be discarded between patrons.

§ 115.41 WASHING OF EXCESS PIGMENT.

Washing of excess pigment from the skin during the tattoo process must be done with single-use gauze pads or tissue with a solution of germicidal soap and distilled water.

§ 115.42 USE OF STYPTICS.

Styptics, if used to arrest bleeding, may be used only in liquid or powder form and must be applied with cotton swabs or gauze, which is immediately discarded.

§ 115.43 USE OF ANTIBACTERIAL OINTMENT REQUIRED; CARE INSTRUCTIONS FOR TATTOOS.

(A) Upon completion of the tattoo, a tattoo artist must apply an antibacterial ointment to the tattoo with a single-use cotton swab, gauze pad, or wooden tongue depressor, which is immediately discarded. After application of the antibacterial ointment, the tattoo artist must apply a sterile bandage. The tattoo artist must provide written instructions regarding the proper care and precautions for a new tattoo to each patron.

(B) Care instructions must include the following minimum recommendations:

(1) Remove the bandage after 24 hours;

(2) Wash tattoo gently with mild soap and water and pat Dry

(3) Apply an antibacterial ointment at least twice Daily;

(4) Avoid exposing the tattoo to direct sunlight for 2

weeks

(5) Avoid swimming or soaking of the tattoo until Healed;

(6) Avoid scratching or picking of the tattoo;

(7) If redness or swelling develops, contact your doctor.

§ 115.44 STORAGE OF SOILED EQUIPMENT.

Upon completion of a tattoo and/or body piercing, a tattoo artist and/or body piercing artist must immerse needles and tubes used for the tattoo or body piercing in an effective sanitizing solution until they can be cleaned and sterilized.

§ 115.45 DISPOSAL OF CONTAMINATED PRODUCTS.

Gauze, cotton swabs, or other single-use products, which are contaminated with body fluids, must be disposed of in impervious double plastic bags, which are securely sealed. When needles, tubes, or other multiple-use products used in conjunction with the practice of tattooing or body piercing are disposed of, they must be sterilized and placed in an impervious rigid container, which is securely sealed.

§ 115.46 JEWELERY PREPARATION.

Jewelry or an insertion tape that has been autoclaved and never worn must be placed in a medical antibacterial prep soak for ten minutes and dried thoroughly before insertion. Jewelry previously worn by the patron must be soaked in a medical an antibacterial prep soak for ten minutes in a separate container that is disposed of or sterilized immediately after the service. Jewelry worn by a person other than the patron must be cleaned and autoclaved before insertion.

§ 115.47 USE OF ANTIBACTERIAL OINTMENT REQUIRED; CARE INSTRUCTIONS FOR BODY PIERCING.

(A) Upon completion of the body piercing, a body piercing artist must apply antibacterial clearer to the body piercing with a single-use cotton swab or gauze pad. The body piercing artist must provide each new patron written instructions regarding the proper care and precautions for a body piercing. Care instructions must include the following minimum recommendations:

B) Care instructions must include the following minimum recommendations:

(1) Wash the body piercing gently with mild soap and water and pat dry;

(2) Apply an antibacterial clean at least twice daily;

(3) Avoid swimming or soaking of the body piercing until healed;

(4) Avoid scratching, picking, or touching of the body piercing;

(5) If redness or swelling develops, contact your doctor.

§ 115.48 CARE INSTRUCTION FOR ORAL PIERCING.

(A) The patron of oral piercing must rinse mouth with an antibacterial mouthwash containing no sugar or alcohol or with a hydrogen peroxide solution before the procedure. The body piercing artist must provide written instruction regarding the proper care and precautions for a new oral body piercing to each patron.

(B) Care instructions must include the following minimum recommendations:

(1) Rinse mouth twice a day with an antibacterial mouthwash containing no sugar or alcohol. The mouthwash may be diluted up to 75% to reduce irritation. Continue rinsing for the duration of the healing process;

(2) Avoid placing anything other than food in the mouth, including cigarettes, fingers, and gum;

(3) Eat and drink only for nutritional needs until healed;

(4) If excessive swelling or pain develops, contact your doctor.

§ 115.49 EAR PIERCING.

If ear piercing is conducted using individually packaged sterilized studs that are inserted using a commercial ear

piercing gun and no other form of body piercing is provided, the body piercing artist is required only to notify in writing the City of Vermillion Finance Officer. If the ear piercing gun is reused, it must be cleaned.

§ 115.50 USE OF EAR PIERCING GUN.

An ear piercing gun may only be used to apply studs in a patron's ears, following manufacturer's instructions. The use of an ear piercing gun to apply a stud or any other jewelry to other areas of the body is prohibited.

Dated at Vermillion, South Dakota this 6th day of December, 2010.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY_____
John E. (Jack) Powell, Mayor

ATTEST:

BY_____
Michael Carlson, Finance Officer

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

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

8. New Business

A. Commercial Collector License Renewals

Mike Carlson, Finance Officer, reported that the following have made application, including the proof of insurance, for commercial collectors licenses for 2011: Art's Garbage Service - Division of Waste Connections; Independence Waste - K & P Services Inc, Owner; TJP Waste Hauling - Terry Pickett, Owner; Vermillion Garbage Service - Marty Johnson, Owner; Little Garbage Guys - Matt Mulheron, Owner; Loren Fischer Disposal - Loren Fischer, Owner; Fischer Disposal, LLC - Lonnie Fischer. As part of the renewal, applicants were requested to include any violations of City ordinance and the Police Chief did

a local records check on each applicant with his results included in the memo. Discussion followed on the license renewals.

412-10
Alderman Davies moved approval of the commercial collectors licenses for 2011 for the businesses listed above. Alderman Ward seconded the motion. Discussion followed Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Resolution establishing Body Piercing Artist Fee

Mike Carlson, Finance Officer, reported that Ordinance No. 1246 stated that the fee for body piercing artists shall be set by resolution of the City Council. As the current fee for tattoo artists is $25 per year, the resolution prepared sets the body piercing artist fee at $25 per year. Discussion followed.

413-10
After reading the same once, Alderman Willson moved adoption of the following:

RESOLUTION ESTABLISHING TATTOO
AND BODY PIERCING ARTIST FEES

WHEREAS, Title XI, Chapter 115, Section 115.12, of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to establish and charge a fee for tattoo artist and body piercing artist license application fee.

BE IT HEREBY 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 20th day of December, 2010, that the tattoo artist and body piercing artist application fee within the city shall be as follows:

The tattoo artist nonrefundable application fee shall be $25.00.
The body piercing nonrefundable application fee shall be $25.00.

Dated at Vermillion, South Dakota this 20th day of December, 2010.

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. 9 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. Electric wire and transformers

Harold Holoch, Utility Engineer, reported that bids were opened on December 14th for electric wire and transformers. Harold recommended the low bid of RESCO on the 13,000 feet of wire at $2,003/1000' for a total of $26,039. On the transformers, Harold recommended the low bid of Stuart Irby with an initial purchase price of $10,750 and a total evaluated bid of $17,277.60. Harold noted that the total evaluated bid includes the operating losses over the transformer life. Discussion followed.

Wire bid 13,000 feet 4/0 stranded aluminum: Border States, $2,243.88/1000' total $29,170.44; Wesco, $2,608/1000' total $33,904; RESCO, $2,003/1000'total $26,039; Stuart Irby, $2,204/1000' total $28,652.

Single-Phase and Three Phase pad-mount transformers: Border States, base price $14,015.89, total evaluation price $21,045.69; Wesco base price $11,949, total evaluation price $18,993.20; Dakota Supply base price $11,432, total evaluation price $17,566.80; RESCO base price $11,675, total evaluation price $17,660.20; Stuart Irby base price $10,750, total evaluation price $17,277.60.

414-10
Alderman Zimmerman moved approval of the low bid of RESCO for 13,000 feet of electric wire at $2,003/1000' for a total of $26,039 and on padmount transformers to low bidder Stuart Irby with an initial purchase price of $10,750 and a total evaluated

bid of $17,277.60. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that City offices will be closed on Friday, December 24th for the Christmas holiday and Friday, December 31st for the New Year's holiday. Curbside recycling collection for the Friday collection day will be on Monday of the following week.

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. Please remove all decorations, lights and plastic.

C. John reported that ordinance provides that sidewalks are to be cleared of snow 24 hours after the end of the snow event. Snow should be stored on your property not in the street or across the street. We are asking for citizen cooperation in not moving snow from their driveways onto the street or across the street. There is currently an ordinance prohibiting placing snow in the street in the littering section of the ordinance which may be amended into the nuisance section to allow Code Enforcement to issue violation notices.

PAYROLL ADDITIONS AND CHANGES

Communications: Wendy Carroll $14.65/hr; Ambulance: Michael Wildermuth $37.14/1st shift-$23.35/2nd shift

11. Invoices Payable

415-10
Alderman Davies moved approval of the following bills:

APPEARA	SUPPLIES	52.28
BROADCASTER PRESS	ADVERTISING	620.00
BUREAU OF ADMINISTRATION	TELEPHONE	346.29
CHAD PASSICK	TUITION REIMBURSEMENT	2,100.00
CITY OF VERMILLION	LANDFILL VOUCHERS	270.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	977.27
DAKOTA DOME TOURNAMENT	TOURNAMENT EXPENSES	7,520.37
DAKOTA PC WAREHOUSE	COMPUTER	939.98
DEPT. ENVIRONMENT NATL RES	LANDFILL OPER FEE	2,911.51
EAST RIVER ELECTRIC POWER	WHEELING OF POWER	4,875.00
GEOTECHNICAL ENGIN SEMINAR	REGISTRATION	170.00
GREGG PETERS	MANAGERS FEE	5,375.00

HERREN-SCHEMPP BUILDING	SUPPLIES	28.90
JONES FOOD CENTER	BAKERY	63.79
LEE HUBER	EMS PANTS REIMBURSE	25.00
LINWELD	SUPPLIES	188.63
LISA WOOD	EMS PANTS REIMBURSE	25.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MERRITT GROH	EMS PANTS REIMBURSE	25.00
MIDAMERICAN	GAS USAGE	4,640.47
MIDCONTINENT COMMUNICATION	CABLE/INTER SERVICE	91.75
McLAURY FLANNERY ENGIN	PROFESSIONAL SERVICES	5,960.00
NATIONAL FIRE PROT ASSOC	HANDBOOKS	248.18
NICOLE HUBER	EMS PANTS REIMBURSE	25.00
QWEST	TELEPHONE	1,546.75
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SANFORD HEALTH PLAN	REFUND AMBULANCE PYMT	137.86
SLATTERY CONSTRUCTION	MICKELSON PAVING FINAL	607.41
SPRINT	CELL PHONES	967.05
STERN OIL CO.	FUEL	11,695.46
THE EQUALIZER	ADVERTISING	36.00
TOM CRAIG	UNDERGROUND REIMBURSE	160.00
TONY KLUNDER	EMS COAT REIMBURSEMENT	49.00
UNITED PARCEL SERVICE	SHIPPING	97.53
US POSTMASTER	POSTAGE FOR UTIL BILLS	850.00
USD	WELLNESS CENTER CONTRIB	68,000.00
USD ATHLETIC DEPARTMENT	DOME USAGE TOURNAMENT	3,000.00
VALLEY AG SUPPLY	LIME SLUDGE REMOVAL	2,500.00
VISA/FIRST BANK & TRUST	MOTEL/FUEL/SUPPLIES	833.22
WALKER CONSTRUCTION	SIDEWALK REPAIR	132.60
WELFL CONSTRUCTION CO	PROFESSIONAL SERVICES	6,569.00
ALAN ALDRICH	BRIGHT ENERGY SOL REBATE	250.00
GENE IVERSON	BRIGHT ENERGY SOL REBATE	21.00
KAREN HARRIS	BRIGHT ENERGY SOL REBATE	14.00
KOLLY FOSTVEDT	BRIGHT ENERGY SOL REBATE	214.00
SESDAC	BRIGHT ENERGY SOL REBATE	900.00
SHERI OUELLETTE	BRIGHT ENERGY SOL REBATE	21.00
TODD HALVERSON	BRIGHT ENERGY SOL REBATE	10.50
TOM NELSON	BRIGHT ENERGY SOL REBATE	250.00
VANESSA COVINGTON	BRIGHT ENERGY SOL REBATE	50.00

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

12. Consensus Agenda

A. Set a public hearing date of January 3, 2011 for retail on-off sale wine license and retail on-off sale malt beverage license for Café Brulé, Inc. for Café Brulé at 24 W. Main Street

416-10
Alderman Osborne moved approval of the consensus agenda. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

417-10
Alderman Osborne moved to adjourn the Council Meeting at 7:30 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of December, 2010.

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

ATTEST:
BY_____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: January 3, 2011

Subject: Retail on-off sale malt beverage license and retail on-off sale wine license for Café Brulé, Inc. for Café Brulé at 24 West Main

Presenter: Mike Carlson

Background: An application was received for an on-off sale malt beverage license and on-off sale wine license for Café Brulé, Inc. for Café Brulé at 24 West Main. The notice of hearing and the Police Chief's report on the applicants are included in the packet. A building permit has been issued for the renovation work to the building but, at this time, a final inspection has not been completed.

Discussion: The City Council has the ability to issue a license on basically two criteria: suitable person and suitable location. With respect to the location criteria, a license has not previously been approved for this location but it is located in the central business district in the general location where other similar types of licenses have been issued. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not issue a license. The Police Chief's report lists no criminal history for either applicant on the South Dakota background check and the FBI reports have not yet been received.

Financial Consideration: The license fee is $300 for the on-off sale malt beverage license that runs through June 30, 2011. Half of the license fee is retained by the City. The license fee is $500 for the on-off sale wine license that runs through December 31, 2011 all of which is retained by the city.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the on-off sale malt beverage license and on-off sale wine license. A motion to approve should be contingent upon final inspection by the building official. If a motion is made to deny the license, the reason needs to be included in the motion.

City of Vermillion
Police Department
15 Washington Street • Vermillion, SD 57069

Art Mabry
Chief of Police

Phone: (605) 677-7070
Fax: (605) 677-7166

MEMORANDUM

To: Vermillion City Council **Date:** December 18, 2010

From: Art Mabry
Chief of Police

Subject: 1. Retail on-off sale malt beverage license until June 30, 2011
2. Retail on-off sale wine license until December 31, 2011

Reference: Café Brule, Inc. for Café Brule at 24 W. Main Street

A check of the Vermillion Police Department's records management system did not reveal any information that would restrict the issuance of a license to either Monica Iverson or James Waters.

By law, I am not permitted to conduct a state or national criminal record check for the purpose of issuing an alcohol license. Consequently, the City has established a procedure requiring the applicant(s) to obtain and provide a copy of their criminal record check (state and national) to the City to be reviewed by the Chief of Police. On December 13, 2010, I received the South Dakota criminal history for both Mrs. Iverson and Mr. Waters. The reports stated no South Dakota criminal history was found for either applicant.

As of this date, I have not received the FBI criminal background report which general takes 6-8 weeks or longer.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 3rd day of January, 2011 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Retail on-off sale malt beverage license until June 30, 2011:
Café Brulé, Inc. for Café Brulé at 24 West Main Street.

Retail on-off sale wine license until December 31, 2011:
Café Brulé, Inc. for Café Brulé at 24 West Main Street.

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

Dated at Vermillion, South Dakota this 17th day of December, 2010.

_____
Michael D. Carlson, Finance Officer

Publish: December 24, 2010

Published once at the approximate cost of _____.

Council Agenda Memo

From: John Prescott, City Manager

Meeting: January 3, 2011

Subject: MidAmerican Energy Company report

Presenter: Tim Forsch & Denny VanRuler, MidAmerican Energy

Background: The City Council adopted Ordinance 1164 on January 15, 2007. This ordinance renewed the natural gas franchise with MidAmerican Energy Company for fifteen years with an option to extend the agreement for an additional five years. Section 15 of the agreement provides for an annual presentation by MidAmerican Energy to the City Council. Operations staff members Tim Forsch and Denny VanRuler plan to attend the meeting. Other staff members from MidAmerican may also be in attendance.

Discussion: This is an opportunity for the City Council to ask MidAmerican Energy questions about their operations in the area. At the time of renewal, in January 2007, the City Council did inquire about staffing levels in Vermillion and the area. This presentation would again provide an opportunity for MidAmerican Energy to update the City Council on this issue. Last year the MidAmerican Energy representatives provided information on natural gas pricing, the number of leaks and response time, and area staffing levels. As there have been some staff changes with respect to the SD Operations Manager and Operations Supervisor since the 2010 presentation, the Council meeting might also serve as an opportunity to identify the individuals fulfilling these roles for the company.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends providing MidAmerican Energy representatives the opportunity to present information on their services in Vermillion. No action is required.

Council Agenda Memo

From: Farrel Christensen, Building Inspector

Meeting: January 3, 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.

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.

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 prevent snow from private property being deposited into the right-of-way. Administration recommends approval of the first reading of ordinance 1247.

PROPOSED 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 or pushing of any ice or snow from private property, sidewalks, or driveways onto or across any street, alley or sidewalk, or obstructing gutters, or interfering with the passage of vehicles upon a street or alley or creating of an otherwise hazardous condition by a property owner,

occupant 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, raking, blowing or accumulation of leaves, grass or any other debris likely to be washed into a storm sewer so as to impede storm drainage or the passage of vehicles upon a street or alley or create an otherwise hazardous condition by a property owner, occupant or agent or employee thereof.

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: John Prescott, City Manager

Meeting: January 3, 2011

Subject: 2011 Payroll Resolution

Presenter: John Prescott

Background: State statute requires the publication of the complete list of all salaries of officers and employees of the City. The City of Vermillion has traditionally passed a resolution adopting the salaries, which is then included in the meeting minutes. The state law is as follows:

> 6-1-10. Publication of payroll information. Notwithstanding the provisions of §§7-18-3, 9-18-1, and 13-8-35, the boards of county commissioners, the governing board of each municipal corporation, and school boards shall publish, with the minutes of the first meeting following the beginning of the fiscal year, or within thirty days thereafter, or in the minutes of the first meeting following the completion of salary negotiations with employees for that fiscal year, or within thirty days thereafter, a complete list of all the salaries of all officers and employees and, thereafter, shall publish once any salary paid to any officer or employee who has been added or whose salary has been increased.

Discussion: The three-year agreements with the AFSCME and Teamsters unions, both effective January 1, 2010, provide for a cost of living pay adjustment of 2.5% for calendar 2011. The attached resolution also provides for a 2.5% increase for non-union, professional, and management employees. City Council member salaries were also adjusted to reflect the pay rates approved during the 2011 budget process in September 2010.

Financial Consideration: The 2011 budget includes sufficient funding to cover the wage rates reflected in the salary resolution.

Conclusion/Recommendations: Administration recommends the City Council approve the resolution and authorize the publication thereof as required by law.

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 Flanagin/$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;$37.14/1st;$23.35/2nd; 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;$35.70/1st;$22.40/2nd; 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;$35.38/1st;$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; Chris Jensen/$6.00/hr; $35.00/1st; $22.00/2nd; Kevin Oliver/$6.00/hr; $35.00/1st; $22.00/2nd;Joe Kyte/$6.00;$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; $17.40/2nd; 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; Joni Neuharth/$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 Wagner/$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; Jose 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/$7.50. **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 Burgress/$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; Joseph 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 Nettestad/$7.75; Ashley Ouellette/$7.75; Alisha Reiffenberger/$7.75; Ryan Sevening/$7.75; Aaron Steele/$7.75; Mark Turner/$7.75; Erik Ustad/$7.75; Emily Witte/$7.75; Gina Baldwin/$7.50; Ellen Brown/$7.50; Courtney Carmichael/$7.50; Jena Chettinger/$7.50; Natasia Eastman/$7.50; Rachel Fricke/$7.50; Tia Haines/$7.50; Jenna Hatfield/$7.50; Jared Heiden/$7.50; Carol Logoto/$7.50; Alexa Regnerus/$7.50; Bailey Reschel/$7.50; Alisha Riefenberger/$7.50; Lindsay Robinet/$7.50; Tyler Robinson/$7.50; Ryan Sevening/$7.50; Jolene Slagter/$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

CITY OF VERMILLION
INVOICES PAYABLE-JANUARY 3, 2011

1	3D SPECIALTIES INC	SUPPLIES	1,005.04
2	5 STAR COMMUNICATIONS, INC	ADVERTISING	118.50
3	AIR LIQUIDE AMERICA CORP	CHEMICALS	917.75
4	ALLEGIANT EMERGENCY SERVICE	SAFETY CLOTHING - FIRE DEPT	320.00
5	AMERILAB TECHNOLOGIES, INC	SUPPLIES	152.00
6	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	156.60
7	ARAMARK-WEARGUARD	UNIFORM	20.49
8	AUDIO GO	BOOKS	351.85
9	AUTOMATIC BUILDING CONTROL	PARTS	38.45
10	B & L COMMUNICATIONS	RADIOS & PAGER	3,823.50
11	BAKER & TAYLOR BOOKS	BOOKS	823.87
12	BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	16,095.85
13	BARNES DISTRIBUTION	SUPPLIES	293.80
14	BARRYS PLUMBING	REPAIRS	133.76
15	BLACKBURN MANUFACTURING CO.	SUPPLIES	150.52
16	BOOK WHOLESALERS, INC	BOOKS	161.33
17	BROADCASTER PRESS	ADVERTISING	833.63
18	BRUNICKS SERVICE INC	DIESEL	453.34
19	BUTLER MACHINERY CO.	REPAIRS/PARTS	1,956.29
20	CADD/ENGINEERING SUPPLY, INC	SUPPLIES	206.38
21	CAMPBELL SUPPLY	SUPPLIES	720.17
22	CANFIELD BUSINESS INTERIOR	TRAINING TABLES/CHAIRS	12,957.48
23	CANON FINANCIAL SERVICES, INC	COPIER LEASE	56.16
24	CASK & CORK	MERCHANDISE	1,171.13
25	CBCINNOVIS, INC	TESTING SUPPLIES	25.96
26	CENTER POINT LARGE PRINT	BOOKS	129.90
27	CENTURY BUSINESS PRODUCTS	COPIER CONTRACTS	705.63
28	CERTIFION CORPORATION	ONLINE AGREEMENT	79.00
29	CHAD PASSICK	MEAL REIMBURSEMENTS	73.00
30	CHEMCO, INC	SUPPLIES	75.00
31	CHEMSEARCH	SUPPLIES	138.73
32	CHRISTENSEN RADIATOR & REPAIR	PARTS	341.20
33	CITY OF SIOUX FALLS	TESTING	168.72
34	CITY OF VERMILLION	COPIES/POSTAGE	1,570.42
35	CITY OF VERMILLION	UTILITY BILLS	35,709.52
36	CLAY RURAL WATER SYSTEM	SODA ASH	1,825.10
37	CLEVELAND GOLF	MERCHANDISE	74.50
38	COLONIAL LIFE ACC INS.	INSURANCE	3,250.10
39	CRYSTAL BRADY	MEAL REIMBURSEMENTS	73.00
40	CULHANE COMMUNICATION INC	ADVERTISING	118.50
41	CULLIGAN WATER	SALT	166.80
42	CURT HAAKINSON	REIMBURSEMENT	99.44
43	DAKOTA BEVERAGE	MERCHANDISE	6,610.12
44	DAKOTA PC WAREHOUSE	COMPUTER/PARTS/REPAIRS	924.93
45	DAKOTA PUMP INCORP	PARTS	69.46
46	DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	111.60

47	DAKOTA SUPPLY GROUP	PARTS	2,359.98
48	DANKO MES, INC.	PARTS/REPAIRS	719.50
49	DEAR READER.COM	BOOKS	175.00
50	DELTA DENTAL PLAN	INSURANCE	5,387.78
51	DEMCO	SUPPLIES	73.75
52	DENNIS MARTENS	MAINTENANCE	833.34
53	DEPT OF REVENUE	TESTING	208.00
54	DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	22,932.71
55	DISPLAY SALES COMPANY	SUPPLIES	28.80
56	DUST TEX	SUPPLIES	45.08
57	ECHO ELECTRIC SUPPLY	PARTS	4,473.25
58	EMERGENCY MEDICAL PRODUCTS	SUPPLIES	262.05
59	ENERGY LABORATORIES	TESTING	305.00
60	ERIN J. SEEP	MAINTENANCE	65.25
61	FAIR MANUFACTURING, INC	PARTS	646.59
62	FARMER BROTHERS CO.	SUPPLIES	57.90
63	FASTENAL COMPANY	PARTS	403.75
64	FEDEX.	SHIPPING	23.67
65	FILTERTEC	SUPPLIES	297.08
66	FOOT-JOY	MERCHANDISE	85.31
67	FOREMAN MEDIA	COUNCIL MTG	100.00
68	FRED HAAR CO, INC	KEYS	8.06
69	FREEDOM PUMP CONTROLS & SVC	REPAIRS	814.98
70	FULLERTON LUMBER CO	SUPPLIES	117.05
71	GALE	BOOKS	504.91
72	GE CAPITAL	COPIER LEASE	114.48
73	GENTLE TOUCH CARPET CARE	CLEAN RUGS	8.03
74	GRAHAM TIRE CO.	TIRES	1,396.16
75	GRAINGER	REPAIRS	46.84
76	GREGG PETERS	FREIGHT	1,602.25
77	GREGG PETERS	RENT	937.50
78	GUARANTEE OIL CO INC	SUPPLIES	72.00
79	GUARANTEE ROOFING & SIDING	ROOF REPAIRS WASTEWATER	23,150.00
80	HACH CO	WASTEWATER FLOW SESOR	10,283.55
81	HANSEN LOCKSMITHING	KEYS	20.00
82	HD SUPPLY WATERWORKS	SUPPLIES	55.86
83	HERC-U-LIFT	REPAIRS	119.15
84	HILLYARD FLOOR CARE SUPPLY	SUPPLIES	788.67
85	HY VEE FOOD STORE	SUPPLIES	35.71
86	INDEPENDENCE WASTE	HAUL REFUSE/PORTABLE TOILET RENTAL	915.05
87	INGRAM	BOOKS	3,124.47
88	INVENTORY TRADING COMPANY	EMS JACKETS	1,278.00
89	JACKS UNIFORM & EQPT	UNIFORM	151.70
90	JOHN A CONKLING DIST.	MERCHANDISE	5,819.40
91	JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	26,562.40
92	JOHNSON CONTROLS	REPAIRS/MAINTENANCE AGREEEMENT	2,116.43
93	JOINT UTILITY TRAINING SCHOOL	REGISTRATION	600.00
94	JONES ACE HARDWARE	SUPPLIES	973.67
95	JONES FOOD CENTER	SUPPLIES	515.98

96	JOYCE MOORE	MILEAGE REIMBURSEMENT	57.35
97	KAISER REFRIGERATION	SAW SHARPENING	48.00
98	KALINS INDOOR COMFORT	SUPPLIES	18.64
99	KARSTEN MFG CORP	MERCHANDISE	375.13
100	LAVA MARKETING GROUP	MERCHANDISE	213.56
101	LAWSON PRODUCTS INC	SUPPLIES	148.24
102	LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	4,490.17
103	LESSMAN ELEC. SUPPLY CO	SUPPLIES	3,136.50
104	LINCOLN MUTUAL LIFE & CASU	INSURANCE	520.10
105	LINDA CALLEJA	MILEAGE REIMBURSEMENT	94.72
106	LINWELD	OXYGEN/CYLINDER RENTAL	49.01
107	LOCATORS AND SUPPLIES, INC	SUPPLIES	690.45
108	LONGS PROPANE INC	PROPANE/PARTS	14,401.08
109	MACHINERY TRADER	ADVERTISING	288.00
110	MANUFACTURERS NEWS, INC	SD MANUFACTURERS REGISTER	84.45
111	MARKS MACHINERY	BOBCAT SKID LOADER/PARTS	13,160.11
112	MART AUTO BODY	TOWING/PARTS	3,029.17
113	MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,424.00
114	MEDICAL WASTE TRANSPORT, INC	MEDICAL WASTE DISPOSAL	157.50
115	MENARDS	SUPPLIES	271.16
116	MICHAEL HEINE	SAFETY BOOT REIMBURSEMENT	100.00
117	MICHAELS FENCE	PARTS	55.60
118	MICHELLE KOLLER	MILEAGE REIMBURSEMENT	105.00
119	MID-AMERICAN RESEARCH	SUPPLIES	168.00
120	MIDWEST ALARM CO	REPAIRS	264.00
121	MIDWEST BUILDING MAINTENANCE	MAT SVC	475.10
122	MIDWEST RADAR	RADAR CERTIFICATION	120.00
123	MINITEX LIBRARY	SOFTWARE	495.00
124	MISSOURI VALLEY MAINTENANCE	REPAIRS	590.12
125	MOORE WELDING & MFG	REPAIRS	15.00
126	NCL OF WISCONSIN, INC	CHEMICALS	194.76
127	NETSYS+	PROFESSIONAL SERVICES	380.00
128	NEW YORK LIFE	INSURANCE	95.00
129	NIKE INC	MERCHANDISE	105.95
130	NORTHERN BALANCE & SCALE	SERVICE & CALIBRATION	423.00
131	OFFICE SYSTEMS CO	COPIES & MAINTENANCE	866.12
132	ORIENTAL TRADING CO	SUPPLIES	188.78
133	OVERHEAD DOOR OF SIOUX CITY	REPAIRS	291.00
134	OVERHEAD DOOR OF YANKTON	REPAIRS	155.20
135	OXMOOR HOUSE	BOOKS	36.91
136	PATSY STENSLAND	BOOKS	49.88
137	PETE LIEN & SONS, INC	CHEMICALS	4,196.10
138	PHYSIO-CONTROL CORP	SUPPLIES	150.00
139	PITNEY BOWES	POSTAGE METER RENTAL	242.49
140	PKG CONTRACTING, INC	WWTF PHASE II IMPROVEMENTS	107,291.65
141	PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
142	PRAIRIE BERRY WINERY	MERCHANDISE	843.00
143	PRESSING MATTERS	SUPPLIES	284.00
144	PRINT SOURCE	ADVERTISING/SUPPLIES	802.00

145	PROGRESSIVE MEDICAL INTERNATIONAL	BATTERIES	366.67
146	PUBLIC AGENCY TRAINING COUNCIL	REGISTRATION	550.00
147	PUMP N PAK	FUEL	2,228.46
148	QUALITY TELELCOMMUNICATION	PROFESSIONAL SERVICES	50.00
149	QUILL	SUPPLIES	1,378.58
150	QWEST	TELEPHONE	732.84
151	R P & H, INC	BIKE TRAIL	32,599.07
152	RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
153	RADIANT HEAT, INC	PARTS	8,465.85
154	RANDOM HOUSE, INC	BOOKS	285.44
155	RANDY CRUM	BOOT REIMBURSEMENT	50.00
156	RANDY ISAACSON	SAFETY BOOT REIMBURSEMENT	100.00
157	RASMUSSEN MOTORS, INC	PARTS	283.44
158	RECORDED BOOKS, INC	BOOKS	613.55
159	REGENT BOOK CO.	BOOKS	13.62
160	REINHART FOODSERVICE, LLC	SUPPLIES	21.32
161	REPUBLIC NATIONAL DISTRIBUTING	MERCHANDISE	23,018.15
162	RESCO	SUPPLIES	252.00
163	RIVERSIDE HYDRAULICS & LAB	REPAIRS	108.89
164	ROB PICKENS	SAFETY BOOT REIMBURSEMENT	100.00
165	ROBINSON PRO CLEANING	PROFESSIONAL SERVICES	75.00
166	SAFARILAND, LLC	TRAINING	100.00
167	SANFORD CLINIC VERMILLION	SUPPLIES	113.48
168	SANITATION PRODUCTS	PARTS	333.52
169	SAYRE ASSOCIATES, INC	PROFESSIONAL SERVICES	487.77
170	SD BOARD OF OPERATOR CERTIFICATION	OPERATOR CERTICATION RENEWAL	132.00
171	SD CHAPTER APWA	REGISTRATION	70.00
172	SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
173	SD ONE CALL	LOCATES	103.95
174	SD PARK & RECREATION ASSOC	MEMBERSHIP DUES	20.00
175	SD RETIREMENT SYSTEM	CONTRIBUTION	65,190.32
176	SDN TECHNOLOGIES	PROFESSIONAL SERVICES	29.55
177	SDWWA	MEMBERSHIP DUES	50.00
178	SERVALL TOWEL & LINEN	SUPPLIES	24.96
179	SIOUX FALLS TWO WAY RADIO	REPAIRS	361.40
180	SKARSHAUG TESTING LAB.	TESTING	1,419.68
181	STAN HOUSTON EQPT CO	SUPPLIES	600.99
182	STANDARD BEARINGS	PARTS	154.02
183	STANLEY SECURITY SOLUTIONS	SUPPLIES	616.86
184	STEFFEN	PARTS	529.14
185	STERN OIL CO.	AVIATION FUEL	15,854.53
186	STO-COTE PRODUCTS, INC	ICE RINK LINER	1,360.80
187	STURDEVANTS AUTO PARTS	PARTS	1,575.19
188	TESTAMERICA LABORATORIES,INC	TESTING	1,603.39
189	THATCHER COMPANY	SODA ASH	6,947.60
190	THE EQUALIZER	ADVERTISING	42.00
191	THE NEW SIOUX CITY IRON CO	SUPPLIES	1,027.24
192	THE WALKING BILLBOARD	EMT UNIFORMS	1,225.00
193	TITAN ACCESS ACCOUNT	PARTS	369.61

194	TITLEIST DRAWER CS	MERCHANDISE	53.78
195	TODD HALVERSON	SAFETY BOOT REIMBURSEMENT	100.00
196	TODDS ELECTRIC SERVICE	SUPPLIES	64.00
197	TOTAL TOOL SUPPLY, INC	REPAIRS	74.96
198	TRI TECH SALES	PART	416.17
199	TRI-B-TRIM SHOP	REPAIRS	125.00
200	TRUE FABRICATIONS	SUPPLIES	111.48
201	TRUE VALUE	SUPPLIES	407.73
202	UNITED WAY	CONTRIBUTIONS	296.50
203	US POSTMASTER	FIRST-CLASS PRESORT FEE	185.00
204	VALIANT VINEYARDS	MERCHANDISE	516.00
205	VERMEER HIGH PLAINS	SUPPLIES	1,905.09
206	VERMILLION FORD	PARTS	238.69
207	VESSCO, INC	PARTS	5,029.02
208	VISA/FIRST BANK & TRUST	TRAVEL/LODGING/SUPPLIES	4,077.99
209	VS VISUAL STATEMENT INC	MAINTENANCE	1,194.30
210	WAL-MART COMMUNITY	SUPPLIES	655.99
211	WALKER CONSTRUCTION	SNOW REMOVAL	280.00
212	WESCO DISTRIBUTION, INC	SUPPLIES	8,153.17
213	WHITE HEADED ROBIN WINERY	MERCHANDISE	690.00
214	YANKTON FIRE & SAFETY	EXT. RECHARGE	97.50
215	YANKTON JANITORIAL SUPPLY	SUPPLIES	412.08
216	ZEE MEDICAL SERVICE	SUPPLIES	252.80
217	DENNIS HARVEY	BRIGHT ENERGY SOLUTIONS REBATE	250.00
218	KEITH JOY	BRIGHT ENERGY SOLUTIONS REBATE	10.50
219	MICHELE MECHLING	BRIGHT ENERGY SOLUTIONS REBATE	200.00
220	ORLA CHRISTENSEN	BRIGHT ENERGY SOLUTIONS REBATE	150.00
		SUBTOTAL	577,215.51
	2011 INVOICES		
1	SDML WORKERS' COMPENSATION FUND	WORKERS COMPENSATION	112,627.00
2	SD PUBLIC ASSUARANCE ALLIANCE	BOILER/MACHINERY INSURANCE COVERAGE	12,167.00
		SUBTOTAL	124,794.00
		GRAND TOTAL	$702,009.51