



Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting
Monday, July 21, 2014
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Education Session – Liquor Store Management Agreement.**
3. **Briefing on the July 21, 2014 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

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

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

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

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

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

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

City of Vermillion
Liquor Store Operating Income Per Management Contract
For the Years Ended December 31, 2013 and 2004

	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Sales	1,183,333.70	1,217,012.57	1,185,642.56	1,181,976.91	1,165,624.89	1,179,546.09	1,094,738.09	967,936.66	857,975.51	767,567.13
Cost of Sales	796,280.00	816,173.92	795,165.57	790,798.94	780,039.58	784,473.27	704,845.52	622,215.88	602,085.08	528,618.50
Freight	<u>21,916.28</u>	<u>22,827.56</u>	<u>23,311.08</u>	<u>22,756.53</u>	<u>25,016.25</u>	<u>26,415.46</u>	<u>24,523.80</u>	<u>21,198.00</u>	<u>23,875.50</u>	<u>19,157.43</u>
Gross Profit	365,137.42	378,011.09	367,165.91	368,421.44	360,569.06	368,657.36	365,368.77	324,522.78	232,014.93	219,791.20
Gross Profit %	30.86%	31.06%	30.97%	31.17%	30.93%	31.25%	33.37%	33.53%	27.04%	28.63%
Operating Expenses:										
Fire Insurance	157.97	134.40	131.15	126.40	130.90	134.10	155.20	154.23	153.43	159.00
Contract Services	64,500.00	64,500.00	64,500.00	64,500.00	64,500.00	56,004.00	56,004.00	56,004.00	51,334.00	50,400.00
Professional/Accounting	3,557.06	3,640.31	3,248.10	4,876.03	3,431.50	4,745.40	4,827.00	1,000.00	1,000.00	1,000.00
Advertising	2,000.00	2,000.00	2,000.00	2,000.00	2,006.99	2,000.00	2,000.00	2,000.00	2,813.16	3,470.11
Rent	11,250.00	11,250.00	11,250.00	11,115.00	10,755.00	10,710.00	10,710.00	10,710.00	10,625.00	10,200.00
Equipment Repair & Maintenance	258.86	1,811.36	859.37	279.72	82.39	888.98	1,757.77	2,227.40	877.05	1,783.42
Office Supplies	237.77	411.75	173.89	105.26	158.04	857.24	813.02	128.00	678.93	654.59
Operating Supplies	22,255.43	22,073.59	20,863.40	21,898.62	18,710.93	17,208.65	14,801.22	12,635.71	9,752.72	7,892.37
Cleaning Supplies	1,677.94	1,380.80	1,886.99	936.81	1,499.10	913.48	55.87	1,838.37	1,660.29	936.35
Copy Supplies							-	-	23.04	33.48
Electricity	6,946.02	7,291.74	7,114.18	7,180.45	6,453.49	6,118.51	5,655.96	5,056.19	4,514.38	4,160.88
Gas	489.16	276.64	384.70	510.50	444.50	674.36	516.61	473.38	643.26	510.54
Telephone	1,187.23	1,185.93	971.80	1,005.57	995.61	1,013.03	817.35	765.52	217.03	245.89
Other Current Expenses	<u>550.00</u>	<u>550.00</u>	<u>550.00</u>	<u>550.40</u>	<u>550.70</u>	<u>550.20</u>	<u>525.70</u>	<u>864.54</u>	<u>847.15</u>	<u>1,300.00</u>
Total Operating Expenses	<u>115,067.44</u>	<u>116,506.52</u>	<u>113,933.58</u>	<u>115,084.76</u>	<u>109,719.15</u>	<u>101,817.95</u>	<u>98,639.70</u>	<u>93,857.34</u>	<u>85,139.44</u>	<u>82,746.63</u>
Net Income before Manager Profits	250,069.98	261,504.57	253,232.33	253,336.68	250,849.91	266,839.41	266,729.07	230,665.44	146,875.49	137,044.57
Income as percent of sales	21.13%	21.49%	21.36%	21.43%	21.52%	22.62%	24.36%	23.83%	17.12%	17.85%
Managers Profit	75,020.99	78,451.37	75,969.70	76,001.00	75,254.97	80,051.82	80,018.72	69,199.63	36,718.87	34,261.14
Less Return Checks	<u>(388.63)</u>	<u>(1,152.59)</u>	<u>(2,656.93)</u>	<u>(1,014.22)</u>	<u>(577.24)</u>	<u>(425.30)</u>	<u>(452.87)</u>	<u>(39.57)</u>	<u>(461.04)</u>	<u>(215.95)</u>
Adjusted Profit to Manager	74,632.36	77,298.78	73,312.77	74,986.78	74,677.73	79,626.52	79,565.85	69,160.06	36,257.83	34,045.19
City Share of Profits										
Before Capital Improvements & Insurance	175,437.62	184,205.79	179,919.56	178,349.90	176,172.18	187,212.89	187,163.22	161,505.38	110,617.66	102,999.38
Liability Insurance	6,321.48	5,799.41	5,844.01	5,797.67	5,821.88	6,277.56	5,453.73	5,041.25	4,488.83	4,277.01
Capital Improvements Expensed	<u>899.97</u>	<u>-</u>	<u>554.76</u>	<u>6,964.06</u>	<u>2,784.32</u>	<u>75.00</u>	<u>973.32</u>	<u>25,785.43</u>	<u>852.24</u>	<u>2,054.33</u>
City Share of Profits After										
Capital Improvements & Liability Insurance	168,216.17	178,406.38	173,520.79	165,588.17	167,565.98	180,860.33	180,736.17	130,678.70	105,276.59	96,668.04
Transfer to General Fund	194,200.00	194,200.00	194,200.00	194,200.00	194,200.00	194,200.00	92,375.00	61,700.00	61,000.00	45,000.00
Transfer to BBB Fund								34,250.00		
Manager Gross Revenues	139,520.99	142,951.37	140,469.70	140,501.00	139,754.97	136,055.82	136,022.72	125,203.63	88,052.87	84,661.14
City Profits	168,216.17	178,406.38	173,520.79	165,588.17	167,565.98	180,860.33	180,736.17	130,678.70	105,276.59	96,668.04
% Manager Gross Revenues	45.34%	44.48%	44.74%	45.90%	45.48%	42.93%	42.94%	48.93%	45.55%	46.69%
% City Profits	54.66%	55.52%	55.26%	54.10%	54.52%	57.07%	57.06%	51.07%	54.45%	53.31%

City of Vermillion
Liquor Store Operating Income Per Management Contract
For the Years Ended December 31, 2013 and 2004

	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>
Sales										
Liquor	740,217.62	738,792.53	707,348.86	666,394.44	666,504.85	661,671.93	610,950.37	560,720.68	472,850.05	406,043.76
Wine	182,456.90	217,265.07	234,868.37	269,362.53	275,979.13	315,379.22	325,749.06	263,132.25	244,645.83	218,495.08
Beer	232,660.32	229,192.67	216,272.41	217,471.73	198,439.59	176,785.90	139,445.28	123,582.18	125,121.16	130,544.71
Miscellaneous	<u>27,998.86</u>	<u>31,762.30</u>	<u>27,152.92</u>	<u>28,748.21</u>	<u>24,701.32</u>	<u>25,709.04</u>	<u>18,593.38</u>	<u>20,501.55</u>	<u>15,358.47</u>	<u>12,483.58</u>
Total	1,183,333.70	1,217,012.57	1,185,642.56	1,181,976.91	1,165,624.89	1,179,546.09	1,094,738.09	967,936.66	857,975.51	767,567.13
Cost of Sales										
Liquor	481,463.93	481,044.97	461,420.25	440,190.29	428,386.51	429,462.67	387,002.23	354,086.52	330,180.56	277,621.62
Wine	126,834.08	148,773.11	158,642.83	178,800.79	185,520.44	215,535.08	203,056.05	166,532.19	163,362.49	144,107.04
Beer	173,857.15	171,300.97	162,758.52	158,140.25	152,028.39	126,084.16	103,919.41	90,410.72	97,896.81	97,749.66
Miscellaneous	<u>14,124.84</u>	<u>15,054.87</u>	<u>12,343.97</u>	<u>13,667.61</u>	<u>14,104.24</u>	<u>13,391.36</u>	<u>10,867.83</u>	<u>11,186.45</u>	<u>10,645.22</u>	<u>9,140.18</u>
Total	796,280.00	816,173.92	795,165.57	790,798.94	780,039.58	784,473.27	704,845.52	622,215.88	602,085.08	528,618.50
Gross Profit before Freight										
Liquor	258,753.69	257,747.56	245,928.61	226,204.15	238,118.34	232,209.26	223,948.14	206,634.16	142,669.49	128,422.14
Wine	55,622.82	68,491.96	76,225.54	90,561.74	90,458.69	99,844.14	122,693.01	96,600.06	81,283.34	74,388.04
Beer	58,803.17	57,891.70	53,513.89	59,331.48	46,411.20	50,701.74	35,525.87	33,171.46	27,224.35	32,795.05
Miscellaneous	<u>13,874.02</u>	<u>16,707.43</u>	<u>14,808.95</u>	<u>15,080.60</u>	<u>10,597.08</u>	<u>12,317.68</u>	<u>7,725.55</u>	<u>9,315.10</u>	<u>4,713.25</u>	<u>3,343.40</u>
Total	387,053.70	400,838.65	390,476.99	391,177.97	385,585.31	395,072.82	389,892.57	345,720.78	255,890.43	238,948.63
Freight	<u>21,916.28</u>	<u>22,827.56</u>	<u>23,311.08</u>	<u>22,756.53</u>	<u>25,016.25</u>	<u>26,415.46</u>	<u>24,523.80</u>	<u>21,198.00</u>	<u>23,875.50</u>	<u>19,157.43</u>
Gross Profit	365,137.42	378,011.09	367,165.91	368,421.44	360,569.06	368,657.36	365,368.77	324,522.78	232,014.93	219,791.20



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, July 21, 2014
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Minutes**

- a. July 7, 2014 Special Session; July 7, 2014 Regular Session; July 8, 2014 Special Session.

4. **Adoption of the Agenda**

5. **Visitors To Be Heard**

6. **Public Hearings**

- a. Request for variance submitted by Brookings Municipal Utilities d/b/a Swiftel Communications to construct a Telecommunications Tower at (approximately) 604 High Street, Vermillion, Clay County, South Dakota.
- b. First Reading of Ordinance 1317 – Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Blk 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Blk 1 Urup's Addition.
- c. Special Permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on October 8, 2014 from 4:00 p.m. to 11:00 p.m. for the Dakota Days Committee for an event that will include a band.
- d. Special Permit to exceed permissible sound levels by no more than 50% on W. Main Street between High and Prospect Street on Friday, September 5, 2014 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 6, 2014 between 5:00 p.m. and 1:00 a.m. Sunday for Ribs, Rods & Rock'n Roll for a street dance.
- e. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll on or about September 5 and 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main Street to Kidder Street, Kidder Street from Austin to half block east of Market, Prospect Street from Main Street to half block north and Court Street from Main Street to half block south.
- f. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street to Market Street from 12:00 p.m. (Noon) on July 26, 2014 to 1:00 a.m. on July 27, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting Make-A-Wish to include a band.
- g. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street to Market Street from 12:00 p.m. (Noon) to midnight on August 23, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the SD Veterans Motorcycle Club to include a band.

- h. Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street to Market Street from 5:00 p.m. to midnight on October 10, 2014 and from 12:00 p.m. (Noon) to midnight on October 11, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting the SD Veterans Motorcycle Club to include a band.

7. Old Business

8. New Business

- a. Request to close Market Street from W. Main Street to Kidder Street from 2:00 p.m. to 12:00 a.m. on Wednesday, October 8, 2014 for the Vermtown Bash.
- b. Request to close portions of Austin, Court, Main, Market, Center and Kidder Streets on September 5 and 6, 2014 for Ribs, Rods & Rock 'n Roll.
- c. Request to close Kidder Street from Market Street to Court Street from 1:00 a.m. on Saturday, July 26, 2014 to 4:00 a.m. on Sunday, July 27, 2014 for Make-A-Wish event.
- d. Request to close Kidder Street from Market Street to Court Street from midnight on Friday, August 22, 2014 to 4:00 a.m. on Sunday, August 24, 2014 for fundraising event benefiting the SD Veterans Motorcycle Club.
- e. Request to close Kidder Street from Market Street to Court Street from noon on Friday, October 10, 2014 to 4:00 a.m. on Sunday, October 12, 2014 for fundraising event benefiting the SD Veterans Motorcycle Club.
- f. Permit for Consumption on portion of Kidder Street from 12:00 p.m. (Noon) on July 26 to 1:00 a.m. on July 27 for Old Lumber Company, LLC for a fundraising event benefiting Make-A-Wish.
- g. Permit for Consumption on portion of Kidder Street from 12:00 p.m. (Noon) to midnight on August 23 for Old Lumber Company, LLC for a fundraising event benefiting the SD Veterans Motorcycle Club.
- h. Permit for Consumption on portion of Kidder Street from 5:00 p.m. to midnight on October 10 and from 12:00 p.m. (Noon) to midnight on October 11 for Old Lumber Company, LLC for a fundraising event benefiting the SD Veterans Motorcycle Club.
- i. Resolution authorizing professional services for preparation of documents necessary for a General Obligation Bond for Prentis Park Improvements.
- j. Resolution authorizing the purchase of a turf sweeper for the Parks Department.
- k. Certification and Approval of the Vermillion Area Urban Boundary Map.
- l. Vermillion Planning Commission appointment.
- m. Professional Service Agreement with Burbach Aquatics for pool replacement.
- n. Request for temporary parking stall closure at 10 East Main Street for Coyote Twin Theatre from 7:00 a.m. to 5:00 p.m. on Thursday, July 31, 2014.

9. Bid Openings

- a. Miscellaneous Concrete Projects.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a public hearing date of August 4, 2014 for a special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 8 and 9, 2014 at the Clay County Fairgrounds.

- b. Set a public hearing date of August 4, 2014 for a special daily malt beverage and wine license for the University of South Dakota Foundation on or about October 10, 2014 at the USD Muenster Center.
- c. Set a bid opening date of August 13, 2014 for the Solid Waste Department’s annual supply of propane.

13. Adjourn

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

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

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

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

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Vermillion City Council’s Values and Vision

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



Unapproved Minutes
Council Special Session
July 7, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, July 7, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Grayson, Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Davies, Osborne

2. Informational Session- Hike/bike trail project update-Jason Anderson

Jim Goblirsch, Director of Parks and Recreation, reported that the flood of 2011 caused some shifting of the Vermillion River bank that damaged some of the bike path that runs along the river. In 2013, the City Council reviewed options on the east section, center section and west section with the direction to move forward with rerouting the east section to allow for the east portion to be reopened. The survey of the east new route was completed in the fall of 2013 and the Engineering Department has completed the plans and specifications with a bid opening date set. Following the last heavy rains when the river went down, more bank has eroded into the river where the new proposed path meets the existing path, placing the path within four feet of the river. Jim stated that the engineers have looked at three other options for the bike path in this area noting that in each case there will be trees that need to be removed and in some cases a lot of grading and fill. Jim provided a map of the area that included options A, B, C and D. Jim reviewed each option noting that option A is the current plan and specifications that are ready for bid that was estimated at \$45,000. He noted that option B & C are estimated at \$60,000 to \$70,000 with option D being \$80,000 to \$95,000. Jason Anderson, Assistant City Engineer, stated that option B to D will require a property survey that could be done this fall when the foliage is gone at an estimated cost of \$5,000. Discussion followed with the consensus to not proceed with bidding option A and obtain a survey this fall on the other options to assist in refining the cost estimates.

3. Briefing on the July 7, 2014 City Council Regular Meeting

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

4. Adjourn

208-14

Alderman Meins moved to adjourn the Council special session at 12:38 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of July, 2014.

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
July 7, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 7, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Torden

2. Pledge of Allegiance

3. Minutes

A. Minutes of June 16, 2014 Special Session; June 16, 2014 Regular Session

209-14

Alderman Zimmerman moved approval of the June 16, 2014 Special Session and June 16, 2014 Regular Session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

210-14

Alderman Meins moved approval of the agenda. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Old Business - None

7. Presentation to Outgoing Council Members

A. Proclamation of Appreciation - Tom Davies

Alderman Willson read a Proclamation of Appreciation for Tom Davies's service on the City Council. Mayor Powell presented the proclamation to Tom Davies.

B. Proclamation of Appreciation - John Grayson

Alderman Collier-Wise read a Proclamation of Appreciation for John Grayson's service on the City Council. Mayor Powell presented the proclamation to John Grayson. John Grayson thanked the Council for the proclamation.

C. Proclamation of Appreciation - Kent Osborne

Alderman Meins read a Proclamation of Appreciation for Kent Osborne's service on the City Council. Mayor Powell presented the proclamation to Kent Osborne. Kent Osborne thanked the Council for the proclamation.

D. Proclamation of Appreciation - Dennis Zimmerman

Alderman Ward read a Proclamation of Appreciation for Dennis Zimmerman's service on the City Council. Mayor Powell presented the proclamation to Dennis Zimmerman.

8. Adjourn

211-14

Alderman Osborne moved to adjourn the Council Meeting at 7:15 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of July, 2014.

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

ATTEST:

BY Michael D. Carlson, Finance Officer

NEW CITY COUNCIL

1. Installation of Mayor and Alderman

Mike Carlson, Finance Officer, administered the Oath of Office to Mayor Powell, Alderman Erickson, Holland, Holly Meins and Price.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, July 7, 2014 at 7:21 p.m. by Mayor Powell.

2. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell, Student Representative Torden

3. Adoption of the Agenda

212-14

Alderman Collier-Wise moved approval of the agenda with the correction to the locations in Item 12 C to W. Main Street between Washington and Church Street, Ratingen Platz Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder and Prospect from Main Street half block north. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Election of Officers

A. President

Mayor Powell opened nominations for President of the Council.

Alderman Collier-Wise nominated Alderman Willson for President. Alderman Ward seconded the nomination.

213-14

Alderman Collier-Wise moved that nominations cease and a unanimous ballot be cast for Alderman Willson for President of the City Council.

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

B. Vice President

Mayor Powell opened nominations for Vice President of the Council.

Alderman Ward nominated Alderman Collier-Wise for Vice President. Alderman Willson seconded the nomination

214-14

Alderman Ward moved that nominations cease and a unanimous ballot be cast for Alderman Collier-Wise for Vice President of the City Council. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Appointment of Administrative Officers

A. Finance Officer

Mayor Powell recommended the appointment of Mike Carlson as Finance Officer.

215-14

Alderman Willson moved approval of the appointment of Mike Carlson as Finance Officer. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. City Attorney

Mayor Powell recommended the appointment of James McCulloch as City Attorney. Mayor Powell noted that Mr. McCulloch has requested an increase in the hourly rate from \$80 to \$90 per hour.

216-14

Alderman Collier-Wise moved approval of the appointment of James McCulloch as City Attorney with the increase in the hourly rate to \$90 per hour. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

6. Other Appointments and Designations

A. City Council Committees and Other Committee Assignments

Mayor Powell read the appointments to the City Council committees for Labor and Finance, Policies and Procedures, Utilities and Surplus Property Appraisal.

217-14

Alderman Willson moved approval of the following City Council Committee appointments: Labor and Finance - Collier-Wise/Chair, Holland, Holly Meins and Price; Policies and Procedures - Willson/Chair, Collier-Wise, Clarene Meins and Ward; Utilities - Powell/Chair, Erickson, Ward and Willson; Surplus Property Appraisal - Clarene Meins/Chair, Erickson, Holland and Price. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Mayor Powell requested that John Prescott, City Manager, review the listing of his recommendations for other City committee assignments. John read the list of other City committee assignments noting that some boards and committees do not need appointments at this time.

218-14

Alderman Ward moved approval of the Mayor's recommendations for the following appointments to other City boards: Joint Powers - Holly Meins; Library Board - Collier-Wise; Tree Board - Aaron Baedke, Pete Jahn, Alderman Willson; Other City liaison/representatives: Clay County - Mayor Powell; Clay County Fair Board - Mike Carlson; Clay County Fire Company - Shannon Draper and Alan Hanson; Clay County Health Liaison - Alan Hanson; Clay County Park Board - Jessica Kennedy; Missouri River Energy Services - John Prescott and Jason Anderson as alternate; SECOG - John Prescott and Mayor Powell as alternate; Dakota Hospital Foundation - John Prescott; University of South Dakota - Mayor Powell, Vermillion Chamber of Commerce & Development Company - Mayor Powell and John Prescott and Vermillion NOW! - Mayor Powell. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Official Newspaper

Mike Carlson, Finance Officer, reported that State law requires the designation of an official newspaper, which has been the Vermillion Plain Talk. Mike noted the designation may not be for a period of less than twelve months and recommended the designation of the Vermillion Plain Talk for that period.

219-14

Alderman Willson moved approval of the designation of the Vermillion Plain Talk as the official newspaper for a twelve month period. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Official Depositories

Mike Carlson reported that State law requires the designation of official depositories of the City funds and requested designation for the following: CorTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and First National Bank in Sioux Falls.

220-14

Alderman Ward moved approval of the designation of the following as official depositories: CorTrust Bank, First Bank & Trust, First Dakota National Bank, Bank of the West, S.D. Public Funds Investment Trust, Wells Fargo and First National Bank in Sioux Falls. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Consolidated Board of Equalization

Mike Carlson, Finance Officer, reported that the County, School, and City have adopted a resolution to consolidate the Board of Equalization and the County requests that the entities reaffirm their intent before November of each year.

221-14

Alderman Collier-Wise moved approval of the consolidation of the Board of Equalization with the County and School for the coming year. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Determination of Rules of Order

John Prescott, City Manager, stated that the City Council Rules and Procedures call for the City Council to designate an edition of Robert's Rules of Order. He stated that the City is currently using the 9th edition and has copies of this version available. The City Council, in 2006, developed a rules and procedures manual for the Council and now, with a new Council, it would be a good time to adopt the rules and procedures again. John stated that copies of the rules and procedures will be handed out with the orientation materials on Tuesday night.

222-14

Alderman Willson moved approval of the determination of Robert's Rules of Order 9th Edition as the rules of order for City Council meetings and to re-affirm the City Council Rules and Procedures dated March 2006. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Visitors to be Heard

A. Proclamation Recognizing July as Park and Recreation Month

Alderman Clarene Meins read the proclamation recognizing July as Park and Recreation month in Vermillion. Mayor Powell presented the proclamation to Jim Goblirsch and Ryan Baedke representing the Parks and Recreation Department. Jim Goblirsch thanked the City Council on behalf of the entire Parks and Recreation staff.

Scott Munger, owner of the Equalizer, reported that starting July 31st they will be expanding and publishing a newspaper with home delivery on Thursday, Friday and Saturday. He stated that with the expansion they will be a bigger part of the community.

8. Public Hearings - None

9. Old Business - None

10. New Business

A. Request to close Main Street from the Bank of the West entrance to Prospect Street, one-half block south on Court Street, and one-half block north on Center Street from 5:00 p.m. to 8:00 p.m. on Wednesday, July 16, 2014 from 5:00 p.m. to 8:00 p.m. for the Tri-State Cruisers/Dakota Classic Cruisers

John Prescott, City Manager, stated the Tri-State Drive-in Cruisers are hosting their annual car show on Wednesday, July 16th and, as such, are requesting the temporary closure of portions of Main Street, Court Street and Center Street. The request is to close Main Street from the Bank of the West entrance to Prospect Street, one-half block south on Court Street, and one-half block north on Center Street from 5:00 p.m. to 8:00 p.m. on Wednesday, July 16, 2014. John noted that the Police, Fire and EMS Departments have been notified of the closure request. George Roetman, representing the Cruisers, wanted to pass along that the group is always pleased to come to Vermillion.

223-14

Alderman Willson moved approval of the closure of Main Street from the Bank of the West entrance to Prospect Street, one-half block south on Court Street, and one-half block north on Center Street from 5:00 p.m. to 8:00 p.m. on Wednesday, July 16, 2014 for the Tri-State Drive-in Cruisers Car Show. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close N. Plum Street from E. Cherry Street to SD Highway 50 bypass on Friday, August 22, 2014 from 5:00 a.m. to 3:00 p.m. for USD Move-in Day

Jose Dominguez, City Engineer, reported that the University of South Dakota has been utilizing Plum Street, between Highway 50 and E. Cherry Street, during their freshman move-in day. He stated that the traffic control for the move-in requires the assistance of the City and the DOT. Jose stated that the request from USD is included in the packet. In order to mitigate the danger of the local traffic on Plum Street, USD has requested that Plum Street from Cherry Street to Hwy. 50 be closed from 5:00 a.m. to 3:00 p.m. on Friday, August 22, 2014. Jose noted that the map attached shows the areas affected. All residents in the mobile home park and apartments can use alternate routes to access their residences. Jose noted that the Police, Fire and EMS Departments have been notified of the closure request. Jose recommended the closure with the stipulation that all traffic control devices for the closure be acquired, installed and removed by USD.

224-14

Alderman Willson moved approval of the request to close N. Plum Street from E. Cherry Street to SD Highway 50 bypass on Friday, August 22, 2014 from 5:00 a.m. to 3:00 p.m. for USD Move-in Day with the stipulation as recommended by the City Engineer. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Request to close Rose Street from Coyote Village to the Dakota Dome, on Friday, August 22, 2014 from 5:00 a.m. to 3:00 p.m. for USD Move-in Day

Jose Dominguez, City Engineer, reported that this year the University has also requested the closing of Rose Street from Coyote Village to the Dakota Dome. Jose noted that Rose Street will also be utilized during the closure for the USD move-in day. Jose stated that the request for the closure is due to safety concerns with traffic. Jose reported that to remove the danger of the local traffic on Rose Street, USD has requested that Rose Street from Coyote Village to the Dakota Dome be closed from 5:00 a.m. to 3:00 p.m. on Friday, August 22, 2014. Jose noted that the map showing the areas affected is included in the packet. Jose stated that this is the first time USD has requested the closing of Rose Street for move-in day. Jose noted that the Police, Fire and EMS Departments have been notified of the closure request. Jose recommended the closure with the stipulation that all traffic control devices for the closure be acquired, installed and removed by USD.

225-14

Alderman Willson moved approval of the closing of Rose Street from Coyote Village to the Dakota Dome, on Friday, August 22, 2014 from 5:00 a.m. to 3:00 p.m. for USD Move-in Day with the stipulation as

recommended by the City Engineer. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Resolution of Necessity and Notice of Hearing for installation of street lighting along North Norbeck Street from Roosevelt Street to E. Cherry Street

Jason Anderson, Assistant City Engineer, reported that North Norbeck Street has been designated as a collector street. Jason stated that the street lights along Norbeck south of Roosevelt Street to Clark Street will be installed as part of the current street assessment project. Jason noted that the special assessment process provides that the governing body: (1) adopt a resolution setting a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. Jason stated that the resolution sets the public hearing date of August 4, 2014. Jason reported that, following the August 4th public hearing, the City Council will be asked to adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

226-14

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING
FOR INSTALLATION OF STREET LIGHTING
ALONG NORTH NORBECK STREET FROM
ROOSEVELT STREET TO EAST CHERRY STREET

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 7th day of July, 2014, that the necessity has arisen for the construction of street lighting along the parcels of land hereinafter named, viz:

AFFECTED ADDRESS	AFFECTED LEGAL DESCRIPTION	AFFECTED PARCEL NUMBER	ESTIMATED COST
1325 E. CHERRY	E 173.2' OF LOT 17, BLK 1, EXC S 90' & EXC LOT H1, OUELLETES ADDN. S 90' OF E 173.2' OF LOT 17, BLK 1, OUELLETES	15540-00100-170-02	\$849.49
612 N. NORBECK	ADDN.	15540-00100-170-03	\$849.49
1326 LINCOLN	LOT 16, BLK 1, OUELLETES ADDN.	15540-00100-160-00	\$1,071.30
516 N. NORBECK	LOT 3, BLK 2, OUELLETES	15540-00200-	\$1,142.09

	ADDN.	030-00	
	LOT 4, BLK 2, OUELLETES	15540-00200-	
1324 ROOSEVELT	ADDN.	040-00	\$1,142.09
	LOT 12, BLK 1,	15450-00100-	
1407 E. CHERRY	MEISENHOLDER EAST ADDN.	120-00	\$1,595.15
	LOT 13, BLK 1,	15450-00100-	
603 N. NORBECK	MEISENHOLDER EAST ADDN.	130-00	\$991.07
	LOT 1, BLK 1, WASHINGTON	15830-00100-	
515 N. NORBECK	SQUARE ADDN.	010-00	\$991.07
	LOT 2, BLK 1, WASHINGTON	15830-00100-	
503 N. NORBECK	SQUARE ADDN.	020-00	\$991.07

The estimate is based on the two most recent street lighting projects and includes the 8% fiscal fee.

BE IT FURTHER RESOLVED, that when the cost of construction of the improvement has been determined, the Engineer shall calculate and report to the Governing Body the amount to be assessed against each lot or part of lot fronting or abutting upon the improvement. In determining such assessment, the Engineer shall divide the total cost of the improvement, less the City's share of the cost, by the number of feet fronting or abutting upon said improvement. The quotient, plus an eight percent (8%) fiscal fee, shall be the amount assessed per front foot upon the property fronting or abutting thereon.

BE IT FURTHER RESOLVED, that the lots and tracts of real property likely to be affected by the improvement are those parcels of land set forth after the above named street.

BE IT FURTHER RESOLVED, that the assessment shall be payable in ten (10) equal annual installments. Any assessment or installment not paid within THIRTY (30) days after filing the approved assessment roll in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of TEN PERCENT (10%) per annum.

BE IT FURTHER RESOLVED, that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from the sale of special assessment bonds.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause, before the Governing Body of the City of Vermillion, at the City Council Chambers of said City at 7:00 p.m. on the 4th day of August 2014 why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time

the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 7th day of July, 2014.

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 Ward. 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.

E. Final Plat of Conti's Addition, in the SW ¼ of the SW ¼ of Section 16, T92N, R51W of the 5th P.M., Clay County, South Dakota

Jose Dominguez, City Engineer, reported on the location of the property being platted noting that it is in the Joint Jurisdictional Zoning Area. Jose reported that plats in the area call for the review by the County Planning Commission. Jose stated that the County Planning Commission reviewed the plat at their meeting on June 30th and recommended approval.

227-14

After reading the same once, Alderman Collier-Wise moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Plat of Conti's Addition, in the SW ¼ of the SW ¼ of Section 16, T92N, R51W of the 5th P.M., Clay County, South Dakota for approval.

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

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys

of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

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

F. Final Change Order to Balance the Leachate Pond Construction Project

Jose Dominguez, City Engineer, reported that the leachate pond construction project was awarded to RS Halstead Corporation on June 17, 2013 for \$887,200.78. Jose reported that the construction of the leachate pond and collection system has been completed. Through the construction process, several savings were achieved by combining portions of the project with other parts and by reducing the area that construction project would occupy. Jose stated that the changes led to a savings of \$14,005.10, bringing the actual cost down from the original contract of \$887,200.78 to \$873,195.68. Jose reported that change order number 2 will change the actual contract amount signed by the Mayor in June 2013 to the actual money spent. Jose stated that change order number 1 was a no cost change order adjusting the completion date from December 18, 2013 to June 1, 2014.

228-14

Alderman Holland moved approval of change order number 2 with RS Halstead Corporation reducing the contract price by \$14,005.10 from \$887,200.78 to \$873,195.68. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Work Order for the Signal Work to Occur at the Intersections of Main and Center Street, Main and Dakota Street, and Main and University Street

Jose Dominguez, City Engineer, reported that the signals along Main Street at Center, Dakota and University Streets are scheduled to be upgraded, or reconstructed, during the 2016 construction season. Jose stated that Banner Associates was selected by the City Council to complete the project on April 21, 2014. Jose stated that following the City Council selection the SDDOT negotiated the fee to be paid to Banner Associates for the work. Jose stated that the SDDOT issued a work order for the project that allows Banner Associates to complete the construction documents. The work order outlines the scope of the work that is to be completed by December 8, 2014 at a cost of

\$31,938.83. The work order provides that the SDDOT will pay Banner Associates directly for the work from the City's allocated STIP funds. Jose recommended approval of the work order for the traffic signal project. Discussion followed on the work order and contract amount.

229-14

Alderman Willson moved approval of the work order for the signal work at the intersections of Main and Center Street, Main and Dakota Street and Main and University Street in the amount of \$31,938.83. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fire Station roof bid award

Jose Dominguez, City Engineer, reported that bids were opened for phase 1 of the Fire Station upper roof replacement. Jose stated that three bids were received and recommended the low bid of Winkler Roofing of \$30,610. Discussion followed on the project.

Bids: MJ Dalsin \$54,491.00; Architectural Roofing and Sheetmetal \$49,020.00; Winkler Roofing \$30,610.00

230-14

Alderman Ward moved approval of the low bid of Winkler Roofing of \$30,610.00 for the Fire Station phase 1 upper roof replacement. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Chip Seal bid award

Jose Dominguez, City Engineer, explained the chip seal process for the maintenance of asphalt streets. Jose stated that bids were opened on July 1st with two bids received. The low bid was from Topkote for \$62,934.14 and the other bid was from The Road Guys for \$68,027.12. Jose recommended the acceptance of the low bid.

231-14

Alderman Willson moved approval of the low bid of Topkote of \$62,934.14 for the chip seal project. Alderman Clarene Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on Items 1, 2, 3 and 5.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$3.2150, Brunick's Service \$3.24; Item 2 - 1,000 gal unleaded regular: Stern Oil \$3.4338, Brunick's Service \$3.55; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$3.1493, Brunick's Service \$3.25; Item 5 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$3.3993, Brunick's Service \$3.48

232-14

Alderman Clarene Meins moved approval of the low quote of Stern Oil on Items 1, 2, 3 and 5. Alderman Willson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reminded citizens that Market Street will be closed for Thursdays on the Platz from Main Street south $\frac{1}{2}$ block on Thursday, July 10th from 5:00 p.m. to 8:00 p.m.

B. John reported that there will be a special meeting of the City Council on Tuesday, July 8th starting at 5:15 p.m. in the large conference room for an orientation session.

C. John reported that there is an opening on the Planning Commission for a term that expires in June 2017. John asked interested individuals to complete the Expression of Interest form and return to City Hall by noon on July 17th for Council action on July 21st.

D. John reported that a public informational meeting on the proposed plan to fund Prentis Park improvements will be on Tuesday, July 22nd at 7:00 p.m. in the Kozak room of the Library.

E. John reported that the water main replacement project on Cottage Avenue from Duke Street to the intersection with Rice/Alumni started today. John asked motorists to find an alternative route as parking will be temporarily removed on the west side and traffic flow will be limited during construction.

F. John reported that mosquito fogging for zones 1 and 2 (north Vermillion) will be on Tuesday, July 8th starting at 9:00 p.m. weather permitting with zones 3 and 4 (south Vermillion) to follow on Wednesday, July 9th. John asked citizens that would like to be added to the Do Not Fog list to contact the City.

G. John wanted to thank the Vermillion Fire Department for putting together the activities in Barstow Park on July 4th before the fireworks display.

PAYROLL ADDITIONS AND CHANGES

City Council: Parker Erickson \$231.23/bi-weekly, Holly Meins \$231.23/bi-weekly, Katherine Price \$231.23/bi-weekly, Rich Holland \$231.23/bi-weekly; Library Board: Diane Leja \$15.00/meeting, Daniel Burniston \$15.00/meeting; Police: Andrew Delgado \$18.96/hr; Street: Brian Steffen \$15.41/hr; Recreation: Shannon Fitzsimmons \$7.75/hr; Pool: Dan Anderson \$8.25/hr, Tara Richardson \$7.75/hr; Library: Beth Knedler \$17.52/hr, Epiphany Knedler \$7.25/hr; Communications: Ryan Anderson \$24.17/hr; Water: Tom Kruse \$25.28/hr, Shane Griese \$18.65/hr, Tyler Zimmerman \$16.85/hr

11. Invoices Payable

233-14

Alderman Collier-Wise moved approval of the following invoices:

4IMPRINT	WELLNESS SUPPLIES	498.97
A-OX WELDING SUPPLY CO	SUPPLIES	917.00
ABB INC.	TRANSFORMERS	39,955.00
ALLEGIANT EMERGENCY SERVICE	PARTS	306.71
AMERICAN STAMP & MARKING	SUPPLIES	31.31
AMSAN	SUPPLIES	80.76
APPEARA	SUPPLIES	167.39
AQUALOGIC, INC	PARTS	700.42
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	319.38
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
BAKER & TAYLOR BOOKS	BOOKS	1,015.63
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	11,300.51
BARKLEY ASPHALT	ASPHALT	2,229.56
BASEBALL RACKS	PLAYER BENCH	2,200.00
BATTERIES PLUS	BATTERIES	46.90
BIERSCHBACH EQPT & SUPPLY	SUPPLIES	972.45
BILLION AUTO	REPAIRS	186.47
BLACKSTONE AUDIO INC	BOOKS	147.99
BORDER STATES ELEC SUPPLY	SUPPLIES	5,315.06
BOUND TREE MEDICAL, LLC	SUPPLIES	370.89
BRAD SWEE	SAFETY BOOTS REIMB	100.00
BROADCASTER PRESS	ADVERTISING	105.00
BRUNICKS SERVICE INC	FUEL/PROPANE	7,016.00
BURNS & MCDONNELL	PROFESSIONAL SERVICES	5,000.00
BUTLER MACHINERY CO.	PARTS/EQUIP UPGRADES	34,345.21
CAMPBELL SUPPLY	SUPPLIES	1,091.48
CASK & CORK	MERCHANDISE	609.24

CENTER POINT LARGE PRINT	BOOKS	123.75
CENTRAL STATES WIRE PRODUCTS	WIRE	1,721.50
CENTURY BUSINESS LEASING	COPIER LEASE	138.25
CENTURYLINK	TELEPHONE	741.81
CHERRY STREET GRILLE	ROLLS	21.00
CHESTERMAN CO	MERCHANDISE	1,159.23
CHET MOSER	MILEAGE/TUITION REIMB	687.83
CHRIS NISSEN	SAFETY GLASSES REIMB	150.00
CITY OF VERMILLION	POSTAGE/COPIES	2,244.20
CITY OF VERMILLION	UTILITY BILLS	38,670.57
CLAY CO REGISTER OF DEED	FILING FEE	210.00
CLAY CO. CONSERVATION DISTRICT	POTTED PLANTS	670.00
CLAY COUNTY AUDITOR	EMERGENCY MGMT	1,200.00
CLAY RURAL WATER SYSTEM	WATER USAGE	133.40
CLIMATE SYSTEMS, INC	REPAIRS	1,662.08
COLONIAL LIFE ACC INS.	INSURANCE	3,347.65
CONCRETE MATERIALS	SUPPLIES	1,803.60
CONTINENTAL RESEARCH CORP	SUPPLIES	797.34
COYOTE CONVENIENCE	FUEL	43.05
COYOTE RENTALS	WATER HEATER REBATE	170.00
CREDIT COLLECTIONS BUREAU	COMMISSION	201.89
CULLIGAN WATER	BOTTLED WATER	75.00
D-P TOOLS	SUPPLIES	24.92
DAKOTA BEVERAGE	MERCHANDISE	13,509.98
DAKOTA FENCE CO	BENCHES & RECEPTACLES	4,354.00
DAKOTA LOCK & KEY	KEYS	18.00
DAKOTA PC WAREHOUSE	COMPUTER/SUPPLIES	604.95
DANIELS RESIDENTIAL INC	BALER BUILDING	117,990.00
DANKO EMERGENCY EQUIPMENT	TESTING/REPAIRS	12,730.96
DAWN SWANSON	REFUND REC PROGRAMS	145.00
DELTA DENTAL PLAN	INSURANCE	6,246.64
DEMCO	SUPPLIES	31.51
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	195.00
DEPT. ENVIRONMENT NATL RES	DRINKING WATER FEE	4,250.00
DGR ENGINEERING	PROFESSIONAL SERVICES	3,866.00
DIAMOND VOGEL PAINTS	TRAFFIC PAINT	5,576.36
DIANE'S GREENHOUSE	POTTED PLANTS	3,159.73
DON'S DUST CONTROL	DUST CONTROL	4,950.30
DUST TEX	SUPPLIES	117.20
E.A SWEEN COMPANY	SUPPLIES	377.27
EARTHGRAINS BAKING CO'S INC	SUPPLIES	412.84
EARTHSPIRITS.NET, INC	BIKES-EMS	1,499.97

EBSCO	SUBSCRIPTION RENEWALS	4,012.59
ECHO ELECTRIC SUPPLY	SUPPLIES	2,814.08
ELECTRONIC ENGINEERING	SUPPLIES	102.00
ELLIOTT EQUIPMENT CO	PARTS	341.21
EPIGATE SOFTWARE LLC	AGENCY LICENSE	2,400.00
FARMER BROTHERS CO.	SUPPLIES	110.76
FEDEX.	SHIPPING	25.49
FILTERTEC	FILTERS	254.34
FINK ELECTRIC	INSTALL LOAD MGMT	102.04
FIREGUARD INC	REPAIRS	1,359.87
FLAGS UNLIMITED	FLAGS	227.84
FOREMAN MEDIA	COUNCIL MTG	100.00
FOUR WINDS INTERACTIVE	PROFESSIONAL SERVICES	288.75
GALE	BOOKS	359.88
GAYLORD BROS INC	SUPPLIES	54.54
GENTLE TOUCH CARPET CARE	PROFESSIONAL SERVICES	40.00
GEOTEK ENGINEERING	BALER BUILDING	2,730.00
GRAHAM TIRE CO.	TIRES	1,012.55
GRAINGER	PARTS	81.05
GRAYBAR ELECTRIC	PARTS	56.39
GRAYMONT CAPITAL INC	CHEMICALS	7,576.19
GREAT PLAINS ZOO	REGISTRATION-ZOOMOBILE	151.58
GREGG PETERS	FREIGHT	1,638.00
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	178.90
HACH CO	PROFESSIONAL SERVICES	384.00
HALI-BRITE INC.	PARTS	125.78
HAROLD K SCHOLZ CO	PROFESSIONAL SERVICES	29,845.16
HARTINGTON TREE LLC	TREE & MOVING	1,120.00
HAUFF MID-AMERICA SPORTS	SUPPLIES	622.32
HAUGER YARD/SNOW SERVICE	MOWING	70.00
HAWKINS INC	CHEMICALS	7,109.43
HD SUPPLY WATERWORKS	SUPPLIES	21,199.53
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	35,552.81
HEALTHSMART BENEFIT SOLUTIONS	REFUND AMBULANCE	658.40
HELGET SAFETY SUPPLY, INC	SUPPLIES	222.24
HENDERSONS ULTIMATE CAR WA	WASH CARD	50.00
HERREN-SCHEMPP BUILDING	SUPPLIES	221.40
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	730.83
HORNUNGS PRO GOLF	MERCHANDISE	145.96
HOSPITALITY MARKETING SERVICES	TABLE/CHAIRS	2,376.00
HY VEE FOOD STORE	SUPPLIES	1,783.43
IN CONTROL, INC	PROFESSIONAL SERVICES	275.70

INDEPENDENCE WASTE	WASTE HAULING	1,248.75
INGRAM	BOOKS	1,242.90
INNOVATIVE	SAFETY GLASSES	190.24
J & L HARLEY-DAVIDSON	REPAIRS	621.57
JACKS UNIFORM & EQPT	UNIFORMS	206.75
JIM OLIVER	PUPPET SHOW	250.00
JOHN A CONKLING DIST.	MERCHANDISE	6,739.60
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	21,901.78
JOHNSON CONTROLS	REPAIRS/SERVICE	2,234.96
JOHNSON ELECTRIC	INSTALL CONTROLLERS	400.00
JOHNSTONE SUPPLY	PARTS	499.99
JONES FOOD CENTER	SUPPLIES	1,369.66
JOSEPH A OSTREM	MILEAGE REIMBURSEMENT	169.20
KAIROI, INC	WEBSITE	1,000.00
KALINS INDOOR COMFORT	REPAIRS	172.33
KARSTEN MFG CORP	MERCHANDISE	815.65
KEY CONTRACTING, INC	TRANSMISSION LINE MAINT	2,596.00
LAWSON PRODUCTS INC	SUPPLIES	188.04
LAYNES WORLD	LETTERING/BANNERS/PLAQUE	334.35
LEISURE LAWN CARE	REPAIRS/FERTILIZE	2,250.45
LESSARD CONTRACTING	LANDFILL CELL 5	207,449.05
LESSMAN ELEC. SUPPLY CO	SUPPLIES	156.00
LINCOLN REPUBLIC INSURANCE	INSURANCE	479.90
LONGS PROPANE INC	PROPANE	25.00
LP GILL, INC	TIRE DISPOSAL	594.00
LSC ENVIRONMENTAL PRODUCTS	EQUIPMENT RENTAL	2,200.00
LYLE SIGNS	SUPPLIES	99.00
M-R SIGN CO., INC.	SUPPLIES	2,559.26
MAGUIRE IRON, INC	WATER TOWER PROJECT	26,722.03
MART AUTO BODY	TOWING	525.00
MATHESON TRI-GAS, INC	SUPPLIES	971.56
MAXX SUNGLASSES	MERCHANDISE	240.00
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	2,352.00
MEAD LUMBER	SUPPLIES	136.28
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	207.57
MEDMEDIA INC	ACCESS LICENSE	650.00
MENARDS	SUPPLIES	158.36
MICHAEL CARLSON	MEALS REIMBURSEMENT	18.00
MICHELE MECHLING	HEALTH FAIR DEMONSTRATION	100.00
MICHELLE EIDEM	MEALS REIMBURSEMENT	18.00
MICRO MARKETING LLC	BOOKS	114.98
MIDWEST ALARM CO	ALARM MONITORING	204.75
MIDWEST BUILDING MAINTENANCE	MAT SVC	600.35

MIDWEST MEDICAL SUPPLY CO	SUPPLIES	74.97
MIDWEST READY MIX & EQUIPMENT	FLOWABLE FILL	451.00
MIDWEST TURF & IRRIGATION	PARTS	3,139.75
MIDWEST WHEEL COMPANIES	REPAIRS	1,301.80
MILBANK WINWATER	SUPPLIES	122.16
MISSOURI RIVER ENERGY SERVICE	REGISTRATION	200.00
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,489.00
MR. GOLF CAR, INC	SUPPLIES	30.92
MSC INDUSTRIAL SUPPLY CO	SUPPLIES	601.29
NCL OF WISCONSIN, INC	SUPPLIES	739.64
NEBRASKA JOURNAL-LEADER	ADVERTISING	39.95
NETSYS+	COMPUTER/PROF SERVICES	4,330.56
NEW YORK LIFE	INSURANCE	84.02
NEWMAN TRAFFIC SIGNS	SUPPLIES	273.59
NORTH STAR SAFETY INC	WORK T-SHIRTS	521.99
NORTHEAST COMMUNITY COLLEGE	REGISTRATION	70.00
NORTHERN BALANCE & SCALE	PROFESSIONAL SERVICES	441.00
NORTHERN TRUCK EQPT CORP	SUPPLIES	131.71
OFFICE SYSTEMS CO	COPIES/COPIER CONTRACT	1,633.61
OKOBOJI WINES-SD	MERCHANDISE	330.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	950.00
OXMOOR HOUSE	SUBSCRIPTION	36.91
PCC, INC	COMMISSION	2,828.52
PHYSIO-CONTROL CORP	DEFIBRILLATORS	48,050.80
PITNEY BOWES	POSTAGE METER RENTAL	242.49
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POWERPHONE, INC	RECERTIFICATION	129.00
PRAIRIE BERRY WINERY	MERCHANDISE	873.00
PRECISION LAWN CARE	MOWING/JUNK/DEBRIS	1,225.02
PRESSING MATTERS	SUPPLIES	76.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	145.07
PRINT SOURCE	COPIES/LAMINATE	135.49
PROEFROCK ELECTRIC INC	REPAIRS	87.63
PSI POWER WASHERS, INC	REPAIRS	141.90
QUALITY BOOKS INC.	BOOKS	86.46
QUALITY TELECOMMUNICATIONS	PHONE	69.00
QUEEN CITY WHOLESALE	SUPPLIES	1,031.87
QUILL	SUPPLIES	1,607.06
RADIANT HEAT, INC	PARTS	3,083.00
RANDOM HOUSE, INC	BOOKS	210.00
RANDY ISAACSON	TRAVEL REIMBURSEMENT	274.94
RECORDED BOOKS, INC	BOOKS	831.20
RECREATION SUPPLY CO.	REPAIRS	534.00

REINHART FOODSERVICE, LLC	SUPPLIES	2,008.80
RELIABLE TOWING & ROADSIDE	TOWING	250.00
REPUBLIC NATIONAL DIST.	MERCHANDISE	29,164.84
RESCO	SUPPLIES	34,614.64
RICHARD DRAPER	SUPPLIES	78.86
ROSEWOOD GREENHOUSE	POTTED PLANTS	216.69
RUNGE ENTERPRISES, INC	NORBECK IMPROVEMENTS	135,350.63
RYAN HOUGH	FITNESS CLUB MEMBERSHIP	47.22
SANFORD HEALTH PLAN	PARTICIPATION FEES	66.00
SANITATION PRODUCTS	PARTS	280.84
SD AIRPORT MANAGEMENT ASSOC.	MEMBERSHIP DUES	25.00
SD GOLF ASSOCIATION	MENS/WOMENS HANDICAP	4,890.00
SD LIBRARY NETWORK	NETWORK COSTS	9,398.50
SD RETIREMENT SYSTEM	CONTRIBUTIONS	49,714.04
SD STATE HISTORICAL SOCIETY	PLAIN TALK MICROFILM	28.80
SECURITY SHREDDING SERVICE	DOCUMENT SHREDDING	35.00
SENSUS METERING SYSTEMS	SOFTWARE SUPPORT	1,570.34
SERVALL TOWEL & LINEN	SUPPLIES	73.50
SIOUX FALLS TWO WAY RADIO	PROGRAMMING	150.00
SOMMER EISENBEISZ	REFUND TUMBLING	25.00
SOUTHEAST JOB LINK, INC	TRAINING CLASS	79.00
STANDARD READY MIX CONCRETE	FLOWABLE FILL	200.00
STERN OIL CO.	OIL	1,507.57
STEVE FREELING	REFUND RECREATION FEES	45.00
STEWART OIL-TIRE CO	REPAIRS/GAS	1,009.82
STURDEVANTS AUTO PARTS	PARTS	810.29
TAPCO	SUPPLIES	525.44
TAYLOR MADE	MERCHANDISE	4,476.00
TESSMAN SEED COMPANY	SUPPLIES	399.50
THATCHER COMPANY	SODA ASH	13,574.88
THE ACTIVE NETWORK, INC	SOFTWARE/CASH DRAWER	536.80
THE EQUALIZER	ADVERTISING	152.00
THE OBSERVER	SUBSCRIPTION	30.00
THURSDAYS ON THE PLATZ	SPONSORSHIP	500.00
TITLEIST DRAWER CS	MERCHANDISE	7,661.06
TODD NORDYKE	SAFETY BOOTS REIMB	100.00
TODDS ELECTRIC SERVICE	INSTALL CONTROLLER	25.00
TRAVIS TARR	SAFETY BOOTS REIMB	100.00
TRI TECH SALES	PARTS	251.38
TRI-B-TRIM SHOP	REPAIRS	200.00
TRUE VALUE	SUPPLIES	1,394.31
TURFWERKS	REPAIRS	619.95
TWIN CITY HARDWARE	PADLOCKS/KEYS	217.83

UNITED WAY	CONTRIBUTIONS	460.46
USA BLUEBOOK	SUPPLIES	61.95
VALIANT VINEYARDS	MERCHANDISE	102.00
VERIZON WIRELESS	CELL PHONES	1,683.36
VERMEER HIGH PLAINS	REPAIRS	553.60
VERMILLION ACE HARDWARE	SUPPLIES	4,884.93
VERMILLION CHAMBER OF COMMERCE	PROMOTION FUNDING	50,000.00
VERMILLION FORD	REPAIRS	1,368.52
VISA/FIRST BANK & TRUST	FUEL/MOTEL/SUPPLIES	8,054.01
WAL-MART COMMUNITY	SUPPLIES	1,816.26
WALKER CONSTRUCTION	REPAIRS	372.30
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	101.40
WESCO DISTRIBUTION, INC	SUPPLIES	6,639.50
WESTERN IOWA TECH	REGISTRATION	375.00
WILLIAMS & CO.	2013 AUDIT	5,725.00
WOW! BUSINESS	911 CIRCUIT	1,365.50
YAMAHA GOLF & UTILITY	JUNE GOLF CARS LEASE	3,772.97
YANKTON JANITORIAL SUPPLY	SUPPLIES	2,473.11
YOTE BIZ	PROFESSIONAL SERVICES	287.50
ZEE MEDICAL SERVICE	SUPPLIES	49.90
ZIMCO SUPPLY CO	CHEMICALS	14,761.86
ZUERCHER TECHNOLOGIES LLC	MAINTENANCE	32,109.70
MARTHA KRUSE	BRIGHT ENERGY REBATE	250.00
NYGREN'S TRUE VALUE	BRIGHT ENERGY REBATE	105.76

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

12. Consensus Agenda

A. Set a public hearing date of July 21, 2014 for a Special Permit to exceed permissible sound levels by no more than 50% at Ratingen Platz on October 8, 2014 from 4:00 p.m. to 11:00 p.m. for the Dakota Days Committee for an event that will include a band.

B. Set a public hearing date of July 21, 2014 for a Special Permit to exceed permissible sound levels by no more than 50% on W. Main Street between High and Prospect Streets on Friday, September 5, 2014 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 6, 2014 between 5:00 p.m. and 1:00 a.m. Sunday for Ribs, Rods & Rock'n Roll for a street dance.

C. Set a public hearing date of July 21, 2014 for a special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll on or about September 5 & 6, 2014 on W. Main Street between Washington and Church Street, Ratingen Platz Market Street from Main to Bloomingdale Street,

Austin Street from Main to Kidder and Prospect from Main Street half block north.

D. Set a public hearing date of July 21, 2014 for a Special Permit to exceed permissible sound levels by no more than 50% at Kidder Street from Court Street to Market Street from noon on July 26, 2014 to 1:00 a.m. on July 27, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event to include a band.

E. Set a public hearing date of July 21, 2014 for a Special Permit to exceed permissible sound levels by no more than 50% at Kidder Street from Court Street to Market Street from noon to midnight on August 23, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event to include a band.

F. Set a public hearing date of July 21, 2014 for a Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street to Market Street from 5:00 p.m. to midnight on October 10, 2014 and from noon to midnight on October 11, 2014 for the Old Lumber Company Grill and Bar, LLC for a fundraising event to include a band.

234-14

Alderman Collier-Wise moved approval of the consensus agenda. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

235-14

Alderman Holland moved to adjourn the Council Meeting at 8:17 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of July, 2014.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Unapproved Minutes
Council Special Session
July 8, 2014
Tuesday - 5:15 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, July 8, 2014 at 5:15 p.m. at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise (arrived at 5:20 p.m.), Erickson, Holland, Clarene Meins, Holly Meins, Price, Ward, Willson, Mayor Powell

2. Pledge of Allegiance

3. City Council Orientation Program - Matthew R. Fairholm, Ph.D.

Mayor Powell wanted to thank all the members for making time to attend the orientation. Mayor Powell introduced Matthew Fairholm, who was asked to lead the Council orientation. Matt reviewed the Council orientation materials.

Alderman Collier-Wise requested to leave at 6:37 p.m.

No action was taken.

4. Adjourn

236-14

Alderman Willson moved to adjourn the Council special session at 8:15 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 8th day of July, 2014.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

Council Agenda Memo

From: Andy Colvin, Assistant City Manager

Meeting: July 21, 2014

Subject: Request for variance submitted by Brookings Municipal Utilities d/b/a Swiftel Communications to construct a Telecommunications Tower at (approximately) 604 High Street (Fairgrounds), Vermillion, Clay County, South Dakota.

Presenter: Andy Colvin
Curt Kabris (Technical & Network Operations Manager, Swiftel)

Background: Swiftel Communications, a division of Brookings Municipal Utilities, currently leases space on the Market Street Water Tower for their wireless communications antennas. Since the City's plans are to abandon and demolish the Market Street Tower once the new water tower north of the Service Center is complete, Swiftel must find a new location for their communications facilities.

Discussion: Swiftel first inquired about constructing a new tower in the location of the Market Street Water Tower once it is demolished. However, this location is too close to residential uses to reasonably obtain a variance and the use is not permitted in residential districts. New wireless communications towers are a conditional use in the NRC and Industrial Districts. Residential and business districts require them to be on existing support structures and do not permit the construction of new towers.

Swiftel contacted City staff to find a new location for a tower. A number of sites were explored. The most ideal location would be at the current site downtown, but as indicated earlier, new towers are not permitted anywhere but within the GI, HI and NRC districts, even as a conditional use. The new water tower on the north side of town was explored, but the location would not reach the southern portion of the community. Additionally, co-locating on the Verizon tower along W. Cherry Street was looked at, but the location of the tower will not provide enough of a signal to serve the southern part of town. After a site visit with Swiftel staff, the best location appears to be within the fairgrounds, which is owned by the City and leased to the County, who then leases the property to the Fair Board. Swiftel would need to enter into a lease agreement with the City, similar to the current one that references the water tower. Locating the tower on the fairgrounds property would minimize neighborhood impact and provide sufficient screening by trees and other buildings. City staff sent letters to the Fair Board, Clay County Commission

and County Auditor notifying them of the proposed project and hearings for the conditional use and variance request.

The proposed monopole tower is 140 feet tall and will look similar to the tower northwest of the Best Western Vermillion Inn on W. Cherry Street. The application packet submitted by Swiftel provides a number of exhibits to give you an idea of what the tower will look like. It should be noted that the proposed location would be suitable for some type of lighting since it would be in proximity to the softball fields south of the demolition derby arena. Swiftel has expressed willingness to allow the City to utilize the tower for lighting or similar purposes as part of the lease agreement, so there could be a public benefit in having the tower in the proposed location.

Swiftel submitted an application for a conditional use permit and a variance to construct the tower. New towers may only be built via a conditional use permit, which was approved on July 14 by the Planning Commission. A variance is necessary due to the proposed tower's proximity to an existing wireless tower and height. The City Council acts as the board of adjustment to consider variance requests.

Ordinance requires a minimum of ½ mile from an existing tower, 300 feet from a residential district and no more than 100 feet in height. The tower meets the required distance from residential uses, but is proposed to be 140 feet in height and is just over a quarter mile away from another tower. The City Council is able to vary height and distance at a public hearing. The height would make it more attractive for other companies to co-locate on the tower, which may reduce the number of future towers in the community.

The Planning Commission gave favorable consideration to the proposed tower and unanimously approved the conditional use permit. The Planning Commission felt that the proposed location is the best option available to allow Swiftel to provide an adequate level of wireless service in the community. (Note: any lease agreements to utilize City property and revenue derived from such lease agreements would be considered at a future meeting if a variance is approved. Swiftel has indicated an interest in continuing a similar agreement to the existing Market Street Water Tower lease.)

Financial Consideration: Swiftel has submitted application and payment for the conditional use permit and variance request at \$100 and \$150, respectively.

Conclusion/Recommendations: The City Council is asked to take public comment and grant or deny the variance request for a Telecommunications tower not to exceed 140 feet in height and built less than the ½ mile from an existing tower.

**CITY OF VERMILLION
PETITION FOR ZONING VARIANCE**

OWNER INFORMATION (Please attach additional sheets if necessary)

NAME: Swiftel Communications
ADDRESS: 415 4th St., Brookings, SD 57006
PHONE: Curt Kabris - 605 697-8205
Cindy Grimsley - 605 697-8282

PROPERTY INFORMATION (Please attach additional sheets if necessary)

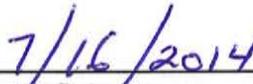
Parcel Identification Number (PIN): 15880-09252-133-00
Current Zoning Designation: NRC (Natural Resource Conservation)
Proposed Zoning Designation: NRC (Natural Resource Conservation)
Location: 604 High Street, Vermillion, SD
Legal Description: Please See Attached
Existing Land Use: Attached Proposed Land Use: Attached
Adjacent Zoning:
North: GB South: R-2 East: PDD West: GB/R-3

Description of variance sought from the zoning regulations: Construct a telecommunications tower within 1/2 mile of an existing telecommunications tower. The current city ordinance requires a minimum of 1/2 mile from an existing tower. The city ordinance also requires a tower to be no more than 100 feet in height. Swiftel Communications is asking for a variance to construct a tower up to 140 feet in height.

Site information should be included on a separate sheet.



Signature of Owner



Date

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

FOR OFFICE USE ONLY	DATE: ____ / ____ / ____
FEE RECEIVED: YES NO	PLANNING COMMISSION RECOMMENDATION ____ YES ____ NO
BUILDING OFFICIAL: _____	
HEARING SCHEDULE: ____ / ____ / ____	

CITY OF VERMILLION SOUTH DAKOTA

Petition For Zoning Variance

Petitioner Name:

- Brookings Municipal Utilities dba Swiftel Communications

Property Information:

Legal Description:

THE NORTH 25 FEET OF THE SOUTH 314.50 FEET OF THE WEST 25 FEET OF THE EAST 599 FEET OF THE N ½ NE ¼ SW ¼ SECTION 13, TOWNSHIP 92 NORTH, RANGE 52 WEST OF THE 5TH P.M., VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

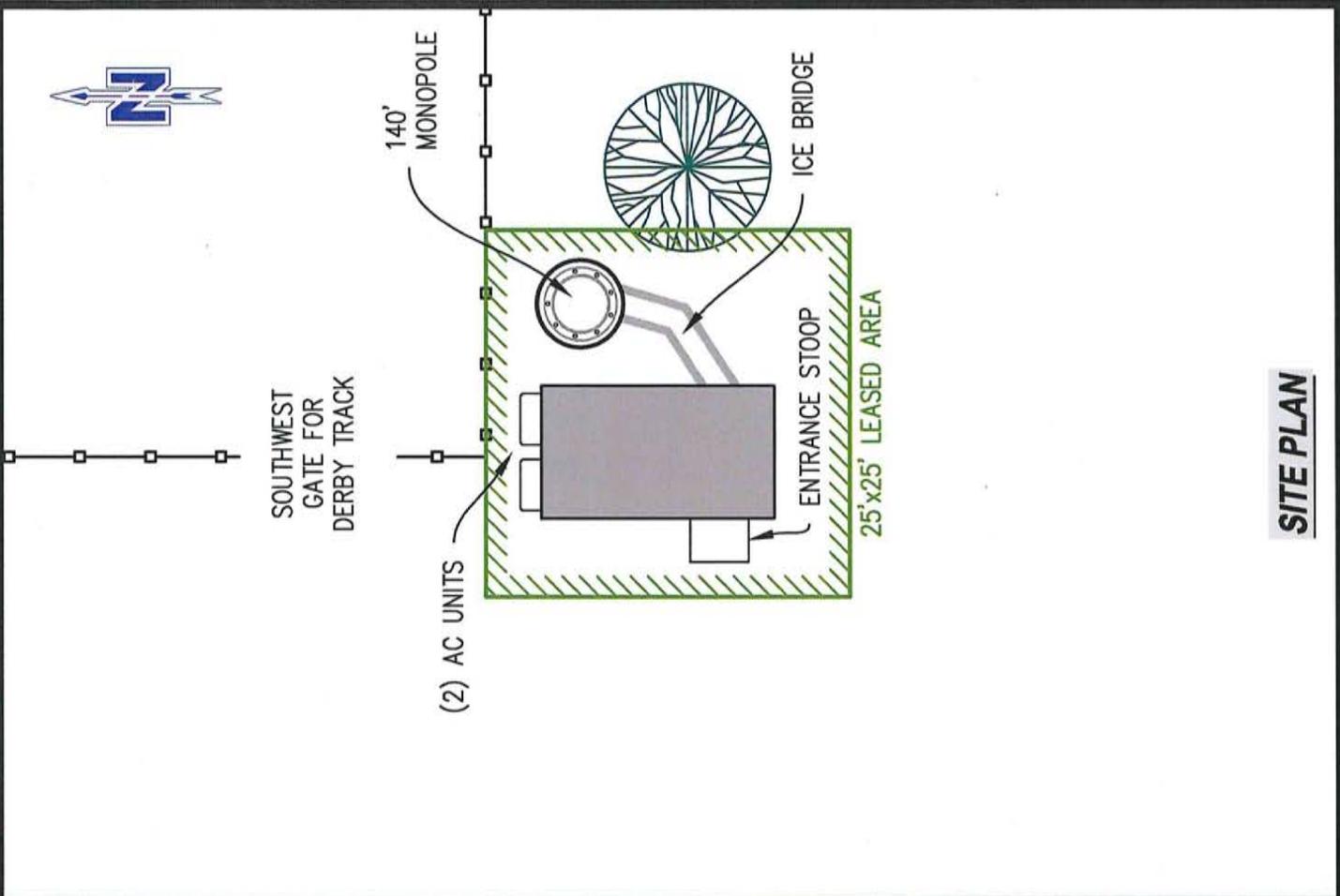
(located near the southwest corner of the Clay County Fairgrounds Demolition Derby Arena)

Existing Land Use:

- Fairgrounds Demolition Derby Arena.

Proposed Land Use:

- Swiftel Communications to construct a new Telecommunications Tower.



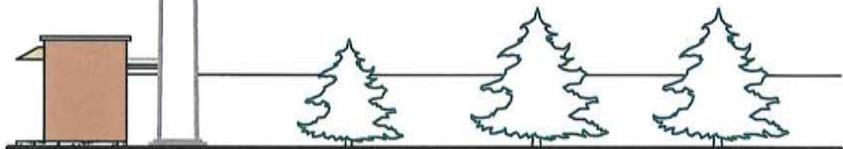


PROPOSED 140' MONOPOLE
Vermillion Lions Park Site

City of Vermillion Tower
604 High St
Vermillion, SD 57069

THE NORTH 25 FEET OF THE SOUTH
314.50 FEET OF THE WEST 25 FEET OF
THE EAST 599 FEET OF THE N ½ NE ¼ SW
¼ SECTION 13, TOWNSHIP 92 NORTH,
RANGE 52 WEST OF THE 5TH P.M.
VERMILLION, CLAY COUNTY, SOUTH
DAKOTA

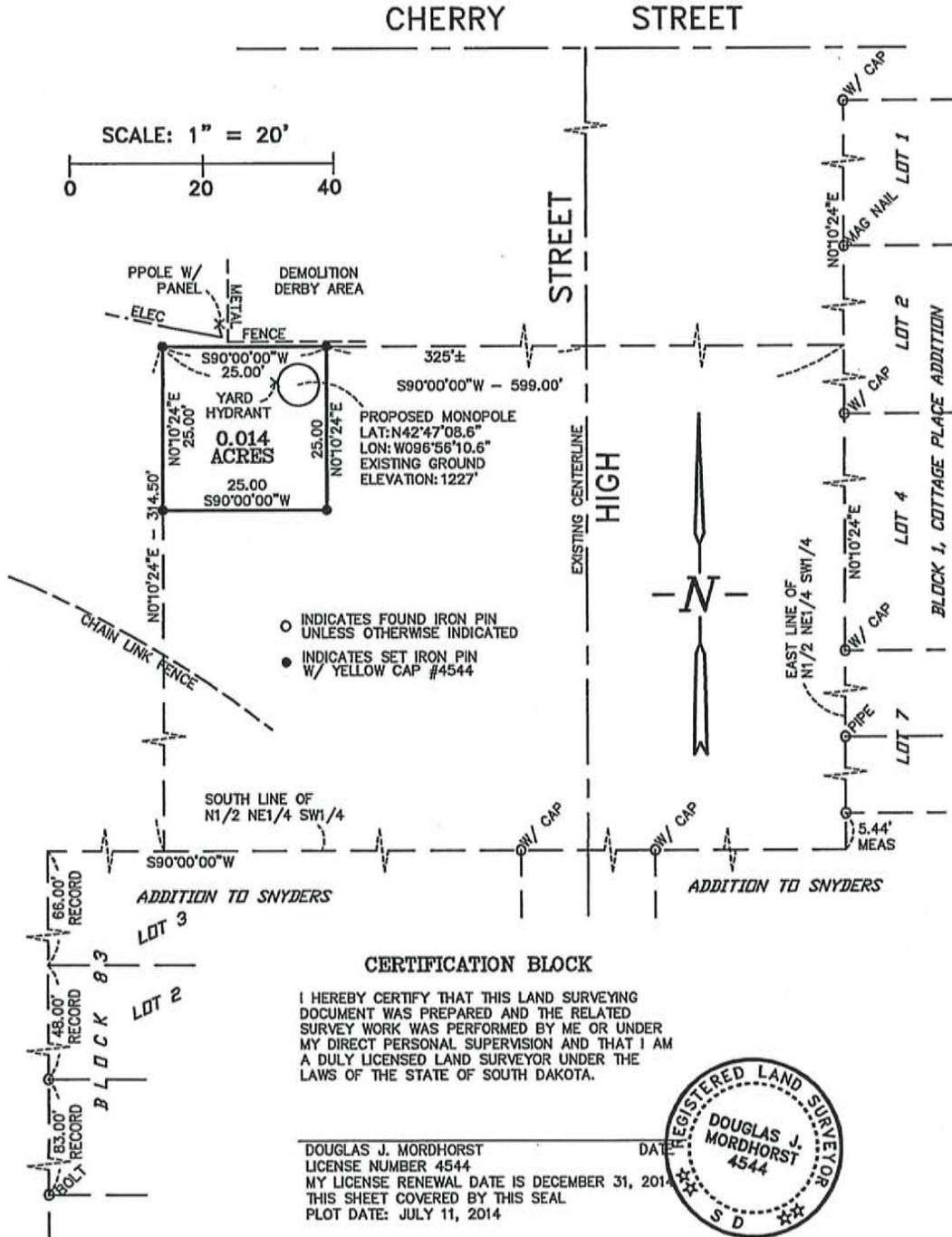
42°47'08.6" N
96°56'10.6" W
ELEV. 1227'



SOUTH ELEVATION

PROPOSED MONOPOLE IN THE NORTH 25.00' OF THE SOUTH 314.50' OF THE WEST 25.00' OF THE EAST 599.00' OF THE N1/2 NE1/4 SW1/4 OF SECTION 13, T92N, R52W, 5TH P.M., CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

SWIFTEL COMMUNICATIONS
BROOKINGS, SD



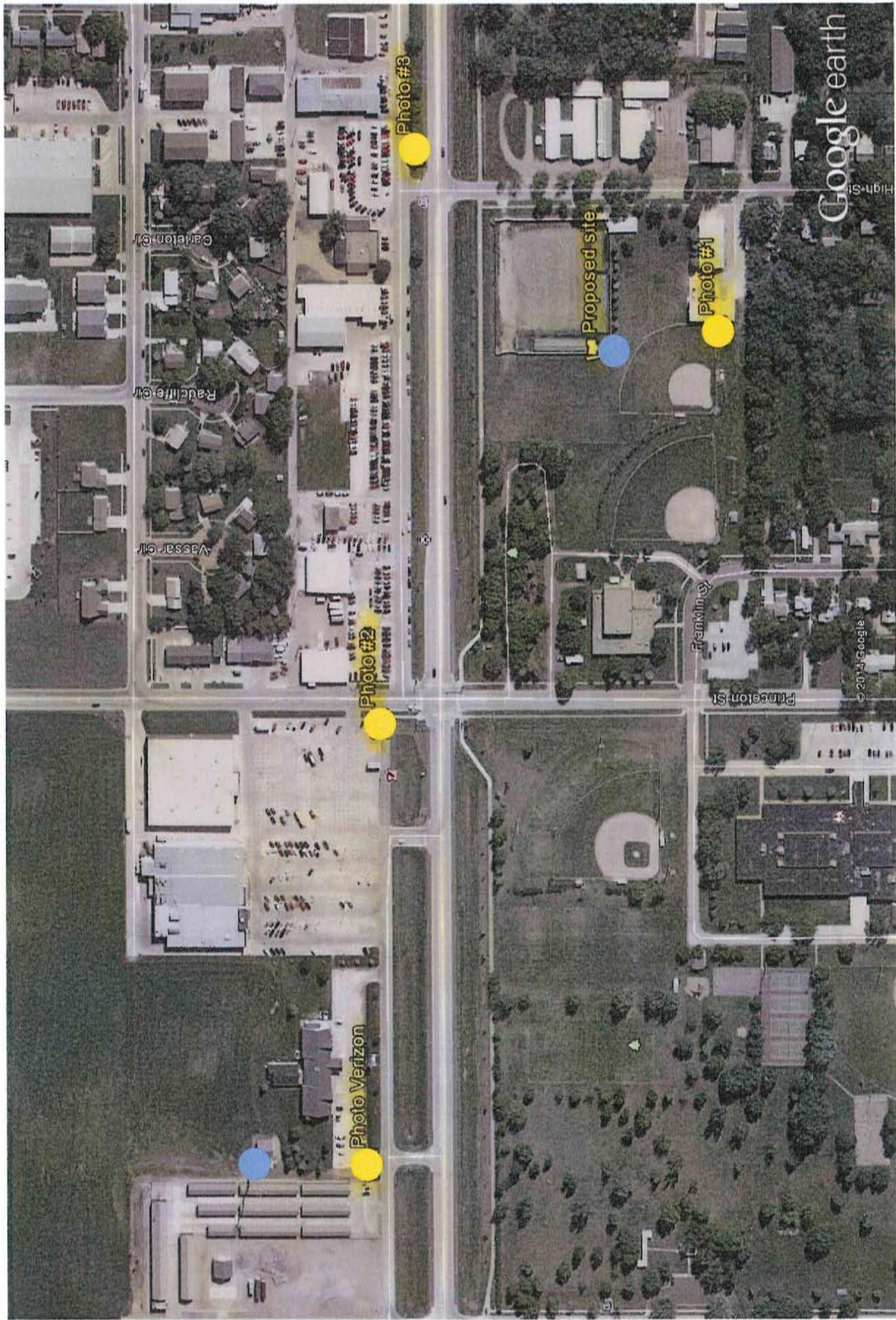




Photo #1

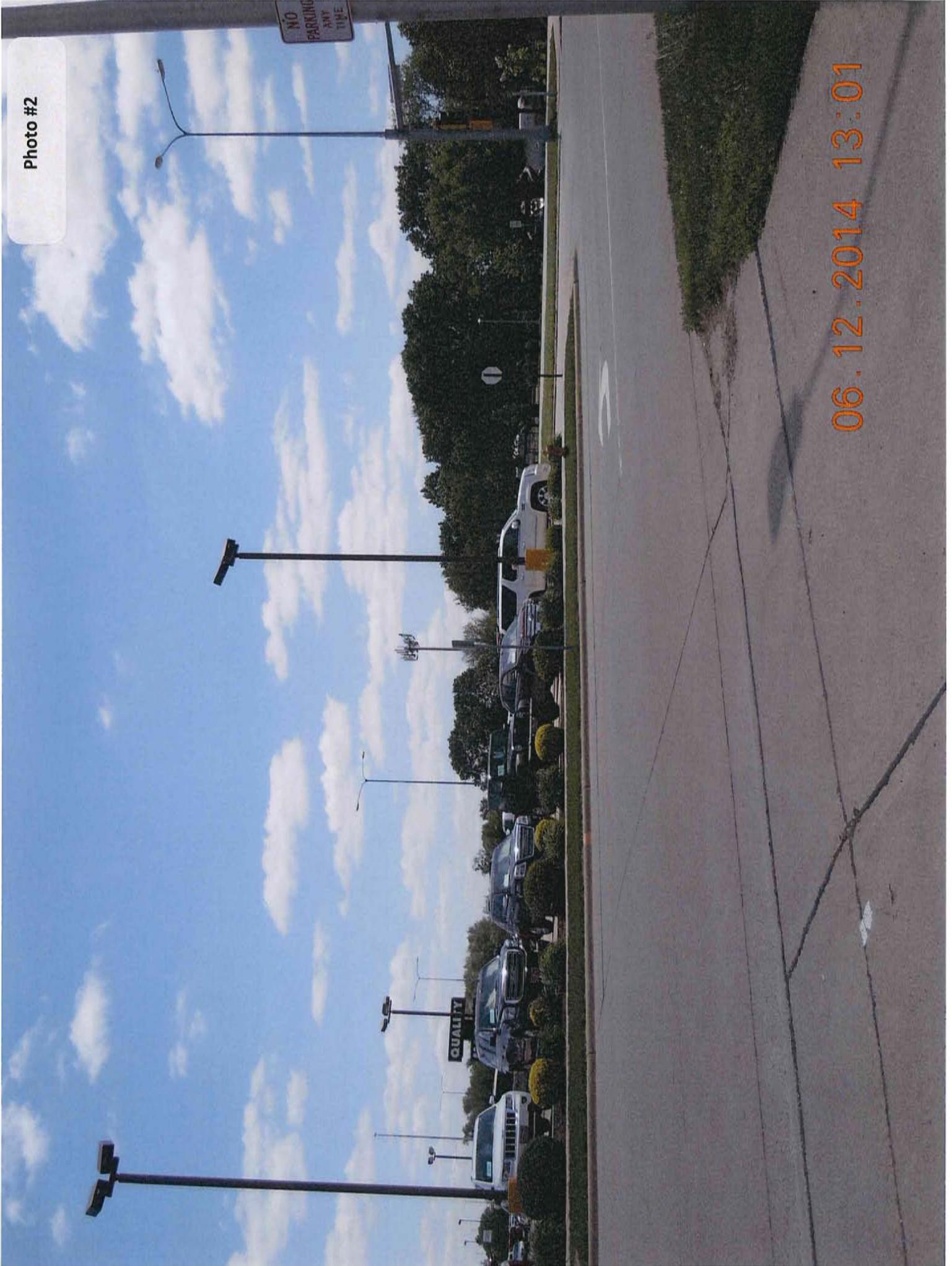
06.12.2014 11:08

Photo #2

NO
PARKING
ANY
TIME

QUALITY

06.12.2014 13:01



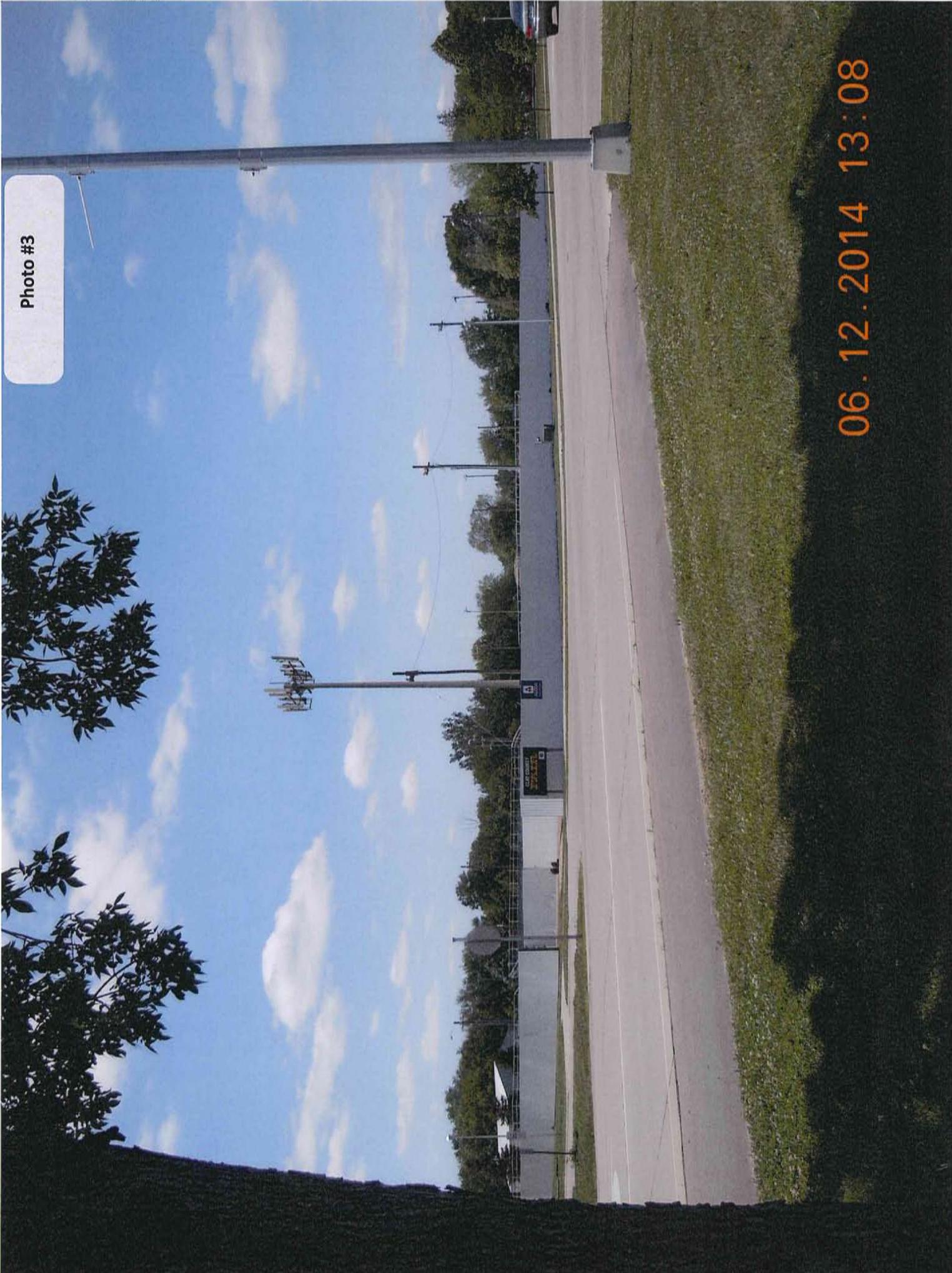


Photo #3

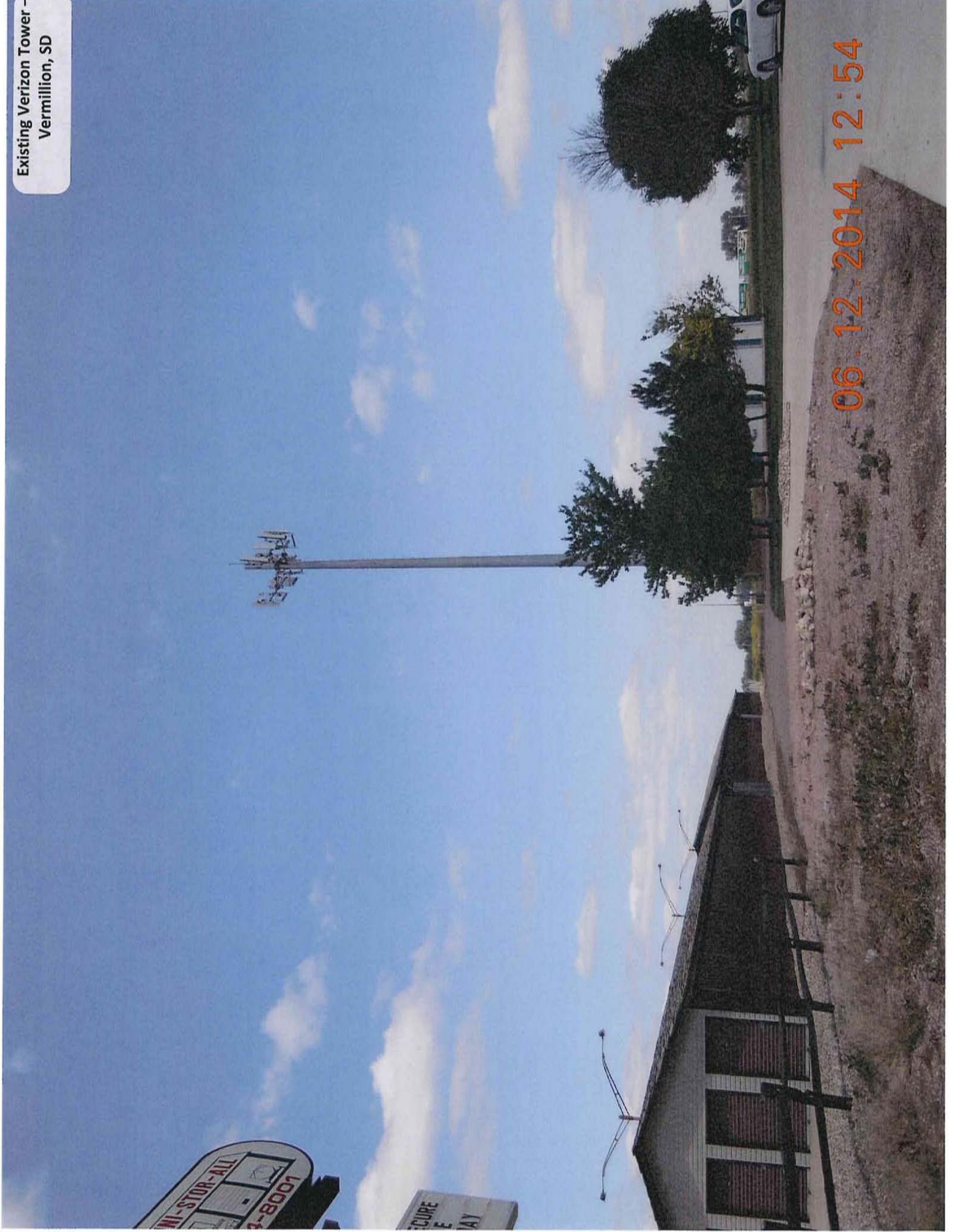
06.12.2014 13:08

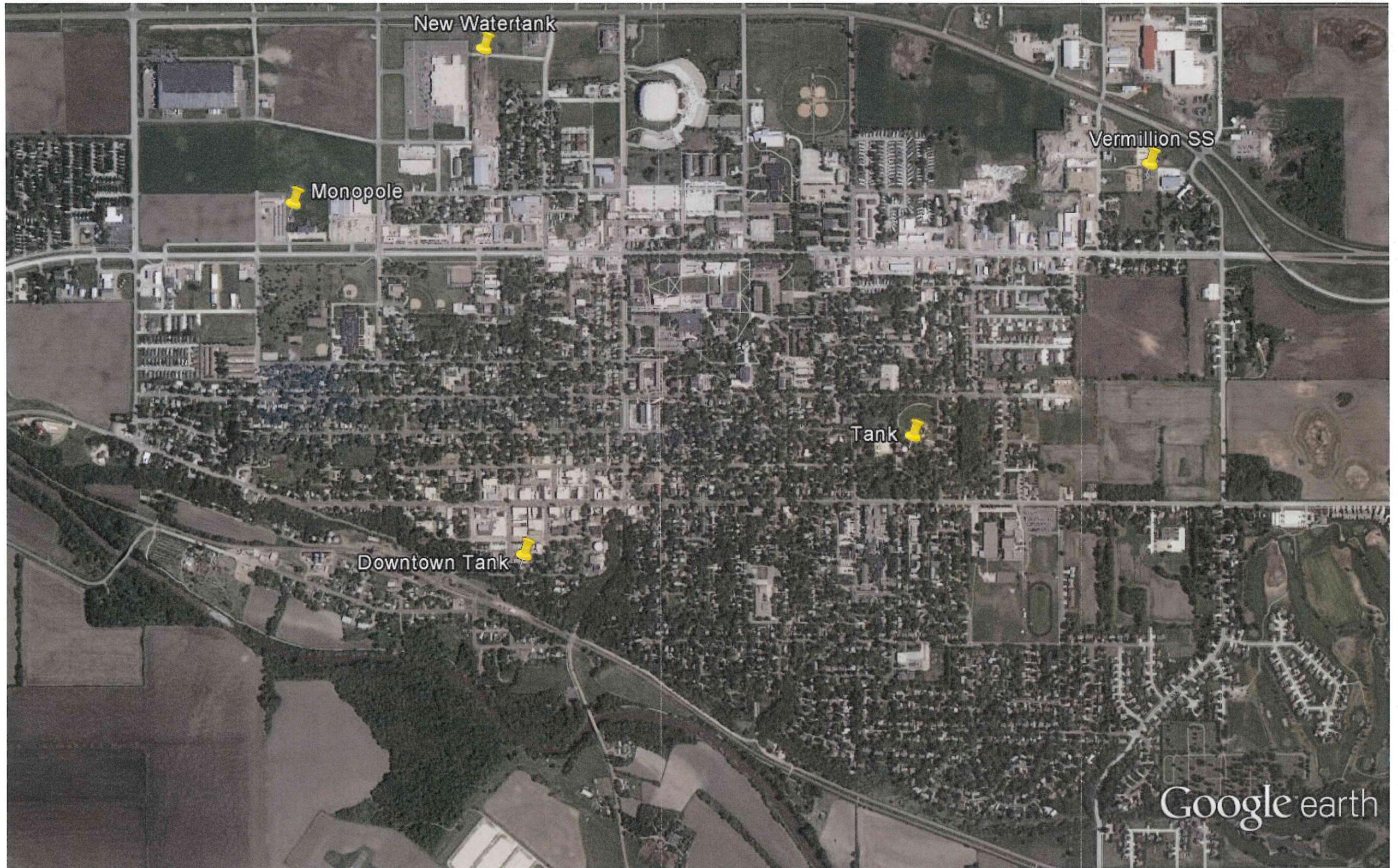
Existing Verizon Tower –
Vermillion, SD

WI-STOR-ALL
1-800-1

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AY

06.12.2014 12:54





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Council Agenda Memo

From: Farrel Christensen, Building Official

Meeting: July 21, 2014

Subject: First Reading of Ordinance 1317 – Petition to amend the zoning map and exclude from R-1 Residential District and include in the R-2 Residential District the following described real property: the S 49' of Lot 3 and all of Lots 4, 8, 9 & 10 Block 1 Russo 1st Addition and Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 & 14 Block 1 Urup's Addition

Presenter: Farrel Christensen

Background: In the summer of 2013 Harlowe Hatle, the owner of 225 Sycamore Avenue came to the City with a request to convert the existing laundry attached to the apartment building at 225 Sycamore Avenue into an additional rental unit. After reviewing the request it was noted that the existing structure was located in the R-1 zoning district, which does not permit multiple-family rental units as an allowed use. The 4-plexes and other multi-family structures in this area are currently non-conforming (grandfathered); therefore, no significant improvements can be made except those that will bring the property into compliance. It was initially suggested that the comprehensive rezoning of the City in 2008 changed the zoning district, boundaries and regulations for the Sycamore Street apartments. However, this is not the case.

The apartment buildings were constructed in the early sixties (pre-1965). The first official zoning ordinance the City adopted wasn't until 1966. As early as 1974, the properties were zoned R-1 single family, which prohibited multi-family dwellings. The 1982 City Zoning Map also reflected R-1 zoning for the Sycamore Avenue apartments, which also made them non-conforming. In other words, the properties have been zoned single-family residential and thus non-conforming since at least 1974, and from that time until now no additional units could be added. It also means that if any of the existing structures should be destroyed by any means to the extent of more than 50% of its replacement cost, such nonconforming use shall not be allowed to continue. The Hatle family purchased the Sycamore Avenue apartments as early as 1993.

After being denied a permit to convert the existing laundry, the owners started collecting signatures to petition the City Council for a zone change to R-2, which permits multi-family dwellings up to 4 units (4-plex). When requesting a change of zoning, ordinance requires applicants to file the written consent of the owners of 45% of the aggregate area

having the right of protest against the change. The applicants have filed property owner consent forms in excess of the minimum required and are now eligible to proceed with the zone change request.

Discussion: Due to the size and nature of the proposed area, and the area's proximity to existing R-2 districts, spot zoning is not an issue. Spot zoning is where a zoning change request singles out and reclassifies a relatively small tract of land owned by a single person and surrounded by a much larger area uniformly zoned in another, less-compatible category. If approved, the zone change would have little impact on the existing structures or the neighborhood without significant changes to the buildings and/or lots. The proposed R-2 zoning district limits multiple-family units to no more than one building per lot and 4 units per building. Ordinance also requires one parking space per bedroom.

Many of the existing buildings will remain non-conforming due to the arrangement of buildings on the lots and the lack of off street parking, but if destroyed or significantly damaged would be allowed to be rebuilt. The zone change would not allow the laundry to be converted to an additional dwelling unit due to the limit of one structure and 4 units per lot. Even though the laundry can't be converted and not all buildings are totally conforming under the proposed district regulations, it does allow current and future owners to rebuild should structures be damaged or destroyed. This is a very important consideration when applying for insurance, financing or property transfers. Many of the buildings do have the ability to become conforming structures if lot lines were re-platted to separate buildings on individual lots and parking increased.

Current Arrangement of Sycamore Avenue Apartments

West side of Sycamore

Address	Owner	Units	# of Buildings	Legal	Width/Area
15 Sycamore	Wayne Knutson	4 Units	1 Single Story building	Lot 4 & S 29' of 3 Blk 1 Russos	75/150 14,850 sq ft
25 Sycamore	Hatle Investments	4 Units	1 Single Story building	Lot 8 Blk 1 Russos	75 wide 11,250 sq ft
35 Sycamore	Hatle Investments	4 Units	1 Single Story building	Lot 9 & N 40 of Lot 10 Blk1 Russos	115 wide 17,250 sq ft
115 Sycamore	Hatle Investments	4 Units	1 Single Story building	S 35' of Lot 10 Blk 1 Russo & N 44' of Lot 1 Blk 1 Urups	79 wide 11,850 sq ft
125 Sycamore	Ralph & Marian Ferry	4 Units	1 Single Story building	S 26' of Lot 1 & all of Lot 2 & N 11 of lot 3 Blk 1 Urups	107 wide 16,050 sq ft
155 Sycamore	Ralph & Marian Ferry	4 Units	1 Single Story building	S 59' of Lot 3 Blk 1 Urups	59 wide 8,850 sq ft

6. Public Hearings; item b

225 Sycamore	Hatle Investments	8 Units	2 two Story buildings	Lot 4,5 &6 Blk 1 Urups	210 wide 31,500 sq ft
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East Side of Sycamore

Address	Owner	Units	# of Buildings	Legal	Width/Area
120 Sycamore	Ralph & Marian Ferry	24 Units	3 single story buildings	Lots 9,10 & N 20' of Lot 12 Urups	260 wide 39,000 sq ft
220 Sycamore	Douglas Ferry Etal	12 Units	2 two Story buildings	S 60' of 12 & all of Lots 13 & 14 Blk 1 Urups	200 Wide 30,000 sq ft



Financial Consideration: Publication costs for the required hearings. The applicant paid the \$150 fee for a zone change.

Conclusion/Recommendations: Because the petitioners obtained the required number of signatures it appears that there is neighborhood support for the proposed change. Additionally, it does not appear that the current uses will change except to come into full compliance with the R-2 District, making future impacts to the neighborhood consistent with what exists presently. It should be noted that the 8, 12 and 24-plex will still be nonconforming since the R-2 districts limits density to no more than 4 dwelling units. The Planning Commission recommended approval of the zone change request.

ORDINANCE NO. 1317

AN ORDINANCE AMENDING TITLE 15 CHAPTER 155 SECTION 155.026, OFFICIAL ZONING MAP FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY REZONING CERTAIN REAL PROPERTY FROM THE R-1 RESIDENTIAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT.

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

That Section 155.026 is hereby amended as follows:

That the following parcel is hereby rezoned from the R-1 Residential District to the R-2 Residential District and the official zoning map referred to in Section 155.026 of the 2008 Revised Ordinances of the City of Vermillion is amended to include such land in the R-2 Residential District:

The S 49' of Lot 3 and all of Lots 4,8,9 & 10 Block 1 Russo 1st Addition and Lots 1,2,3,4,5,6,9,10,11,12,13 & 14 Blokk 1 Urup's Addition.

Dated at Vermillion, South Dakota this 4th day of August 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: July 21, 2014
Second Reading: August 4, 2014
Publication: August 15, 2014
Effective Date: September 5, 2014

July 9, 2014

Planning Committee

City Council Members

Re: Sycamore Street Rezoning

I am writing to express my opposition to the rezoning of apartments on Sycamore Street. The neighborhood currently has enough congestion with the hospital and park as well as rental units.

The hospital has parking lots but still there are many employees and visitors who park on streets around the hospital. I would assume this will only get worse as they remodel/re-build. (Not to mention the many vehicles that congregate in the area when a helicopter is present!)

Prentis Park currently has parking along streets adjacent to this area. There are a few events that really increase the parking requirements in that area. I am not sure what the end result of the changes to the swimming pool will mean for parking in that area in the future also.

I really have nothing against the current apartments. They are fine as they are. However – I do not want a two or three story building being built instead of what is currently there. More units would increase the parking, noise, etc.

Furthermore, I wonder if the letters that came out last year about this confused some people in the neighborhood. I know that I had one neighbor ask about it as the letters were on City letterhead. I believe this made them think that the City wanted the rezoning. (Basically, I'm not sure that all who signed the petition fully understood that there could be larger apartments built in the place of the existing ones. I felt this was down-played in letters from the owners.)

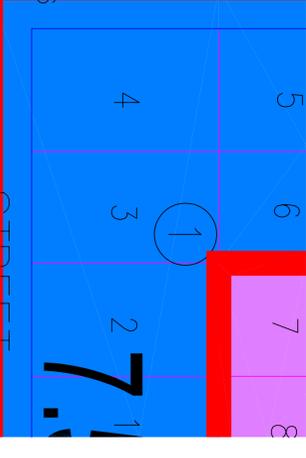
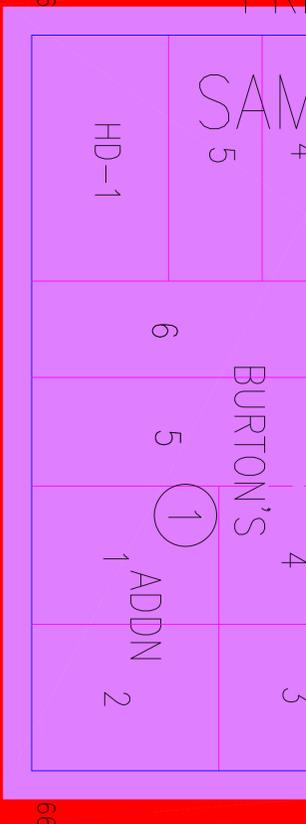
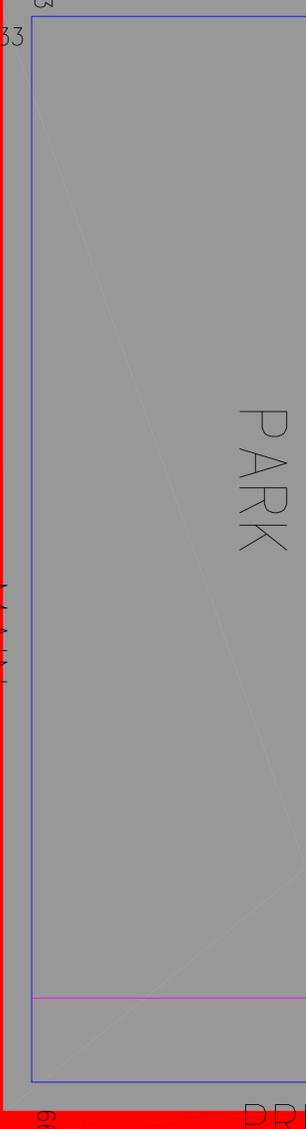
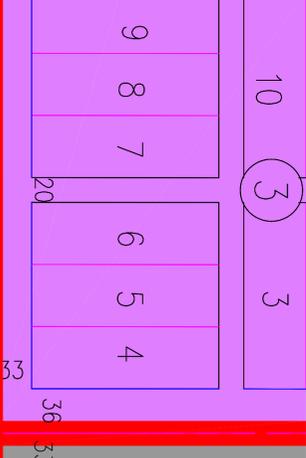
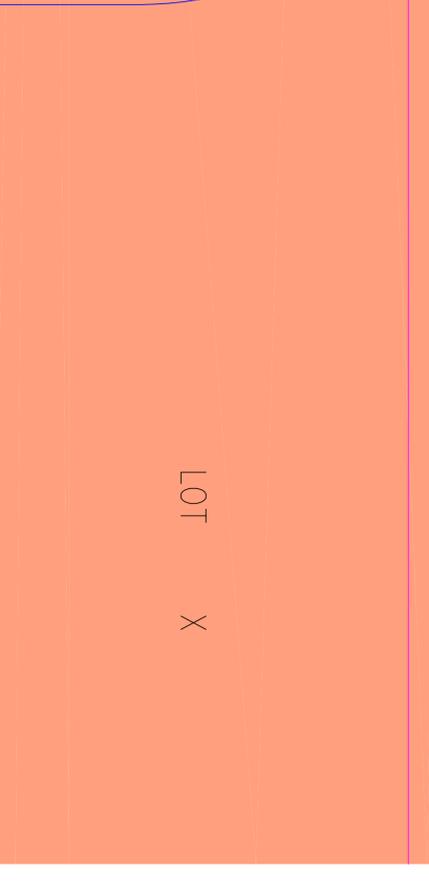
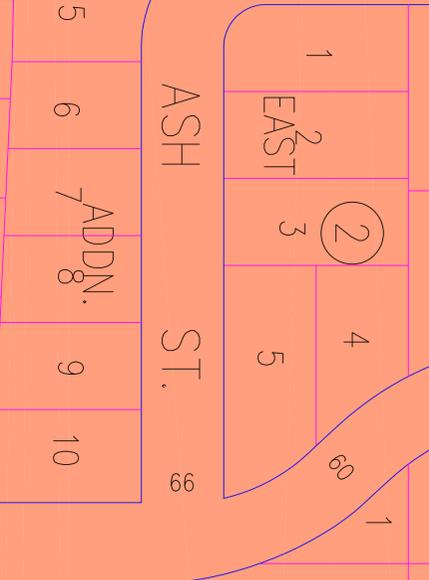
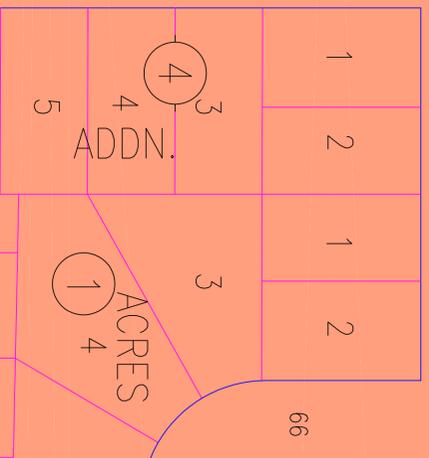
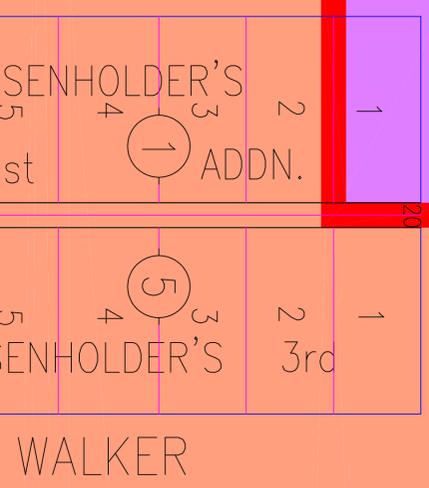
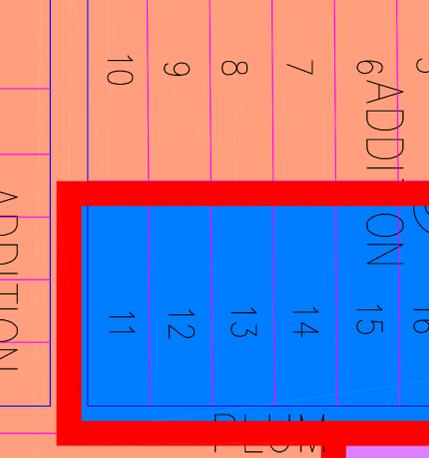
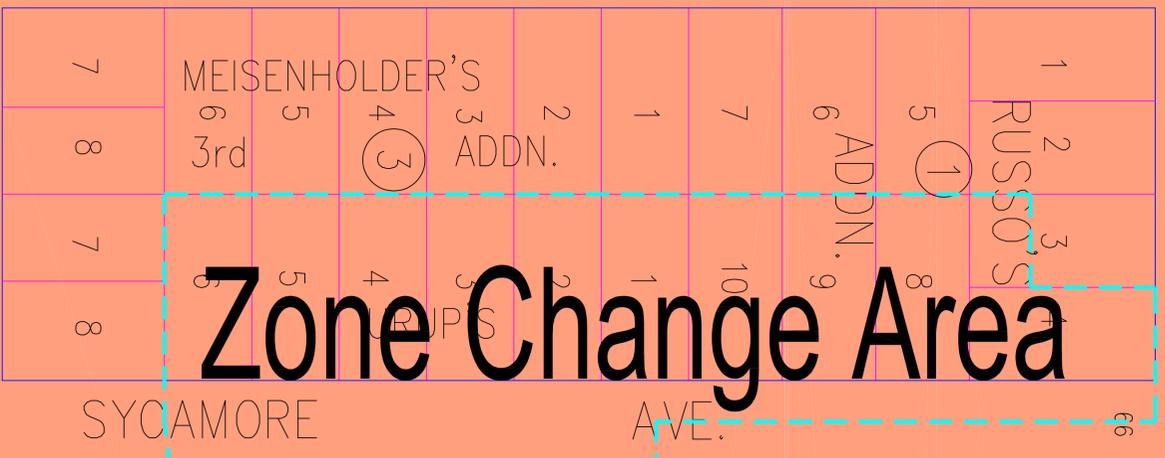
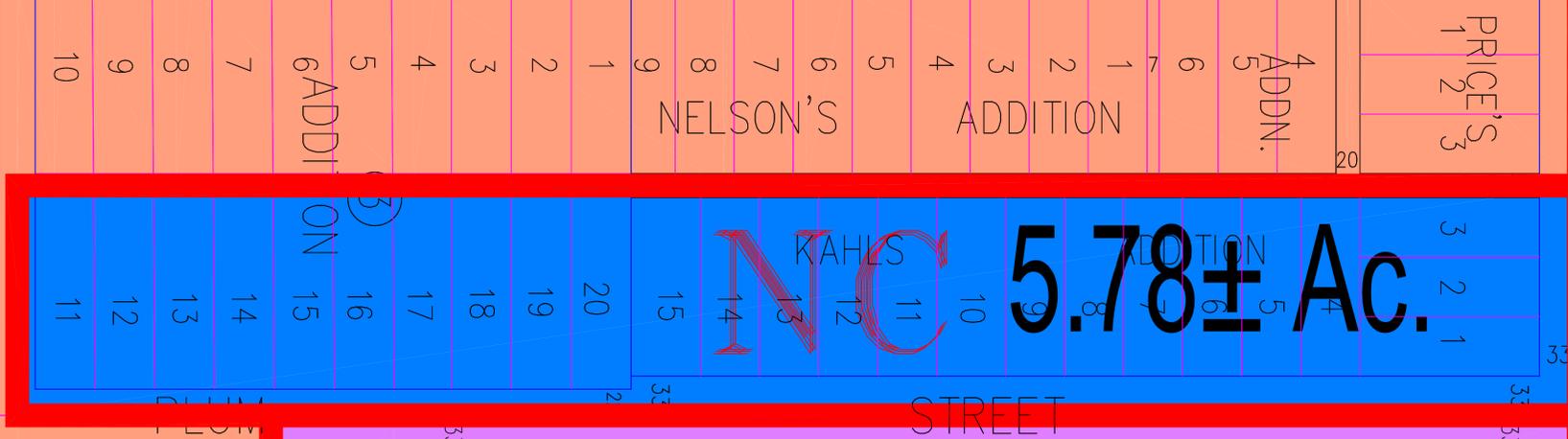
We have had an issue recently with renters from down the block walking home from the bar and literally walking over our car. A neighbor had an item stolen from their yard that resulted from a party in the area. *When you are transient to a neighborhood you have less invested in being a good neighbor.*

Sincerely,



Valarie Hower

12 S. Walker Street



ADDITION

MEISENHOLDER'S ADDN.

MEISENHOLDER'S

WALKER

ACRES

ACRES

ASH EAST

ADDN.

ST.

LOT X

ADDN.

ADDN.

ADDN.

ADDN.

NELSON'S

ADDITION

PRICE'S

KAHLS

5.78± Ac.

HOSPITAL

9.23± Acres

Zone Change Area

MEISENHOLDER'S

ADDN.

RUSSO'S

ADDITION

ACRES

PARKVIEW

HIGH

SCHOOL

PARK

PR

SAM'S

BURTON'S

7.1

JANE

STREET

STREET

ST.

SYCAMORE

AVE.

CATALINA

AVE.

SUNSET DR.

MAIN

STREET

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% for University of South Dakota Vermtown Bash on October 8, 2014 at the Ratingen Platz from 8:00 p.m. to 11:00 p.m.

Presenter: Mike Carlson

Background: Nathan Hofer, on behalf of the USD Dakota Days Committee, has applied for a special permit to exceed allowable noise levels for a Battle of the Bands event on October 8, 2014 from 8:00 p.m. until 11:00 p.m. on Ratingen Platz. Included is a copy of the application and published notice of the hearing.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

- (a) General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.
- (b) The following acts are declared to be in violation of this chapter.
 - 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
 - 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item c

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6:00 a.m.	6:00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (c) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (d) Special Permit; the City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (e) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The application and diagram map indicate that the stage and sound system will be on the Platz and faced toward the east. The Market Street closing request is under new business on this agenda.

The City Council will need to determine, at the public hearing, if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought, include the availability of restroom facilities; clean up of the area, and disposal of waste.

Financial Consideration: The \$25 fee for the special permit has been paid.

Conclusion/Recommendations: Administration recommends issuance of the special permit unless information is presented at the public hearing that indicates that there will be problems related to the noise.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting USD Dakota Days

Contact Person Nathan Hofer Phone 605-677-5666

Contact Person Address Muenster University Center, 414 E. Clark St., Vermillion, SD 57069

Location of Event Ratingen Platz Date of Event 10/8/14

Duration of event from time 8:00 pm to Time 11:00 pm

The ordinance asks if this is a suitable location with appropriate facilities:

Yes.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

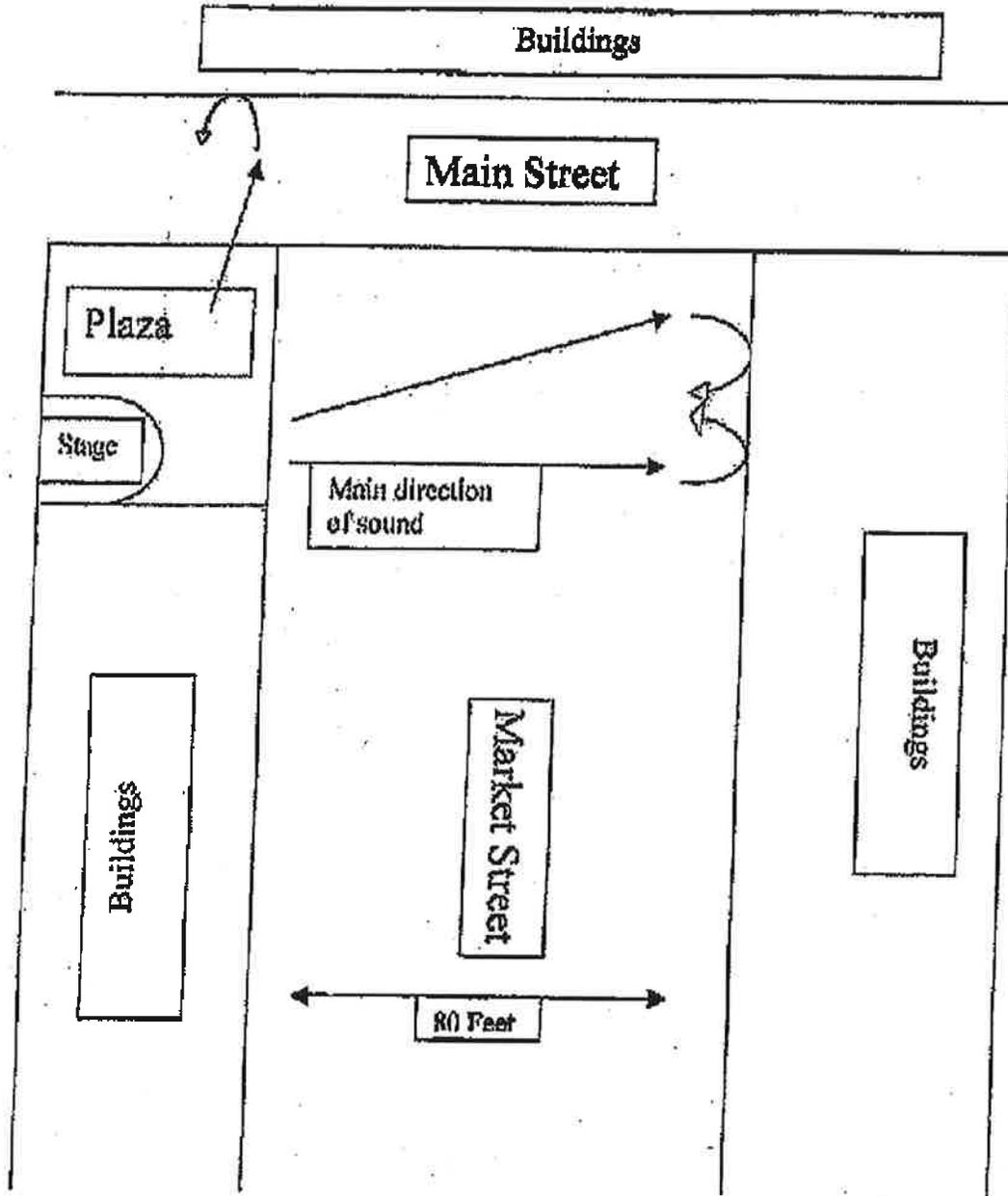
This is a community-wide event associated with the 100th Dakota Days. During this portion of the Vermillion Bash we will be featuring local bands in a Battle of the Bands. This is open to the entire Vermillion community at no cost and will be alcohol free. We hope this event will provide fun and exciting entertainment for all and promote a greater connection between the Vermillion community and USD during Dakota Days.

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant Nathan Hofer date 6/25/14

DIAGRAM OF RATINGEN PLATZ FOR SOUND PERMIT



Note: Buildings in each direction will prevent sound from extending past 200 feet. Area is also not located near a residential district.

VERMTOWN BASH

Additional Information

- As the request states, we are looking to close off Market Street at 2:00 pm to allow ample time to set up inflatables and other activities for the Vermillion community starting at 4:00 pm. We recommend that the public parking lot on the corner of Kidder Street and Market Street be used by businesses on Market Street for employee parking during this time. The first portion of the event will run from 4:00 pm to 7:00 pm with an hour break to allow for tear down of inflatables and set-up of the Battle of the Bands site on the Ratingen Platz. The Battle of the Bands event will begin at 8:00 pm and run until 11:00 pm, allowing us an additional hour for tear down, with Market Street being open for general traffic starting at midnight. For this portion, we would like to request a Special Permit to exceed the allowable sound levels by no more than 50%, placing allowable levels at a maximum of 82.5 dB. This event will not be serving alcohol of any kind and will be open to all members of the Vermillion community at no cost.

City Noise Ordinance

Sec. 90.01. Noises prohibited.

(A) General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B) The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.
- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a

sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT
TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 21st day of July, 2014 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 a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

USD Dakota Days Committee request for a special permit to exceed allowable sound levels for a band and public gathering at the Ratingen Platz located at the corner of Market and Main Street on or about October 8, 2014 from 8:00 p.m. to 11:00 p.m.

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 for special permit.

Dated at Vermillion, South Dakota this 2nd day of July, 2014.

Michael D. Carlson, Finance Officer

Publish: July 11, 2014

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a Street Dance on Main Street between High and Prospect Streets on September 5 and 6, 2014 from 5:00 p.m. to midnight

Presenter: Mike Carlson

Background: Ribs, Rods & Rock'n Roll, Inc. has applied for a special permit to exceed allowable noise levels for several bands and for a street dance on two consecutive dates. The first date is Friday, September 5 beginning at 5:00 p.m. and lasting until midnight. The second occasion begins on Saturday, September 6 at 5:00 p.m. lasting until midnight. A copy of the application and a map of the area are attached.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item d

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the “A” weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Discussion: The application and map indicate that the stage and sound system will be on the Platz like last year facing toward the east. The special daily license is under public hearings and the street closing request is under new business on this agenda.

The City Council will need to determine, at the public hearing, if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought, include the availability of restroom facilities; clean up of the area, and disposal of waste.

Financial Consideration: The Committee has paid the \$25 fee for the noise permit.

Conclusion/Recommendations: Administration recommends approval of the special permit unless information is presented at the public hearing that indicates that there were problems related to the noise.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Ribs, Rods & Rock 'n Roll

Contact Person Rich Job Phone 605-670-9913

Contact Person Address 815 W. Clark Street, Vermillion, Sd 57069

Location of Event Downtown Vermillion Date of Event Sept. 5-6

Duration of event from time 5 pm to Time 12 midnight Fri. & Sat

The ordinance asks if this is a suitable location with appropriate facilities:

Security personnel will be on site

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

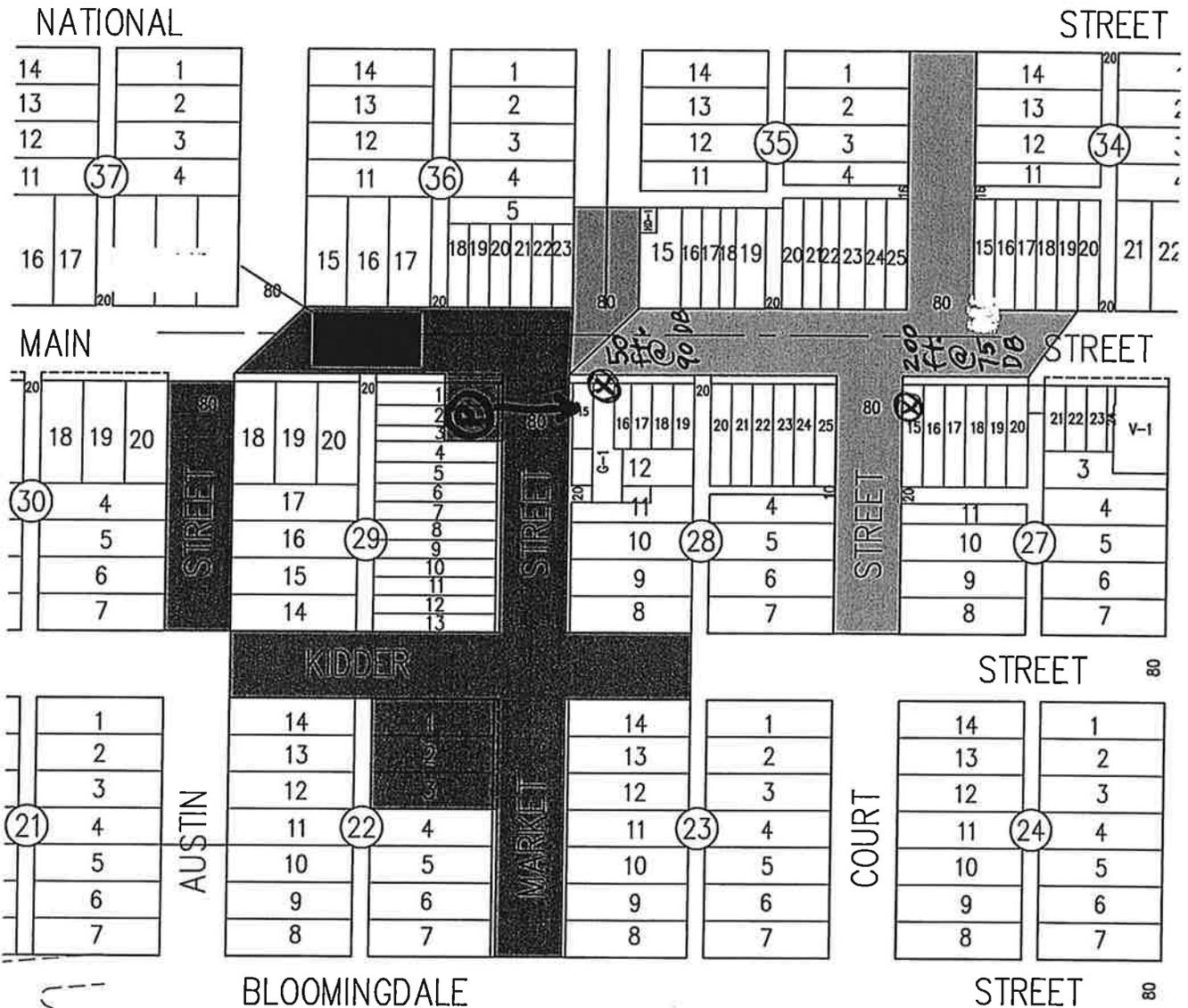
Annual rib event and car show. Event draws upwards of 15,000 people to downtown. Benefits include increased sales tax revenue, venue will showcase downtown Vermillion, becoming a signature event.

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  date 6-24-14

Noise Ordinance Map



RIBS, RODS AND ROCK & ROLL

1.0

CITY OF VERMILLION, SD 57069

SCALE: NTS

JULY 2013



Permit to exceed allowable noise levels

The City Ordinance on Noises Prohibited can be found in Section 90.01 of the City Ordinance. The ordinance provides for a special permit to exceed the allowable sound levels is as follows:

(d) Special Permit The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event.

To make application for a Special Permit to exceed the allowable sound levels please complete the following application and submit 30 days prior to the event with the diagram and the \$25 fee.

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT
TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 21st day of July, 2014 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 a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

Ribs, Rods & Rock'n Roll, Inc request for a special permit to exceed allowable sound levels for a street dance on Main Street between High and Prospect on Friday, September 5, 2014 between 5:00 p.m. and 1:00 a.m. and on Saturday, September 6, 2014 between 5:00 pm and 1:00 a.m.

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 for special permit.

Dated at Vermillion, South Dakota this 2nd day of July, 2014.

Michael D. Carlson, Finance Officer

Publish: July 11, 2014

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Special Daily Malt Beverage and Wine License for Ribs, Rods & Rock'n Roll, Inc. on or about September 5 and 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz, Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Kidder Street from Austin to half block east of Market, Prospect from Main Street half block north and Court Street from Main Street half block south

Presenter: Mike Carlson

Background: Ribs, Rods & Rock'n Roll, Inc. has submitted an application for a special daily malt beverage and wine license for the Ribs, Rods & Rock'n Roll event on September 5 and 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Prospect from Main Street half block north and Court Street from Main Street half block south.

City ordinance on special daily licenses reads as follows:

§ 112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.

- (A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.
- (B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.
- (C) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.
- (D) The fee for such special licenses shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

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

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

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- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any calendar year.

Ribs, Rods & Rock ‘n Roll has provided an information sheet about the alcohol sales and a diagram, which are attached. As is indicated in the diagram the request this year is for the area that alcohol will be allowed to be consumed. The consumption area is increasing while the sales location will remain in the same place.

Representatives from Ribbs, Rods & Rock’n Roll will be present to answer any questions.

Discussion: The notice of public hearing and a report from the Police Chief are attached. As the event will be held on a City street and City property, ordinance allows the City to include “*such conditions and restrictions, as the governing body may deem appropriate and consistent with state law.*” The street closure request is under new business and the request to exceed noise levels was earlier on this agenda. Ribbs, Rods & Rock’n Roll, Inc. will sell the beer and wine on the City streets. The actual consumption area is outlined in the diagram in three areas as follows:

The pink area would have alcohol from 5:00 p.m. to Midnight on Friday, September 5 and from 11:00 a.m. to midnight on Saturday, September 6. This is Main Street from Austin Street to Prospect Street, Austin Street from Main Street to Kidder Street, Market Street from Main Street to Bloomingdale Street, Kidder Street from Austin Street to one half block east of Market Street, Ratingen Platz and city parking lot at the corner of Market Street and Kidder Street.

The green area would have alcohol from 5:00 p.m. to Midnight on Friday, September 5 and from 11:00 a.m. to 5:00 p.m. on Saturday, September 6. This is Main Street from Prospect Street to Center Street.

The blue area would have alcohol from 11:00 a.m. to 5:00 p.m. on Saturday, September 6. This is Main Street from Washington Street to High Street and Court Street to Church Street and Court Street half block south of Main Street.

A Release and Indemnification releasing the City from liability for the event and the Certificate of Insurance naming the City of Vermillion as an additional insured, including liquor liability, have been received from the organization.

Below are the special conditions required by the City Council for past Ribs, Rods & Rock'n Roll events. Adjustments may be appropriate for the last two conditions but staff recommends the City Council attach the following conditions:

- State law provides if an organization conducts a street dance in conjunction with a special event, the organization shall provide qualified security personnel as deemed necessary by the governing body, which issued the license to maintain order during the street dance. In past years, the organization has reimbursed the City for Police Department wages to monitor the dance. Staff proposes that the organization again reimburse the Police Department for officers assigned to the event but limit the overtime wage reimbursement to \$1,000 or actual costs, whichever is lower. For 2013 the overtime costs were \$835.20. The organization was also required to provide at least six personnel with attire that stated "Event Security".
- Require a plan for the cleanup and disposal of the cups and other materials after the event each day.
- Restroom facilities will also need to be provided. In past years, port-a-potties were brought in for similar events.
- The Police Chief's report requests that clear signage at each egress from the area where alcohol is allowed advising "No Alcohol Beyond this Point".
- The motion should include the hours that alcohol will be allowed. The request this year is for Friday from 5:00 p.m. to midnight and Saturday from 11:00 a.m. until midnight which is the same as last year except for the increased area.

Financial Consideration: The City has received the \$15 per day license fee and \$15 advertising fee from the applicant for a total of \$45.

Conclusion/Recommendations: Administration recommends approval of the September 5 and 6, 2014 special daily malt beverage and wine license, contingent upon the establishment of hours that sales will be allowed for each day, that the City be provided with a Release and Indemnification for the event, the City be named as an additional insured on an insurance policy for the event, the City Council is comfortable that the applicant holding the license can properly distribute malt beverages and regulate the event, and there is complete understanding and agreement by the applicant with regard to any conditions and restrictions the City Council may require after further information is provided at the public hearing.

City of Vermillion
Police Department
15 Washington Street
Vermillion, SD 57069
Phone: (605)677-7070
FAX: (605)677-7166
www.vermillionpd.org



07/11/14

To: Vermillion City Council

From: Matthew Betzen, Chief of Police

Subject: Ribs, Rods, & Rock'n Roll Road Closure, Noise Permit and Liquor License Application.

I have reviewed the application for "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by Ribs Rods & Rock'n Roll, Inc. reference their event in downtown Vermillion on September 5th and 6th of this year. A check of the Vermillion Police Records does not reveal any felonies with regards to the applicants. This is an annual event that involves much of downtown, a large beer garden, and multiple entertainment venues.

This type of celebration unfortunately lends itself to some violation involving alcohol and public disorder. However, the event planners, as in previous years, have security personnel and alcohol control measures planned for as a part of the application. Additionally, the event has budgeted \$1000 towards overtime for additional police coverage. These preventative measures should mitigate the dangers associated with this event.

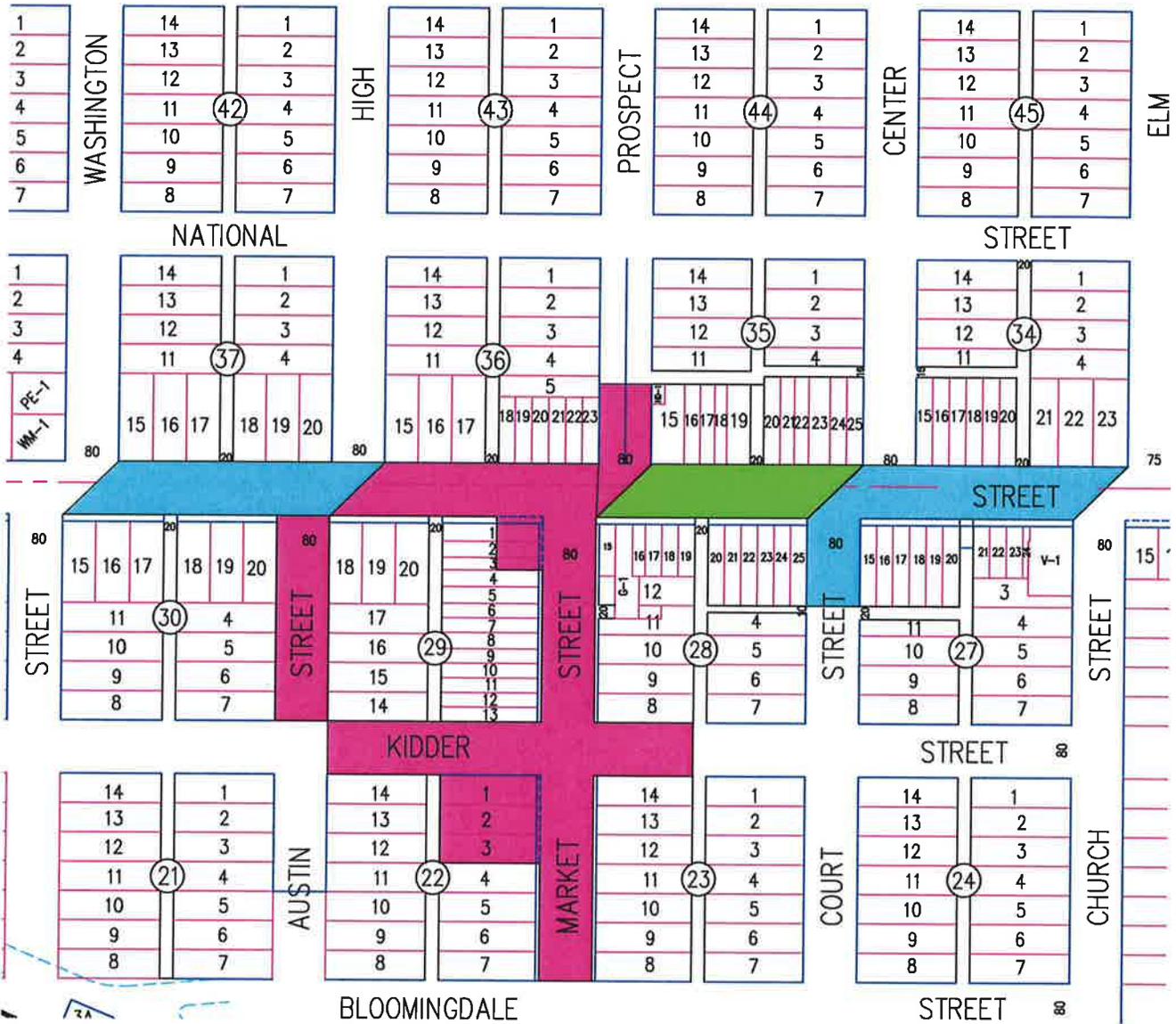
The road closure and noise permits are reflective of previous years. The alcohol permit is somewhat expanded in that it allows for the public to review the car show with an open alcohol container, and allows for interaction with the barbeque contestants and the public while drinking alcohol. Control of these areas has been discussed with organizers of the event and I believe the following control measures will be adequate to mitigate any potential problems.

- 1) The alcohol purchase area will be controlled as in previous years with physical barriers at Main and Prospect, Main and High St, and Market and Kidder. At these barriers, ages will be verified; fees collected and people over 21 will be given a bracelet.
- 2) During the hours of the car show on Saturday (11:00am – 5:00pm), open consumption of alcohol will be allowed outside the purchase area along Main between Washington St. and Church St. with clear signage at each egress from the area advising, "No Alcohol Beyond This Point".
- 3) On Friday Night from 5:00pm to 9:30pm there will be a 3 on 3 basketball event, open consumption of alcohol will be allowed outside the purchase area along Main from the purchase area to Court St. with clear signage at each egress from the area advising, "No Alcohol Beyond This Point".
- 4) During the course of the event, the areas used by the vendors to prepare food and stage for "People's Choice" events, which included Austin between Main and Kidder, Kidder from Austin to the Alley between Market and Court St., Market between Kidder and

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Bloomington, and the public parking lot on the southwest corner of Market and Kidder, open consumption of alcohol will be allowed with clear signage at each egress from the area advising, "No Alcohol Beyond This Point".



-  DESIGNATED AREA FOR SEPT. 5 AT 5 P.M. UNTIL SEPT. 6 AT 5 P.M.
-  DESIGNATED AREA FOR SEPT. 6 AT 11 A.M. UNTIL 5 P.M.
-  DESIGNATED AREA FOR SEPT. 5 AT 5 P.M. UNTIL SEPT. 6 AT 1 A.M.

ALCOHOL DESIGNATED AREAS

RIBS, RODS AND ROCK & ROLL		1.0	
CITY OF VERMILLION, SD	57069	SCALE: NTS	JULY 2014



Ribs, Rods & Rock 'n Roll

Event Date: September 5 & 6, 2014

Beer Garden Hours:

Friday, September 5	5:00 p.m. – 12:00 midnight
Saturday, September 6	11:00 a.m. – 12:00 midnight

The Beer Garden Tent (which will have its own tent) will be located in front of CorTrust Bank on Main Street. This will be the only place to pick up beverages but as in past years, people can carry drinks anywhere in the designated area (see attached map). Customers will be carded in a separate area where they will purchase their drink tokens and have a wristband applied.

As in past years, signage will be posted at all entrances and there will be security monitoring exits and entrances and crowd control and routine security (monitoring to make sure only banded people are drinking).

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 21st day of July, 2014 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

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

Ribs Rods & Rock'n Roll, Inc on or about September 5 & 6, 2014 on Main Street between Washington and Church Street, Ratingen Platz Market Street from Main to Bloomingdale Street, Austin Street from Main to Kidder, Kidder Street from Austin to half block east of Market and Prospect from Main Street half block north.

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 2nd day of July, 2014.

Michael D. Carlson, Finance Officer

Publish: July 11, 2014

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% for Old Lumber Company Grill and Bar, LLC for a Make-A-Wish concert on Kidder Street from Court Street Market Street, on July 26, 2014 at 12:00 a.m. (noon) until July 27, 2014 at 1:00 a.m. for a Make-A-Wish fundraising event to include a band

Presenter: Mike Carlson

Background: The Old Lumber Company Grill and Bar has applied for a special permit to exceed allowable noise levels for a fundraising event to include a live band on Saturday, July 26, 2014 on Kidder Street between Court and Market Streets from 12:00 a.m. (noon) until 1:00 a.m. on July 27, 2014. A copy of the application and a map of the area are attached.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

- (A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.
- (B)The following acts are declared to be in violation of this chapter.
- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
 - 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item f

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

The street closing request and permit for consumption are under new business later on the agenda.

Discussion: The application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west and the event will also include a motorcycle ride. The Old Lumber Company hosted the Make-A-Wish event last year that consisted of motorcycle ride with the street closing and consumption on Kidder Street where the motorcycles were parked. A letter from Make-A-Wish, explaining the event and Police Chief's letter are also included. (Note the letter includes the incorrect date of the event).

The City Council will need to determine, at the public hearing, if it is in a suitable location, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought, include the availability of restroom facilities, clean up of the area, disposal of waste and the impact on the adjoining neighbors.

As the outside live band will be playing in close proximity to the adjoining residential property, the City Council may want to consider restricting the hours to those compatible with neighboring residential development. The Old Lumber Company Grill and Bar has a large second floor that would provide an option for a live band to keep the noise inside the building.

Financial Consideration: The \$25 fee for the noise permit has been paid.

Conclusion/Recommendations: Administration recommends consideration of the special permit unless information is presented at the public hearing that indicates that there were problems related to the noise. A motion for approval should include the hours the permit is approved for.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Old Lumber Company

Contact Person Chad Grunewaldt Phone 605-280-3520

Contact Person Address 15 Court St., Vermillion, SD 57069

Location of Event Kidder St. to Market St. to Court St. Date of Event July 26th

Duration of event from time 1:00pm to Time 4:00am 1:00am
26th 27th

The ordinance asks if this is a suitable location with appropriate facilities:

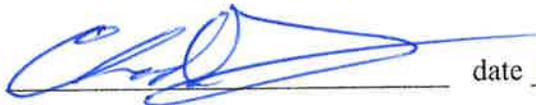
This is a suitable location with appropriate facilities because garbage cans will be placed at each exit during the event and taken down the night of. Alcoholic beverages will be allowed within the fenced area, and all patrons will be I.D.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

See attached sheet.

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  date 6-20-14





June 20, 2014

Vermillion City Council
25 Center Street
Vermillion, SD 57069

Dear City Council:

The Vermillion Dinner/Dance/Auction which raises money for the Make A Wish Foundation of South Dakota is planning for its 8th annual event. This year we would like to expand our efforts. In addition to our traditional event on July 23, 2014 we would like to co-host a street dance with the Old Lumber Company. That street dance would be on July 25, 2014.

As you are well aware the Make A Wish Foundation of South Dakota grants wishes to children aged 3-18 with life threatening illnesses. This is the 30th anniversary of the Make A Wish Foundation of South Dakota and we have granted wishes to over 1000 children in South Dakota.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Fischbach".

Bruce E. Fischbach
Event Organizer

Event Description:

Make a Wish

The Make-a-Wish Foundation grants a wish every 38 minutes to a child diagnosed with a life-threatening medical condition in the United States. Make-a-Wish believes that a wish experience can be a life changing event. To make this happen in Vermillion, SD, Make-A-Wish and Old Lumber Company have partnered up to help raise money for a great cause. The event consists of a dinner, dance, and auction in which all proceeds raised go to the Make-A-Wish of South Dakota. The dinner and auction will be held upstairs in Old Lumber Company's banquet room. The dance will be on the main floor. Outside there will be a commercial chain link fence from Kidder Street, to Market Street, to Court Street. All exits will have a staff member there to I.D patrons. Alcoholic beverages will be allowed within this confined fenced in area but only sold within the building. Garbage cans will be placed by all exits and taken down the night of the event.

They raised ~\$28,000

[Signature]

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Phone: (605)677-7070
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07/02/14

To: Vermillion City Council

From: Matt Betzen, Chief of Police 

Re: Request for Special Permit for Road Closure and Exceed Permissible Sound Levels – Old Lumber Company for 07/26/14.

This application is for the closure of Kidder Road for the purpose of setting up a band and a street dance/beer garden (note: alcohol permit has not been applied for yet.) The date for this event is 7/26/14.

The Police Department does not see a response problem with closing Kidder Road on this date. There are no significant conflicting events during the event and no known issues. The Old Lumber Company had a similar road closure last year for this event and there were no issues with that event.

The band and associated noise permit may cause some complaints as there is a residential area to the south of the planned location, and the permit is to allow the band to play until 0100 am in the morning.

The Police Department does have the resources to provide a mitigating influence on issues the normally arise during these types of events.

This memo does not address the issue of the beer garden because no permit and plan has been submitted when this memo was prepared.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street to Market Street from 12:00 p.m. (noon) on until 12:00 a.m. (midnight) on August 23, 2014 for Old Lumber Company Grill and Bar, LLC for SD Veterans Motorcycle Club fundraising event to include a band

Presenter: Mike Carlson

Background: The Old Lumber Company applied for a special permit to exceed allowable noise levels on Kidder Street from Court Street to Market Street from 12:00 p.m. (noon) to 12:00 a.m. (midnight) on August 23, 2014 for a fundraising event to include a live band and a Poker Run. A copy of the application and a map of the area are attached.

The city noise ordinance is as follows:
Sec. 90.01. Noises prohibited.

- (A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.
- (B)The following acts are declared to be in violation of this chapter.
- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
 - 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.
 - 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when

6. Public Hearing; item g

measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6:00 a.m.	6:00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

The street closing request and permit for consumption are under new business later on the agenda.

Discussion: The application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west. The Old Lumber Company is hosting the fundraising event with the U.S. Veteran's Motorcycle Club of South Dakota. A letter from Adam Twedt, Vice President of U.S. Veteran's Motorcycle Club of South Dakota, a letter explaining the event and Police Chief's letter are also included.

It should be noted that this is move-in weekend for USD and the Police Chief's letter includes his concerns about staffing the event, extra traffic with move-in day as well as the proximity of the event to residential area with the permit request for a twelve hour period. The Police Chief's summary recommendation is as follows:

In summary, this event is scheduled for a busy weekend as the USD students are returning to Vermillion, it will cause traffic congestion, and may cause residential complaints regarding the noise level. The police can provide additional coverage for the event by staffing additional staff on overtime.

The City Council will need to determine, at the public hearing, if it is in a suitable location, suitable date, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought, include the availability of restroom facilities, clean up of the area, disposal of waste and the impact on the adjoining neighbors.

As the outside live band will be playing in close proximity to the adjoining residential neighborhood, the City Council may want to consider restricting the hours to those compatible with the neighboring residential area. The Old Lumber Company Grill and Bar has a large second floor that would be an option for a live band to keep the noise inside the building.

Financial Consideration: The \$25 fee for the noise permit has been paid.

Conclusion/Recommendations: Administration recommends City Council consideration of the request for the special permit noting the Police Chief's concerns along with any information that is presented at the public hearing that indicates that there were problems related to the noise, the location requested and the time period of the request.

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www.vermillionpd.org



07/14/14

To: Vermillion City Council

From: Matt Betzen, Chief of Police

Re: Request for Street Closure and Noise Permit for 8/22/14;

This application is for the closure of Kidder Road for the purpose of setting up a band and a street dance/beer garden (note: alcohol permit has not been applied for yet.) The date for this event is 8/22/14.

This event is new and the timing of the event does create concerns regarding traffic congestion. While Kidder is not normally a heavily travelled road, the timing of the event coincides with move-in day for USD and as such there is a dramatic increase of traffic throughout Vermillion on that weekend. This traffic is centered on the University but the influx of new students and their parents fill the hotels and the downtown businesses see a substantial increase in patronage. The road closure will cause congestion during this time period.

The band and associated noise permit may cause some complaints as there is a residential area to the south of the planned location and the permit is to allow the band to play until midnight.

The Police Department is busy on this weekend but the resources are available to provide additional coverage for the area. These resources would require the payment of overtime to officers. At this time, I have not received a request for an alcohol permit and have not been contacted by the applicant to see if they intend to cover the cost of additional police for this event.

This memo does not address the issue of the beer garden because no permit and plan has been submitted when this memo was prepared.

In summary, this event is scheduled for a busy weekend after the return of the USD students, it will cause traffic congestion, and may cause residential complaints regarding the noise level. The police can provide additional coverage for the event by staffing additional staff on overtime.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Old Lumber Company

Contact Person Chad Grunewaldt Phone 605-280-3520

Contact Person Address P.O. Box 568 Vermillion, SD 57069

Location of Event Kidder St to Market St Date of Event August 22nd
to Court St.

Duration of event from time 12am to Time 4am ^{midnight 8-23}
noon 8-23 22nd 24th

The ordinance asks if this is a suitable location with appropriate facilities:

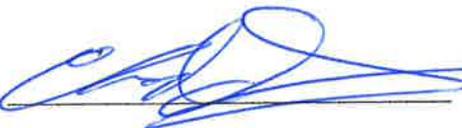
Yes, this is a suitable location with appropriate facilities because garbage cans will be placed at all exits during the event to keep the area clean, and will be taken down the night of the event. Alcoholic beverages will be allowed within the fenced area, and all patrons will be I.D.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

See attachment

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  date 6-20-14



Veterans Club Letter.

Date: June 18, 2014

To Whom It May Concern,

It is a genuine pleasure for me to recommend Old Lumber Company for a great place to hold events. I, Adam Twedt, Vice President with the U.S Veteran's Motorcycle Club of South Dakota State (USVMCSD), have worked closely with the owner Chad Grunewalt since Old Lumber Company has opened. Since they have been open OLC has helped our group tremendously. Our group just formed in December of 2012 and we needed a destination spot. Old Lumber Company welcomed us with open arms and has helped our group thrive. The U.S Veteran's Motorcycle Club consists of a group of veterans and supporters riding to raise awareness and funds in order to support local and state veterans. With the proceeds we raise we put that money back into the South Dakota fund for Veterans. This fund helps veterans who may need a ride to the VA Hospital, get new reading glasses, purchasing a new wheel chair, basically it goes to the any veteran who is in need of help. We have paired with Old Lumber Company in the past to help raise these funds. Every event we have had with them has been a success! They have helped us raise over \$3,000, which was donated to the South Dakota Veterans Fund. These events such as poker runs and raffles all go

towards a great cause. Old Lumber Company is great place to host any event in my opinion.

Adam Twedt

U.S Veteran's Motorcycle Club of South Dakota State

Vice President

Event Description:

The Vermillion Veteran's Club Event will help raise awareness and funds in order to support local and state veterans. The proceeds from this event will go towards providing veterans with assistance with rides to the local VA Hospitals, getting new glasses, filling prescriptions, fixing wheel chairs and assisting with daily needs that will benefit veterans and their families. This event (Poker Run) will start at Old Lumber Company and end at Old Lumber Company. There will be a commercial chain link fence from Kidder Street, to Market Street, to Court Street. All exits will have a staff member there to I.D patrons. Alcoholic beverages will only be sold within the building, but are allowed to take beverages into the confined space permitted outside. Garbage cans will be placed by all exits and taken down the night of the event.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% on Kidder Street from Court Street to Market Street from 5:00 p.m. to midnight on October 10, 2014 and from noon to midnight on October 11, 2014 for the Old Lumber Company Grill and Bar, LLC for a SD Veterans Motorcycle Club fundraising event to include a band

Presenter: Mike Carlson

Background: The Old Lumber Company applied for a special permit to exceed allowable noise levels on Kidder Street from Court Street to Market Street from 5:00 p.m. to midnight on October 10, 2014 and from noon to midnight on October 11, 2014 for a fundraising event to include a band. A copy of the application and a map of the area are attached.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.
 - b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.

6. Public Hearing; item h

- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the “A” weighting scale, in accordance with standards promulgated by the American National Standards Institute.

Use District	11:00 p.m.-6-00 a.m.	6-00 a.m.-11:00 p.m.
Residential	50 dB(A)	55dB(A)
Commercial	55 dB(A)	60dB(A)
Industrial & Agricultural	75 dB(A)	80dB(A)

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Violation: Any person violating any provision of this section may be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

The street closing request and permit for consumption are under new business later on the agenda.

Discussion: The application and map indicate that the band will be on a stage located on Kidder Street just west of Court Street facing west. The Old Lumber Company is hosting the fundraising event with the U.S. Veteran’s Motorcycle Club of South Dakota. A letter from Adam Twedt, Vice President of U.S. Veteran’s Motorcycle Club of South Dakota, a letter explaining the event and Police Chief’s letter are also included.

It should be noted that this is Dakota Days weekend and the Police Chief’s letter includes his concerns about the event. The Police Chiefs findings are as follows:

D-Days is the largest annual event in Vermillion. The event attracts large numbers of young people to Vermillion and underage drinking, house parties, and heavy bar traffic are traditional issues the Police Department deals with during D-Days. The dramatic increase in population coupled with the heavy consumption of alcohol also leads to a significant and predictable increase in violent crime. Historically, the Police

Department's resources are stretched to the limit during this celebration, and in fact the department makes efforts to increase its staffing by trading officers with the Yankton Police Department.

The addition of a road closure in downtown Vermillion on what can be expected to be two of the busiest traffic days of the year is not advisable. Additionally, the plan to place a band outside and create a beer garden environment in a location and time that can already be expected to be very busy and chaotic should not be approved. The Police Department does not have additional resources to mitigate the dangers this plan presents.

I would recommend denial of the permits for road closure and exceeding permissible sound levels during the D-Days Celebration week.

The City Council will need to determine, at the public hearing, if it is in a suitable location, suitable date, with appropriate facilities, during the allowable time, and if the applicant can demonstrate the public benefit of the event. Relevant questions, for a public gathering, when a noise permit is sought, include the availability of restroom facilities, clean up of the area, disposal of waste and the impact on the adjoining neighbors.

As to the live band that will be so close to the adjoining residential property the City Council may want to consider restricting the days and/or hours to those more in keeping with the proximity to residential. The Old Lumber Company Grill and Bar has a large second floor that would be an option for a live band to keep the noise inside the building.

Financial Consideration: The \$25 fee for the noise permit has been paid.

Conclusion/Recommendations: The City Council should consider the request for the special permit along with any information that is presented at the public hearing. Administration would concur with the Police Chief and recommend the denial of the permit but if it is approved the motion should include the dates and hours the permit is approved for.

City of Vermillion
Police Department
15 Washington Street
Vermillion, SD 57069
Phone: (605)677-7070
FAX: (605)677-7166
www.vermillionpd.org



07/02/14

To: Vermillion City Council

From: Matt Betzen, Chief of Police 

Re: Request for Special Permit for Road Closure and Exceed Permissible Sound Levels – Old Lumber Company for 10/10/14 and 10/11/14

This application is for the closure of Kidder Road for the purpose of setting up a band and a beer garden (note: alcohol permit has not been applied for yet.) The dates of this event are during the 2014 D-Days celebration.

D-Days is the largest annual event in Vermillion. The event attracts large numbers of young people to Vermillion and underage drinking, house parties, and heavy bar traffic are traditional issues the Police Department deals with during D-Days. The dramatic increase in population coupled with the heavy consumption of alcohol also leads to a significant and predictable increase in violent crime. Historically, the Police Department's resources are stretched to the limit during this celebration, and in fact the department makes efforts to increase its staffing by trading officers with the Yankton Police Department.

The addition of a road closure in Downtown Vermillion on what can be expected to be the two busiest traffic days of the year is not advisable. Additionally, the plan to place a band outside and create a beer garden environment in a location and time that can already be expected to very busy and chaotic should not be approved. The Police Department does not have additional resources to mitigate the dangers this plan presents.

I would recommend denial of the permits for road closure and exceeding permissible sound levels during the D-Days Celebration week.

**REQUEST FOR SPECIAL PERMIT
TO EXCEED PERMISSIBLE SOUND LEVELS
BY NO MORE THAN 50%
OF CITY NOISE ORDINANCE**

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Old Lumber Company

Contact Person Chad Grunewaldt Phone 605-280-3620

Contact Person Address 15 Court St., Vermillion, SD 57069

Location of Event Kidder St. to Market St., to Court St. Date of Event Oct. 10th-12th

Duration of event from time noon to Time 2:00 a.m. 5:00 pm to midnight - 10th
noon to midnight - 11th

The ordinance asks if this is a suitable location with appropriate facilities:

Yes, this is a suitable location with appropriate facilities because there will be garbage cans placed at all exits to help keep the area clean, and will be taken down the night of the event. Alcoholic beverages will be allowed within the fenced area, and all patrons will be I.D.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

See attached sheet.

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of applicant  date 6-20-14

Stage Faces West



Event Description:

U.S Veteran's Event Oct 9th:

The Vermillion Veteran's Club Event will help raise awareness and funds in order to support local and state veterans. The funds raised from this event will go towards providing veterans the help they'll need in things like, rides to the local VA Hospitals, getting new glasses, filling prescriptions, fixing wheel chairs and assisting with daily needs that will benefit veterans and their families.

There will be a commercial chain link fence from Kidder St., to Market St., to Court St. All exits will have a staff member there to I.D patrons. Alcoholic beverages will be allowed within this confined fenced in area but not sold outside of the building. Garbage cans will be placed by all exits and taken down the night of the event.

Veterans Club Letter.

Date: June 18, 2014

To Whom It May Concern,

It is a genuine pleasure for me to recommend Old Lumber Company for a great place to hold events. I, Adam Twedt, Vice President with the U.S Veteran's Motorcycle Club of South Dakota State (USVMCSD), have worked closely with the owner Chad Grunewalt since Old Lumber Company has opened. Since they have been open OLC has helped our group tremendously. Our group just formed in December of 2012 and we needed a destination spot. Old Lumber Company welcomed us with open arms and has helped our group thrive. The U.S Veteran's Motorcycle Club consists of a group of veterans and supporters riding to raise awareness and funds in order to support local and state veterans. With the proceeds we raise we put that money back into the South Dakota fund for Veterans. This fund helps veterans who may need a ride to the VA Hospital, get new reading glasses, purchasing a new wheel chair, basically it goes to the any veteran who is in need of help. We have paired with Old Lumber Company in the past to help raise these funds. Every event we have had with them has been a success! They have helped us raise over \$3,000, which was donated to the South Dakota Veterans Fund. These events such as poker runs and raffles all go

towards a great cause. Old Lumber Company is great place to host any event in my opinion.

Adam Twedt

U.S Veteran's Motorcycle Club of South Dakota State

Vice President

Council Agenda Memo

From: John Prescott, City Manager
Meeting: July 21, 2014
Subject: Street Closure request for USD-Vermtown Bash
Presenter: John Prescott, City Manager

Background: The Dakota Days Committee is sponsoring a community wide event associated with the 100th Dakota Days on Wednesday, October 8, 2014. Activities are planned for Market Street from W. Main Street to Kidder Street including using the Ratingen Platz. The event will include inflatables and activities from 4:00 p.m. to 7:00 p.m. and then a Battle of the Bands from 8:00 p.m. to 11:00 p.m. All activities are open to the public and will be alcohol free. The special permit to exceed permissible sounds levels was considered earlier on the agenda. A map of the proposed closing is attached.

Discussion: Nathan Hofer representing the Dakota Days Committee has requested the closing of Market Street from W. Main Street to Market Street on Wednesday, October 8, 2014 from 2:00 p.m. to midnight. The closing request is to allow for the set-up of items from 2:00 p.m. to 4:00 p.m. with the activities taking place from 4:00 p.m. to 7:00 p.m., an hour for tear down and set up for the bands from 8:00 p.m. to 11:00 p.m. with an hour for cleanup.

The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the temporary closing of Market Street from Main Street to Kidder Street on Wednesday, October 8, 2014 from 2:00 p.m. to midnight for the USD Dakota Days Committee community wide events contingent upon the noise permit being approved earlier on the agenda.

Request to Close Public Street

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Managers office for a street closing one week prior to the Council Meeting.

**REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION**

This application shall be completed in time to be submitted to the City Council for consideration. City Council meetings are the first and third Mondays of each month. Requests are to be submitted to the City Managers office one week prior to the meeting to be included on the meeting agenda. The proposal shall contain all applicable information relative to the nature and purpose of the event the street closing is requested for, if additional space is needed please attach additional sheets or application letter with the required information.

Organization Requesting USD Dakota Days

Contact Person Nathan Hofer Phone 605-677-5666

Contact Person Address Muenster University Center, 414 E. Clark St., Vermillion, SD 57069

Event Vermtown Bash Date(s) of Event 10/8/14

Street(s) Requesting to be closed (Include a map if needed.)

Street Market from Main to Kidder

Street Closing Times 2:00 pm to 12:00 am

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes No

Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes. The Dakota Days Committee will provide clean-up services on Sunday morning

following the week of events or will organize a group to clean up. Clean up will involve walking

Main Street with garbage bags and picking up any trash/litter that is found along the route.

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant Nathan Hofer date 6/25/14



Vermillion Public Plaza Reservation Form

City of Vermillion, South Dakota

25 Center Street, Vermillion, SD 57069 * Ph: 605-677-7056 * Fax: 605-677-5461

Please print legibly in ink

Primary Contact: Nathan Hofer

Local Address: MUC, 414 E. Clark St. Vermillion SD 57069
Street City State Zip

Home Phone No: 605-677-5666 Cell Phone No: 605-351-9778

Company/Group: University of South Dakota - Dakota Days Committee

Address: MUC, 414 E. Clark St. Vermillion SD 57069
Street City State Zip

Name of Event: Vermtown Bash

Date(s) of events: October 8th, 2014

Will food be served:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will any merchandise be sold:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does Applicant intend to sell alcohol:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will electricity be needed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

***NOTE:** Electrical service cost \$50 per event. Payment and arrangements for service must be made during normal business hours prior to the event.

Please provide a description of your event, including how your event is considered a public event (Attach additional sheets if necessary):

Please see additional info attached at back of packet

I have read and fully subscribe to the terms of the **Public Plaza Policy**.

Nathan Hofer
 Signature

6/25/14
 Date

FOR OFFICE USE ONLY:

Date Application approved by City Manager: _____
 Date Application denied by City Manager: _____
 Deposit Received: \$ _____
 Reasons for denial: _____

 City Manager

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: July 21, 2014

Subject: Request for Temporary Street Closing – Ribs, Rods, & Rock’n Roll, Inc.

Presenter: John Prescott

Background: The Ribs, Rods, & Rock’n Roll, Inc. organization is requesting a temporary street closing to host their Ribs, Rods, & Rock’n Roll State BBQ Championship, Music Festival, basketball tournament and Car Show on September 5 and 6, 2014.

Discussion: The request has been broken down into three sections as follows:

Pink Section – Closed from 7:00 a.m. on Friday, September 5 to noon on Sunday, September 7. This is Main Street from Austin Street to Prospect Street, Austin Street from Main Street to Kidder Street, Market Street from Main Street to Bloomingdale Street and Kidder Street from Austin Street to one-half block east of Market Street. This closing would include the Ratingen Platz and city parking lot at the corner of Market and Kidder.

Green Section – Closed from 2:00 p.m. on Friday, September 5 to 5:00 p.m. on Saturday, September 6. This is Main Street from Prospect Street to Center Street.

Blue Section – Closed from 7:00 a.m. to 5:00 p.m. on Saturday, September 6. This is two sections consisting of Main Street from Washington Street to High Street and Court Street to Church Street and Court Street half block south of Main Street.

The street closing request and a map of the requested street closings are both attached. The noise permit and special daily malt beverage and wine license were considered earlier on the agenda. The Police, Fire, and EMS Departments have been notified of the closure request and have found no safety concerns.

Financial Consideration: None

Conclusion/Recommendations: Given the amount of streets to be closed, the timing of the street closings during the hours of some businesses, Administration recommends that the City Council receive public input and determine the streets to be closed and for what time periods.

Request to Close Public Street

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Managers office for a street closing one week prior to the Council Meeting.

**REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION**

This application shall be completed in time to be submitted to the City Council for consideration. City Council meetings are the first and third Mondays of each month. Requests are to be submitted to the City Managers office one week prior to the meeting to be included on the meeting agenda. The proposal shall contain all applicable information relative to the nature and purpose of the event the street closing is requested for, if additional space is needed please attach additional sheets or application letter with the required information.

Organization Requesting Ribs, Rods & Rock 'n Roll

Contact Person Rich Job Phone 605-670-9913

Contact Person Address 815 W. Clark Street, Vermillion, SD 57069

Event SD BBQ Championship Date(s) of Event Sept. 5-6

Street(s) Requesting to be closed (Include a map if needed.)

Street See Map from _____ to _____

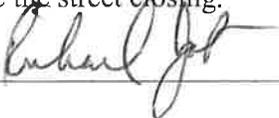
Street Closing Times _____ to _____

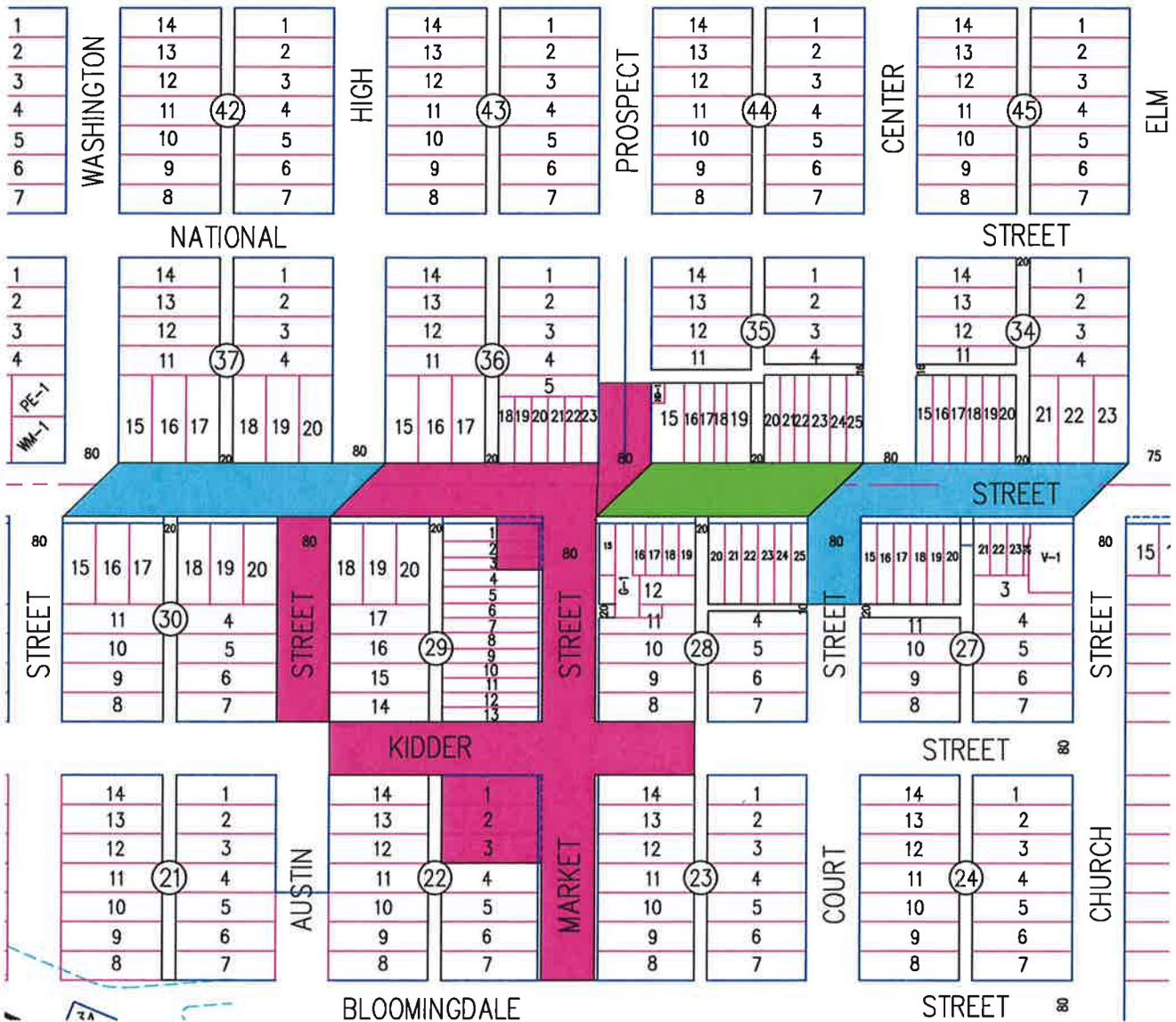
If the street closing requested would affect other residents or businesses have they been notified of the request. Yes No

Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes, teams of volunteers are scheduled throughout event.

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant  date 6-24-14



- CLOSED SEPT. 5 AT 2 P.M. UNTIL SEPT. 6 AT 5 P.M.*
- CLOSED SEPT. 6 AT 7 A.M. UNTIL 5 P.M.*
- CLOSED SEPT. 5 AT 7 A.M. UNTIL SEPT. 7 AT NOON*

STREET CLOSURE PLAN

RIBS, RODS AND ROCK & ROLL		1.0	
CITY OF VERMILLION, SD	57069	SCALE: NTS	JULY 2014



Council Agenda Memo

From: John Prescott, City Manager

Meeting: July 21, 2014

Subject: Street Closure Request – Kidder Street from Market Street to Court Street on July 26 and 27, 2014 for Old Lumber Company Grill and Bar, LLC and Make-A-Wish

Presenter: John Prescott

Background: Chad Grunewaldt with the Old Lumber Company is planning a special event to raise funds for Make-A-Wish. To facilitate the event, he submitted a request to close Kidder Street from Market Street to Court Street from 1:00 a.m. on Saturday, July 26, 2014 to 4:00 a.m. on Sunday, July 27, 2014 for a live band concert, parking of motorcycles and a beer garden. The permit to exceed noise levels was considered earlier on the agenda and the permit for consumption but not sale is later on the agenda.

Discussion: The street closure request application indicates that neighboring businesses and residents have been notified. Access to the First Dakota Bank via Kidder Street will be impacted for the duration of the event. The drive-thru would be accessible via Market Street and the parking lot. Access to the south side of Total Flooring would also be limited.

A Make-A-Wish event was conducted last year but the band was inside the Old Lumber Company building. In 2013, the street was closed from noon on a Wednesday, July 24 until 2:00 a.m. on July 25 to allow for motorcycle parking and a permit for consumption but not sale was approved to allow alcohol on the street.

An issue to consider is the proximity of the activities to the adjoining residential property with the closing starting at 1:00 a.m. on Saturday morning to allow for set up and continuing until 4:00 a.m. on Sunday morning with the extra hours for tear down and cleanup.

Staff from the Old Lumber Company will clean up the area after the event. The enclosed map submitted by the Old Lumber Company indicates that trash cans will be provided. The Fire, Police, EMS and Departments have been notified of the closure and have not expressed concerns.

The consideration of the street closing request is impacted by the permit to exceed permissible sound levels considered earlier on the agenda as the band would be set up in the street and the audience would gather there. Any changes to the special permit to exceed permissible sound levels may impact the times of the street closing.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the street closure request if the noise permit is approved and appropriate hours are established to balance the needs of the residential neighborhood, abutting businesses and the event organizers.

Request to Close Public Street

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Managers office for a street closing one week prior to the Council Meeting.

**REQUEST TO CLOSE CITY STREET
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Organization Requesting Old Lumber Company Grill and Bar

Contact Person Chad Granewaldt Phone 605-280-3520

Contact Person Address P.O. Box 508

Event Make a wish Event Date(s) of Event July 26th.

Street(s) Requesting to be closed (Include a map if needed.)

Street Kiddler St from Market St to Court St

Street Closing Times ~~10~~ 10 a.m. to 4 a.m. (26) to 2 a.m. (27th)

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes No

Have arrangements been made for clean up after the event and other facilities? Please describe:

Garbage cans would be out and taken down the night of event. They would also be placed at the exits.

Alcoholic beverages will be allowed in fenced in area. All patrons will be I.D.
If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant  date 6-12-14

Council Agenda Memo

From: John Prescott, City Manager

Meeting: July 21, 2014

Subject: Street Closure Request – Kidder Street from Market Street to Court Street on Friday, August 22, 2014 from 12:00 a.m. (midnight) until Sunday, August 24, at 4:00 a.m. for Old Lumber Company Grill and Bar, LLC and SD Veterans Motorcycle Club fundraising event

Presenter: John Prescott

Background: Chad Grunewaldt with the Old Lumber Company is planning a special event to raise funds for SD Veterans Motorcycle Club. To facilitate the event, he submitted a request to close a portion of Kidder Street from 12:00 am midnight on August 22, 2014 to 4:00 a.m. on Sunday, August 24, 2014 for live band, poker run and a beer garden. The permit to consume alcohol on the closed portion of Kidder Street is later on the agenda and the permit to exceed permissible sound levels was earlier on this agenda.

Discussion: The street closure request application indicates that neighboring businesses and residents have been notified. Access to the First Dakota Bank drive-thru via Kidder Street will be impacted for the duration of the event. The drive-thru would be accessible via Market Street and the parking lot.

The request for a permit to exceed permissible sound levels was from noon to midnight on August 23 with the request to close the street at midnight to allow time to set up for the events and with the events ending at midnight on August 23 the extra four hours is to tear down and cleanup.

Staff from the Old Lumber Company will clean up the area after the event. The map submitted by the Old Lumber Company indicates that trash cans will be provided. The Fire, Police, and EMS Departments have been notified of the closure and the Police Chief has expressed his concerns.

It should be noted that this is move-in weekend for USD and the Police Chiefs letter includes his concerns about staffing the event, extra traffic with move in day as well as the proximity of the event to residential area with a street closing for a twenty-six hour period. The Police Chiefs summary recommendation is as follows:

In summary, this event is scheduled for a busy weekend after the return of the USD students, it will cause traffic congestion, and may cause residential complaints regarding the noise level. The police can provide additional coverage for the event by staffing additional staff on overtime.

Mr. Grunewaldt will be present to discuss the event and answer any questions. A map of the closure area is enclosed.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council to consider the Police Chiefs recommendation along with any changes made with the permit to exceed permissible sound levels when considering the request for the closure of Kidder Street from Court Street to Market Street on August 22 and 24, 2014, for a fundraising event at the Old Lumber Company.

Request to Close Public Street

Requests to close a public street for an event or activity are taken to the City Council for approval. The following application is requested to be submitted to the City Managers office for a street closing one week prior to the Council Meeting.

**REQUEST TO CLOSE CITY STREET
CITY OF VERMILLION**

This application shall be completed in time to be submitted to the City Council for consideration. City Council meetings are the first and third Mondays of each month. Requests are to be submitted to the City Managers office one week prior to the meeting to be included on the meeting agenda. The proposal shall contain all applicable information relative to the nature and purpose of the event the street closing is requested for, if additional space is needed please attach additional sheets or application letter with the required information.

Organization Requesting Old Lumber Company Grill and Bar

Contact Person Chad Gruenewaldt Phone 605-280-3520

Contact Person Address P.O. Box 508 Vermillion, SD 57069

Event Vermillion Veterans Club Date(s) of Event August 22nd.

Street(s) Requesting to be closed (Include a map if needed.)

Street Kidder St from Market St to Court St

Street Closing Times 12am to 4am
22nd
midnight *24th*

If the street closing requested would affect other residents or businesses have they been notified of the request. Yes No

Have arrangements been made for clean up after the event and other facilities? Please describe:

Garbage cans will be out and taken down night of event. Tray

will also be placed at exits. Alcoholic beverages will be allowed

in forced in area. All patrons will be T.O.

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant  date 6-12-14

Council Agenda Memo

From: John Prescott, City Manager

Meeting: July 21, 2014

Subject: Street Closure Request – Kidder Street from Market Street to Court Street from 12:00 p.m. (Noon) on Friday, October 10, 2014 to 4:00 a.m. on Sunday, October 12, 2014 for Old Lumber Company Grill and Bar, LLC and SD Veterans Motorcycle Club fundraising event

Presenter: John Prescott

Background: Chad Grunewaldt with the Old Lumber Company is planning a special event to raise funds for SD Veterans Motorcycle Club. To facilitate the event, he submitted a request to close a portion of Kidder Street 12:00 p.m. (Noon) on Friday, October 10, 2014 to 4:00 a.m. on Sunday, October 12, 2014 for a live band. The permit to consume alcohol on the closed portion of Kidder Street is later on the agenda and the permit to exceed permissible sound levels was earlier on this agenda.

Discussion: The street closure request application indicates that neighboring businesses and residents have been notified. Access to the First Dakota Bank drive-thru via Kidder Street will be impacted for the duration of the event. The drive-thru would be accessible via Market Street and the parking lot.

The request for a permit to exceed permissible sound levels was from 5:00 p.m. to midnight on October 10 and noon to midnight on October 11 with the request to close the street at noon on October 10 to allow time to set up for the events and with the events ending at midnight on August 23 the extra four hours is to tear down and cleanup.

Staff from the Old Lumber Company will clean up the area after the event. The map submitted by the Old Lumber Company indicates that trash cans will be provided. The Fire, Police, and EMS Departments have been notified of the closure and the Police Chief has expressed his concerns.

It should be noted that this is Dakota Days weekend and the Police Chiefs letter includes his concerns about the event. The Police Chiefs finds are as follows:

D-Days is the largest annual event in Vermillion. The event attracts large numbers of young people to Vermillion and underage drinking, house parties, and heavy bar traffic are traditional issues the Police Department deals with during D-Days. The

dramatic increase in population coupled with the heavy consumption of alcohol also leads to a significant and predictable increase in violent crime. Historically, the Police Department's resources are stretched to the limit during this celebration, and in fact the department makes efforts to increase its staffing by trading officers with the Yankton Police Department.

The addition of a road closure in downtown Vermillion on what can be expected to be the two busiest traffic days of the year is not advisable. Additionally, the plan to place a band outside and create a beer garden environment in a location and time that can already be expected to be very busy and chaotic should not be approved. The Police Department does not have additional resources to mitigate the dangers this plan presents.

I would recommend denial of the permits for road closure and exceeding permissible sound levels during the D-Days Celebration week.

Mr. Grunewaldt will be present to discuss the event and answer any questions. A map of the closure area is enclosed.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council consider the Police Chiefs recommendation along with any changes made with the permit to exceed permissible sound levels when considering the request to for the closure of Kidder Street from Court Street to Market Street on October 10 - 12, 2014, for a SD Veterans Motorcycle Club fundraising event at the Old Lumber Company.

Council Agenda Memo

From: Mike Carlson

Meeting: July 21, 2014

Subject: Permit for Consumption on portion of Kidder Street from noon on July 26 to 1:00 a.m. on July 27, 2014 for Old Lumber Company Grill and Bar, LLC for a Make-A-Wish event

Presenter: Mike Carlson

Background: Chad Grunewaldt plans to host an event for Make-A-Wish at the Old Lumber Company on July 26 and 27. As noted with the previous agenda item, the plan is to close Kidder Street from Market Street to Court Street for live band concert on the street, parking of motorcycles and a beer garden. The noise special permit and street closing request were considered earlier on the agenda which included the information about the event.

State statute 35-1-5.5 provides that provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. The statute is as follows:

35-1-5.5. Permit for consumption of alcoholic beverage on property owned by public or nonprofit corporation. The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

The event will include a live band on the street, motorcycle ride through the Old Lumber Company with the street closing will also provide for the parking of the motorcycles. With the band and motorcycles on the street, Chad requested a permit to allow the consumption but not the sale of alcohol on a public street.

Discussion: The City Council may permit the consumption, but not the sale, of alcoholic beverage on property owned by the public. Due to the nature of the event and the property upon which the Old Lumber Company is situated, the request is to utilize Kidder

Street for consumption of alcohol.

Below are some special conditions required by the City Council for other entities that have used city property for the consumption of alcoholic beverages. Adjustments may be appropriate for the conditions, but Staff recommends the City Council consider and attach the following conditions:

- Require a Release and Indemnification to hold the City harmless from claims.
- Certificate of insurance naming the City as an additional insured for the event.
- Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event.
- Require a plan for the cleanup and disposal of materials after the event.
- The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is from 1:00 a.m. on July 26 to 4:00 a.m. on July 27 and the permit to exceed permissible sound levels is from noon on July 26 to 1:00 a.m. on July 27. A question for Chad will be the time he wants to allow consumption as the area will need to be monitored during all hours consumption is allowed.

Chad Grunewaldt has indicated he will be present to explain the event.

It should be noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company that they were restricted to the interior of the building on the location. If the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Financial Consideration: None

Conclusion/Recommendations: Administration would recommend that if the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure and is contingent upon the Old Lumber Company complying with the conditions listed above and that the hours that consumption will be allowed included in the motion.

Council Agenda Memo

From: Mike Carlson

Meeting: July 21, 2014

Subject: Permit for Consumption on portion of Kidder Street from noon to midnight on August 23, 2014 for Old Lumber Company Grill and Bar, LLC for SD Veterans Motorcycle Club event

Presenter: Mike Carlson

Background: Chad Grunewaldt plans to host a fundraising event for U.S. Veteran's Motorcycle Club of South Dakota at the Old Lumber Company on August 23. As noted with the previous agenda items, the plan is to close Kidder Street from Market Street to Court Street for live band concert on the street, parking of motorcycles as part of the Poker Run and a beer garden. The noise special permit and street closing request were considered earlier on the agenda which included the information about the event.

State statute 35-1-5.5 provides that provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. The statute is as follows:

35-1-5.5. Permit for consumption of alcoholic beverage on property owned by public or nonprofit corporation. The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

The event will include a live band on the street, motorcycle ride Poker Run with the street closing also providing for the parking of the motorcycles. With the band and motorcycles on the street, Chad requested a permit to allow the consumption but not the sale of alcohol on a public street.

Discussion: The City Council may permit the consumption, but not the sale, of alcoholic beverage on property owned by the public. Due to the nature of the event and the property upon which the Old Lumber Company is situated, the request is to utilize Kidder

Street for consumption of alcohol.

The Police Chief has expressed his concerns about this event as it is USD move in weekend that was included in the memo for the special permit to exceed permissible sound levels.

Below are some special conditions required by the City Council for other entities that have used city property for the consumption of alcoholic beverages. Adjustments may be appropriate for the conditions, but Staff recommends the City Council consider and attach the following conditions:

- Require a Release and Indemnification to hold the City harmless from claims.
- Certificate of insurance naming the City as an additional insured for the event.
- Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event.
- Require a plan for the cleanup and disposal of materials after the event.
- The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is from midnight on August 27 to 4:00 a.m. on August 24 and the permit to exceed permissible sound levels is from noon to midnight on August 23. A question for Chad will be the time he wants to allow consumption as the area will need to be monitored during all hours consumption is allowed.

Chad Grunewaldt has indicated he will be present to explain the event.

It should be noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company that they were restricted to the interior of the building on the location. If the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Financial Consideration: None

Conclusion/Recommendations: Administration would recommend that if the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure and is contingent upon the Old Lumber Company complying with the conditions listed above and that the hours that consumption will be allowed included in the motion.

Council Agenda Memo

From: Mike Carlson

Meeting: July 21, 2014

Subject: Permit for Consumption on portion of Kidder Street from 5:00 p.m. to midnight on October 10 and from noon to midnight on October 11, 2014 for Old Lumber Company Grill and Bar, LLC for a fundraising event benefiting SD Veterans Motorcycle Club

Presenter: Mike Carlson

Background: Chad Grunewaldt plans to host a fundraising event for U.S. Veteran's Motorcycle Club of South Dakota at the Old Lumber Company on October 10 and 11, 2014. As noted with the previous agenda items, the plan is to close Kidder Street from Market Street to Court Street for live band concert on the street and a beer garden. The noise special permit and street closing request were considered earlier on the agenda which included the information about the event.

State statute 35-1-5.5 provides that provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public. The statute is as follows:

35-1-5.5. Permit for consumption of alcoholic beverage on property owned by public or nonprofit corporation. The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

The event will include a live band on the street. With the band on the street, Chad requested a permit to allow the consumption but not the sale of alcohol on a public street.

Discussion: The City Council may permit the consumption, but not the sale, of alcoholic beverage on property owned by the public. Due to the nature of the event and the property upon which the Old Lumber Company is situated, the request is to utilize Kidder Street for consumption of alcohol.

The Police Chief has expressed his concerns and recommended denial of the request to close the street as this is D-Days weekend. His memo was included in the memo for the special permit to exceed permissible sound levels.

Below are some special conditions required by the City Council for other entities that have used city property for the consumption of alcoholic beverages. Adjustments may be appropriate for the conditions, but Staff recommends the City Council consider and attach the following conditions:

- Require a Release and Indemnification to hold the City harmless from claims.
- Certificate of insurance naming the City as an additional insured for the event.
- Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event.
- Require a plan for the cleanup and disposal of materials after the event.
- The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is from noon on October 10 to 4:00 a.m. on October 12 and the permit to exceed permissible sound levels is from 5:00 p.m. to midnight on October 10 and noon to midnight on October 11. A question for the applicant will be the time he wants to allow consumption as the area will need to be monitored during all hours consumption is allowed.

Chad Grunewaldt has indicated he will be present to explain the event.

It should be noted that when the liquor and malt beverage licenses were renewed for the Old Lumber Company that they were restricted to the interior of the building on the location. If the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure for this event.

Financial Consideration: None

Conclusion/Recommendations: Administration would concur with the Police Chief and recommend the denial of the permit. If the permit is approved the motion should include a suspension of the restriction of the requirement for consumption only on the interior of the structure and is contingent upon the Old Lumber Company complying with the conditions listed above and that the hours that consumption will be allowed included in the motion.

Council Agenda Memo

From: John Prescott, City Manager
Meeting: July 21, 2014
Subject: Resolution authorizing professional services for preparation of a General Obligation bond for park improvements
Presenter: John Prescott

Background: Over the last year several steps have been taking place with regard to replacing the Prentis Park pool and upgrading Prentis Park. A Master Plan was developed and adopted by the City Council. Staff has been developing ideas to fund completing the projects.

Discussion: In May, city staff presented ideas on funding Prentis Park improvements. In addition to using \$2 million of reserves, a General Obligation bond was proposed. A General Obligation bond which nets \$3 million for improvements has been proposed. A 20 year General Obligation bond at 3.72% average interest rate will have an average annual debt service of \$222,127. Public presentations are being made to gather public feedback on the proposed funding plan. The next session is scheduled for July 22.

A General Obligation bond requires 60% voter approval. If the City Council wants to move the bond question forward to the voters as part of the November 2014 election, a resolution adopting the bond and the related documents need to be developed and approved by the City Council. The attached resolution provides staff the ability to engage Dougherty & Company in developing the General Obligation bond documents. The City Council would be asked to consider adopting the General Obligation bond documents at the August 4, 2014 meeting.

Financial Consideration: The estimate cost to prepare the General Obligation bond documents is \$8,000 - \$10,000.

Conclusion/Recommendations: Administration recommends adopting the Resolution to engage Dorsey & Whitney, LLP as bond counsel and disclosure counsel and Dougherty & Company, LLC as underwriting for the General Obligation bond documents for consideration by the City Council at the August 4, 2014 meeting.

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES
FOR THE PREPARATION OF DOCUMENTS NECESSARY
FOR A GENERAL OBLIGATION BOND FOR
PRENTIS PARK IMPROVEMENTS**

WHEREAS, the Prentis Park Swimming pool is reaching the end of its useful life; and

WHEREAS, in preparation for the pool replacement as well as all the other recreation services provided in Prentis Park a Master Plan was completed and adopted; and

WHEREAS, to implement the portion of the Master Plan as it applies to the pool replacement, parking lot and basketball courts, is estimated to cost \$5.25 million; and

WHEREAS, to fund the proposed improvements \$2 million will come from existing reserves in the General Fund and Sales Tax Fund, \$250,000 from fundraising and grants, and General Obligation bond net proceeds of \$3 million; and

WHEREAS, a General Obligation Bond issue requires sixty percent approval of the voters before the bonds can be issued; and

WHEREAS, to prepare the resolution and related bond documents for City Council consideration for the issuance of a General Obligation bond will require the City to appoint a Bond Counsel and Underwriter.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the law firm of Dorsey & Whitney, LLP is appointed as bond counsel and disclosure counsel and the firm of Dougherty & Company, LLC is appointed for purposed of underwriting for the General Obligation Bond issue.

Dated at Vermillion, South Dakota this 21st day of July, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Jason Anderson, Assistant City Engineer
Meeting: July 21, 2014
Subject: Resolution Authorizing the Purchase of a Turf Sweeper
Presenter: Jason Anderson

Background: The Park Department's 2000 Goosen Versa Vac was scheduled for replacement in the 2014 equipment replacement fund. To replace the item, City Staff would like to purchase from a National Intergovernmental Purchasing Alliance (National IPA) bid.

Discussion: National IPA has over 7,000 governmental agencies that participate in their purchasing program. In July 2010, state law changed allowing purchases to be made off of other governmental entity bids or cooperative agreements outside of the state.

National IPA, in conjunction with member city Tucson, Arizona, renewed its contract with Toro Company and its participating distributors through November 26, 2014. The total bid for a 2014 Versa Vac turf sweeper is \$23,998.00. The Toro Company participating distributor for South Dakota is Midwest Turf & Irrigation of Omaha, Nebraska.

Financial Consideration: The 2014 Equipment Replacement Fund includes a budget of \$20,200 for this purchase.

Conclusion/Recommendations: Administration recommends approving the Resolution to purchase a 2014 Versa Vac turf sweeper from Toro Company's participating distributor, Midwest Turf & Irrigation, for the NIPA contract price of \$23,998.00.

**RESOLUTION
AUTHORIZING THE PURCHASE OF
A TURF SWEEPER**

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to enter into agreements with purchasing agents in any other state for purchases under a joint agreement or contract at the accepted bid price and the concurrence of said bidder; and

WHEREAS, the City of Vermillion has reviewed and determined that the bid awarded by the National Intergovernmental Purchasing Alliance (National IPA), in conjunction with the City of Tucson, Arizona, for a turf sweeper from Toro Company's participating distributor, Midwest Turf & Irrigation, for the total amount of \$23,998.00 offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Midwest Turf & Irrigation and they have agreed to allow the City to purchase a turf sweeper for the contract price and terms as awarded by the National IPA/City of Tucson, Arizona.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the City Finance Officer is hereby authorized to purchase **a new 2014 Versa Vac turf sweeper from Midwest Turf & Irrigation of Omaha, Nebraska** at the above stated price and under the same terms as the City of Tucson, Arizona.

Dated at Vermillion, South Dakota this 21st day of July, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 21, 2014

Subject: Certification and Approval of the Vermillion Area Urban Boundary Map

Presenter: Jose Dominguez

Background: The DOT, in conjunction with the Federal Highway Administration (FHWA), requires each city to review their urban boundary maps. The urban boundary map is a document that they will use to delineate areas that may affect funding for City transportation projects.

The previous boundary map was adopted by the Council in 2002.

Discussion: This map is critical to the City's available funding. The map will allow the City to possibly change the amount of City streets that may be funded by Federal funds. In order for this to take place the first step is to approve this map. This map will then be reviewed and, hopefully, adopted by the County. After the City and County approve the map it will have to be approved by FHWA. Once all of the signatures are acquired the City will then work with the DOT to modify the functional classification of streets, which will then affect the amount of money that the City receives and which streets that money may be used on.

Financial Consideration: Postage is the only cost associated with this item.

Conclusion/Recommendations: Administration recommends allowing the Mayor to sign the map stating that the City Council approves and certifies that the urban area boundary is correct.

FHWA Urban Boundary for Vermillion Clay County, South Dakota 2014

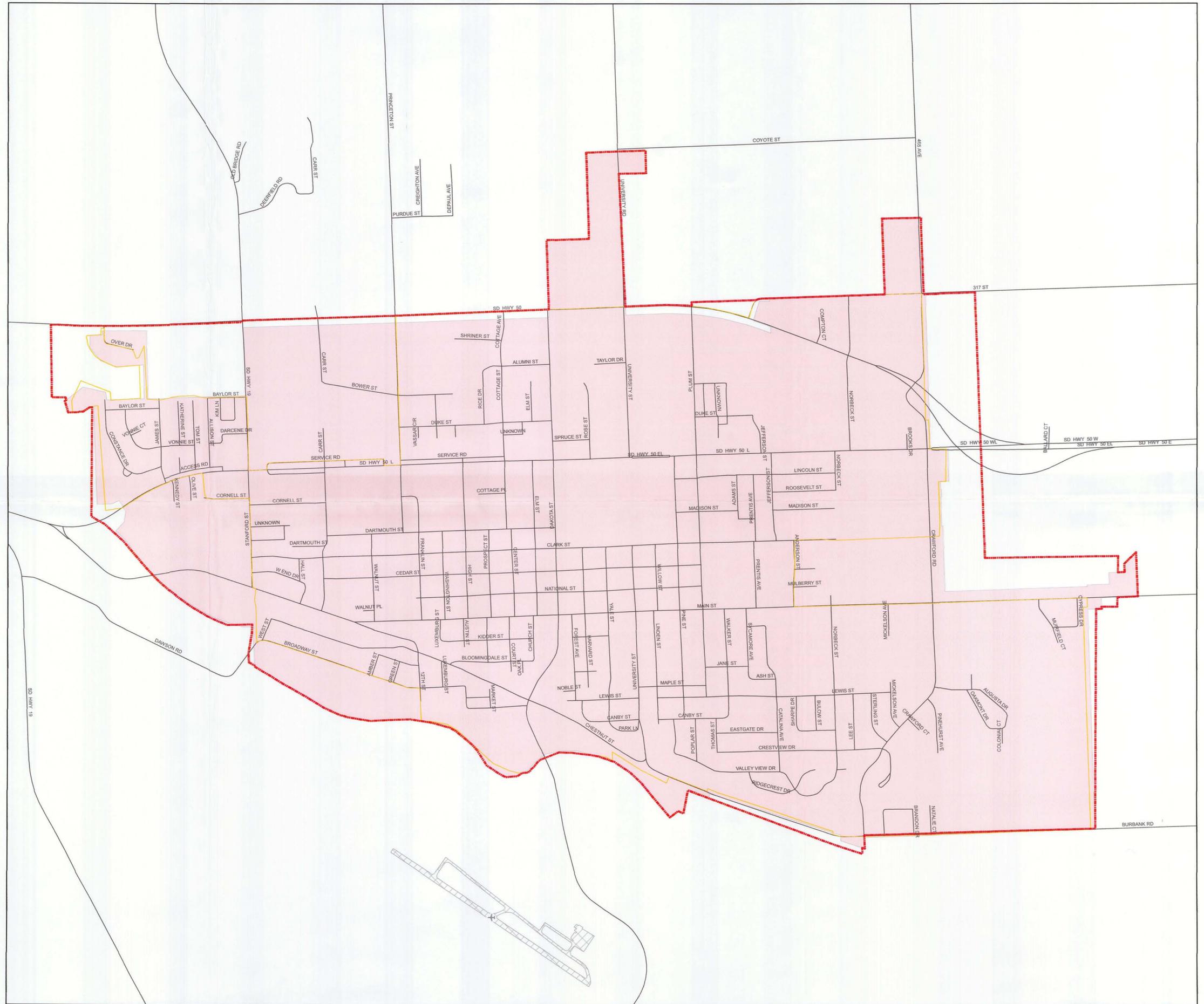


Prepared by:
Project Development
South Dakota Department of Transportation
July, 2014

In Cooperation With The
U.S. Department of Transportation
Federal Highway Administration

Legend

- Urban Area Boundary
- 2010 Census Urban Boundary
- Local Roads
- Citylimit Boundaries



CERTIFICATION AND APPROVAL OF THE
VERMILLION AREA URBAN BOUNDARY

CERTIFICATION

I HEREBY CERTIFY AND APPROVE THAT THE URBAN AREA BOUNDARY DEPICTED
HEREON WAS ESTABLISHED BY STATE AND LOCAL OFFICIALS IN COOPERATION
WITH EACH OTHER IN PURSUANT TO THE FEDERAL-AID HIGHWAY POLICY GUIDE
OF 1991.

DIRECTOR, DIVISION OF PLANNING /ENGINEERING _____ DATE
S.D. DEPARTMENT OF TRANSPORTATION

APPROVAL

SIGNATURE _____ DATE
CHAIRMAN, BOARD OF CLAY COUNTY COMMISSIONERS

SIGNATURE _____ DATE
MAYOR, CITY OF VERMILLION

SIGNATURE _____ DATE
FEDERAL HIGHWAY ADMINISTRATION

Council Agenda Memo

From: John Prescott, City Manager

Meeting: July 21, 2014

Subject: Appointment to fill vacant seat on Planning Commission

Presenter: Mayor Jack Powell

Background: By State Statute the City Council is charged with appointing members of the Planning Commission.

11-4-11. Appointment of planning and zoning commission--Same as city planning and zoning commission. In order to avail itself of the powers conferred by this chapter, the governing body shall appoint a commission to be known as the planning and zoning commission to recommend the boundaries of the zoning districts and appropriate regulations to be enforced therein.

The Planning Commission is comprised of nine citizens. The board terms are for five (5) years and expire in June. Rich Holland has resigned from the Planning Commission due to his election to the City Council. The opening was advertised on the City's website, at a City Council meeting, and on the City's website.

Discussion: The current members of the Planning Commission and term expiration year are: Don Forseth (2015), Laura Jones (2015), Mike Manning (2015), Ted Muenster (2015), Doug Tuve (2015), Matt Fairholm (2017), Debbie Gruhn (2017), and Bob Iverson (2017).

Five Expression of Interest forms were received and are attached. The appointee will fill the balance of Mr. Holland's term which expires in 2017.

Financial Consideration: Each member of the Planning Commission is paid \$15 per meeting attended.

Conclusion/Recommendations: Administration recommends appointing an individual to fill the balance of the Planning Commission term expiring in 2017.



CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM

Board/Commission on which you are interested in serving: Planning Commission

Title: _____

Name: Valarie Hower

Home Address: 12 S. Walker Street

Email Address: vhower@usd.edu

Phone #: 605 202 0442

Number of years you have lived in/around Vermillion: 44

Occupation: Accountant / EMT Employer: USD School of Med /

Business Address: 414 E. Clark St. City of Vermillion

Prior elected or appointed offices held (if any): _____

Present and past community volunteer activities: Trinity Lutheran Preschool Board Member -
Secretary/Treasurer Vermillion City Co. EMT Assoc. - Vermillion
Community CPR Instructor - Sunday School Teacher

Why are you interested in serving on this Board/Commission: I am interested in
becoming involved in City Government and have an interest
in improving our city as a homeowner / lifelong resident.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? Leadership Vermillion participant, BS in Bus Mgmt
from USD, homeowner, lifelong resident

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? Quality + quantity of housing availability.

Valarie Hower 7-8-14
Signature Date

Please return this form to: John Prescott, City Manager
25 Center Street
Vermillion, South Dakota 57069



**CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM**

Board/Commission on which you are interested in serving: City Planning Commission

Title: Mr.

Name: Glenn Scott Pulse

Home Address: 514 Valley View Drive, Vermillion, SD 57069

Email Address: gspulse@yahoo.com

Phone #: 605-421-1641

Number of years you have lived in/around Vermillion: 2

Occupation: Plumbing Construction Supervisor Employer: Builder's Choice

Business Address: Hwy 50, Vermillion, SD

Prior elected or appointed offices held (if any): City of Canistota Fire Chief; City of Canistota Rescue Squad Captain; City of Canistota Emergency Manager; McCook County 911 Oversight Committee member.

Present and past community volunteer activities: City of Canistota Firefighter, EMT, and Rescue Technician.

Organized the fundraising for and construction of the new Canistota Community Fire Hall and training facility. Grant writing for the fire department. Planning, fund raising, erection of Canistota's first electronic civil defense warning system.

Why are you interested in serving on this Board/Commission: I would like to bring my talents and experience in planning and development to benefit the Vermillion Community and the City of Vermillion planning commission. I have 25 years experience working with city leaders in my previous home town of Canistota and served 6 mayors.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I have 20+ years experience in residential and commercial planning, development, and construction.

I have 20+ years in HVAC and plumbing new installations and repairs. I have been a lead installer for 14 years.

I have 13+ years in blue print reading. Completed the historic restoration of the Conrad Building at 108 E. Main Street, Verm.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? I support the protection and development of the downtown Vermillion Historic District and projects that would increase the quality of life for residents in the City of Vermillion. I support the expansion of building projects that will bring high quality jobs to Vermillion.

Signature

1 July 2014

Date

Please return this form to: John Prescott, City Manager
25 Center Street
Vermillion, South Dakota 57069



**CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM**

Board/Commission on which you are interested in serving: Planning Commission

Title: Mr.

Name: Cody Raterman

Home Address: 105 S. Pine St

Email Address: Cody.Raterman@gmail.com

Phone #: 605-381-4214

Number of years you have lived in/around Vermillion: 5

Occupation: Data analyst/Grad School Employer: USD

Business Address: 414 E. Clark

Prior elected or appointed offices held (if any): Planning Commission alternate (2012);
Planning Commissioner (2013) - City of Rapid City

Present and past community volunteer activities: Rapid City Summer Nights executive
board member (2012-13); Cornerstone Rescue Mission, kitchen
volunteers (2010-13); Habitat for Humanity, Summer help (2010-13)

Why are you interested in serving on this Board/Commission: would like to utilize knowledge
gained from RC Planning Commission (Comprehensive Plan updates)
to serve my community of Vermillion.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? Experiences with: Conditional USC permit approval,
plotting, traffic impact analysis, TIF/TID's, and working with
Developers/City Planners to make community a better place.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? No agenda - pro-growth, but responsible growth
with community input.

[Signature]
Signature

7/9/14
Date

Please return this form to: John Prescott, City Manager
25 Center Street
Vermillion, South Dakota 57069



**CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM**

Board/Commission on which you are interested in serving: Planning

Title: Mr.

Name: Greg Redlin

Home Address: 916 Jane Street, Vermillion S.D. 57069

Email Address: gregredlin@gmail.com

Phone #: 662-402-2232

Number of years you have lived in/around Vermillion: 15 years

Occupation: Retired. Consultant and student at USD Employer: Mount Marty consultant

Business Address: _____

Prior elected or appointed offices held (if any): _____

Present and past community volunteer activities: I served on the Golden Age of the Arts festival board in the 1990s in Vermillion. Chaired the United Way campaign and served on the board in Madison, S.D.

Why are you interested in serving on this Board/Commission: I am interested in serving on the planning commission because I have always loved this community since moving here to attend USD in 1968. It has been my home since then even though I have not lived here that entire time. I am committed to this community.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I believe my experience as a higher education administrator in two different states, three communities, and three institutions has provided me with skills and perspectives that would allow me to contribute in meaningful way to the planning commission.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? I would like to see Vermillion continue to grow and develop as a safe, affordable, environmentally responsible and architecturally attractive community.

Greg Redlin
Signature

7/16/14
Date

Please return this form to: John Prescott, City Manager
25 Center Street
Vermillion, South Dakota 57069



CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM

Board/Commission on which you are interested in serving: Planning Commission

Title: Ms.

Name: Jessi Wilharm

Home Address: 107 Austin St

Email Address: awstingray109@gmail.com

Phone #: 605.670.8869

Number of years you have lived in/around Vermillion: 16

Occupation: Owner/Broker Associate Employer: Chaeis/Maloney Real Estate

Business Address: 8 W Main/108 E Main

Prior elected or appointed offices held (if any): _____

Clay County Historical Preservation Commission

Present and past community volunteer activities: _____

Clay County Historical Preservation Commission
Downtown Vermillion Action Team

Why are you interested in serving on this Board/Commission: Vermillion is my home and I want to see the town thrive. I want Vermillion to be a better place for my family, the community and local business.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I am a realtor and am familiar with zoning rules and regulations. I also have access to what prospective home buyers are looking for when choosing a community in which to live.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? I would like to see more green spaces throughout town as well as trails/bike paths. I would also like to see the creation of 'named neighborhoods' to foster & promote community pride within its residents.

Jmw
Signature

7.9.14
Date

Please return this form to: John Prescott, City Manager
25 Center Street
Vermillion, South Dakota 57069

Council Agenda Memo

From: Jim Goblirsch, Parks and Recreation Director
Meeting: July 21, 2014
Subject: Prentis Pool design/Park Master Plan Resolution
Presenter: John Prescott

Background: The Prentis Park pool has outlived its functional lifespan and is in need of replacement. In 2012 a committee was formed to research options for a new Prentis Park Swimming pool. Waters Edge Aquatic Design LLC was chosen to design a pool with the criteria given to them by the pool committee. Waters Edge presented a conceptual pool design with a projected \$6.7 million dollar cost. Detail drawings that could be presented to a contractor for bidding were never requested.

As the pool discussion evolved, the need for a new pool represented an opportunity to update aging or lacking infrastructure in Prentis Park. City Council approved hiring the architectural firm, TSP of Sioux Falls, to assist City staff with developing a master plan. At the January 20, 2014 City Council meeting a resolution was adopted in support of the proposed Master Plan.

Administration, along with TSP determined that the Water's Edge conceptual pool design was larger than necessary for Vermillion's population and felt that the actual build cost of the project was underestimated.

City Staff invited input from multiple aquatic design companies and felt most comfortable with Burbach Aquatic, Inc. based out of Platteville, WI. After multiple phone conversations, and two in-house presentations from company president, Dave Burbach, City Staff feels confident that Burbach Aquatics, Inc. will provide a pool design with probable construction costs and detailed information on yearly operation costs.

Discussion: Included with this memo is a handout detailing Burbach Aquatic, Inc. professional services contract for this stage of the work. They offer a detailed fifteen (15) step process. We do not need all 15 steps due to the amount of feedback already gathered on a proposed new pool. The \$2,500 cost of this step would be applied as a credit to future work if the overall process moves forward. The goal is to ensure an aquatic facility that meets the City of Vermillion's current and future needs.

Financial Consideration: The cost for Burbach Aquatic, Inc. to provide this step of the professional services in preparing a pool plan for community discussion and review would be \$2,500.00.

Conclusion/Recommendations: Administration recommends approval of the Professional Services agreement with Burbach Aquatics, Inc. for the Vermillion pool design and other pertinent pool information.

Synopsis of Burbach Aquatics, Inc. Professional Services

It is the City of Vermillion's desire to replace the aging facility with a new aquatic facility that will support the needs of the community both now and in the future. Burbach Aquatics, Inc. (BAI) understands that the City will be asking voters to consider funding this project in the November election. During this short period of time, from now until November, the proposed project scope, the proposed project conceptual plan, marketing study, natant demand analysis, construction cost, operating cost, staffing plan, and time line will need to be developed, reviewed, and presented to the voters of Vermillion. Because of our extensive knowledge of municipal swimming pools and the related political environment gained over 35 years of service, BAI is perfectly suited to meet this critically short time line.

This synopsis is for BAI's Step #2 service. In the event the City of Vermillion would need assistance with a Capital Campaign or Referendum Support, BAI can provide that service as well. Upon successful passing of the referendum, BAI would prepare plans and specifications for the approved project. BAI would assist the City with public bidding of construction work, administer construction contract and inspect the on-going work and serve as the City's advocate during the construction.

Attached is BAI's Agreement For Professional Services.

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement entered into on July _____, 2014 between the City of Vermillion, South Dakota(Owner) and Burbach Aquatics, Incorporated (BAI), is for professional services for the repair, renovation or replacement of the Vermillion Municipal Swimming Pool facility, in Vermillion.

Following is the scope of service for the feasibility study:

General: Professional service for Step #2 focuses on an evaluation of proposed sites; determination of optimum size; determination of the Community's aquatic programming needs; probable construction and operating costs; determination of the design of an aquatic facility to best meet the Community's needs and establishment of a project concept.

1. Perform an on-site technical analysis of three sites (if a site change is being considered) as part of Basic Service. The sites for the placement of a new aquatic facility are to be selected by the Owner. Burbach Aquatics, Inc. will prepare a rating table showing the numerical rating of each site. Our firm has developed rigid technical review requirements in which 18 categories of analyses are provided for each site, including field check of elevations and existing utilities, effect on surrounding neighbors, traffic patterns, accessibility for the users, etc.;

2. Review present and future projections of the Community's demographics;

3. Perform a marketing study including on-site evaluation of surrounding communities' aquatic facilities highlighting their relative strengths and programming;

4. Analyze recent swimming pool usage data provided by the Owner, analyzing demand for aquatics in the Community;

5. Review the Owner's existing and proposed programming to determine optimum programming needs and define which type of facilities can best handle those needs. Develop a system wide approach to meeting the Community's aquatic needs for Owners with multiple aquatic facilities. Burbach Aquatics, Inc. will present a foam board presentation to the Owner illustrating different types of facilities and their respective uses;

6. From the above data, a detailed natant demand analysis will be completed, which will be used to determine the size of the proposed pool vessel. This demand will be calculated to meet the Community's present needs while, a second demand will be calculated, based on supplied demographics, for the next 25 years;

7. A conceptual plan of the proposed facility will be developed based on the above data. Preparation of three versions of the conceptual plan of aquatic facilities is included in Basic Service. Conceptual plans will include a bathhouse or natatorium, pools, site amenities and other assets as appropriate;

8. Burbach Aquatics, Inc. will conduct up to three review and comment sessions with the Owner and interested Community groups to review the proposed conceptual plans and their associated programming, receiving Community input in the development of the final conceptual plan;

9. Burbach Aquatics, Inc. will evaluate and incorporate Owner and Community comments into the final conceptual plan. Individual components of the proposed facility will be analyzed taking into consideration issues such as maintenance, probable operating cost impacts, impact on the quality of the aquatic environment and serviceability;

10. Burbach Aquatics, Inc. will provide opinions of probable construction costs based on recommendations for the pool shells, surge tanks, piping systems, filter systems, recirculation pumps, chemical systems, pool heaters, wading pools, deck equipment, sanitary facilities, site amenities, bathhouses, mechanical buildings, and other project elements for a total of 32 categories;

11. Prepare overall final recommendations regarding the type and size of facility, extent to which existing site facilities can be reused, location, etc;

12. Six copies of the Step #2 report and two foam boards are included in Basic Service;

13. Present findings to the Owner for review and approval;

14. A total of seven trips are included in Basic Service. The trip schedule* for this Step is as follows:

- 1) Site visit to collect data for site ratings;
- 2) On-site evaluation of surrounding competing facilities to collect data;
- 3) Meet with Owner to review programming and conduct information meeting illustrating, different types of facilities and their respective uses;
- 4) Meet with Owner to review the natant demand analysis and conceptual plans;
- 5) Conduct review sessions with Community groups;
- 6) Meet with Owner to review final conceptual plans and opinions of probable construction and operating costs;
- 7) Meet with Owner to review the final Step #2 report.

*This meeting schedule outline is suggested and can be varied to meet the Owner's specific needs.

15. Compensation for basic services for Phase 1-Step# 2 is a stipulated amount of \$2,500.00, with a credit of \$2500.00 to be used as project matures, plus reimbursables. (This would ultimately result in a Zero cost to the tax payers as a result of a successful pool project.);

16. This Agreement adopts by reference the Proposal submitted by BAI, to the Owner, dated July 10, 2014. If a decision is made to proceed with the project the Owner understands that

future professional service, compensation amounts and General Conditions for this Agreement are contained in said Proposal;

17. The undersigned certifies that they have been authorized to enter into this Agreement, which is for three (3) phases of professional service defined in Proposal dated July 10, 2014.

City of Vermillion
By John E. Powell, Mayor

Burbach Aquatics, Inc.
By David F. Burbach, President

Attest: City Clerk

July 14, 2014

David F. Burbach, President
Burbach Aquatics, Inc.
5974 Highway 80 South- P.O. Box 721
Platteville, Wisconsin 53818

Re: Phase I-Step #2 Initiation

The City of Vermillion, through their duly elected City Council, having adopted a Motion to enter into a Professional Agreement with Burbach Aquatics, Inc., hereby directs Burbach Aquatics, Inc. to initiate and perform Phase I-Step #2 at this time. We understand that the scope of services and fees are as outlined in our executed Professional Services Agreement.

Please contact the City of Vermillion official representative, _____, for the execution of this service.

Sincerely

CITY OF VERMILLION, SOUTH DAKOTA

Council Agenda Memo

From: Andy Colvin, Assistant to the City Manager

Meeting: July 21, 2014

Subject: Closing of Parking Stalls – Coyote Twin

Presenter: Andy Colvin

Background: Coyote Twin Theatre annually requests permission to close four to five parking stalls in front of their businesses at 10 E. Main Street to display and sell merchandise to the public. The closure of the stalls is necessary to allow patron access to the merchandise area from the sidewalk. This year's sale is scheduled for Thursday, July 31, 2014.

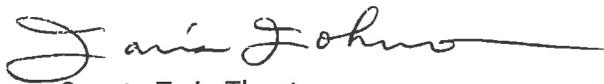
Discussion: Four Main Street parking stalls would remain closed from 7:00 a.m. until 5:00 p.m. on July 31, 2014. As the parking stalls are located directly in front of Coyote Twin, customers of these businesses will be most affected by the proposed parking closure. The City has not received any concerns about the closure of the parking stalls in the past.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the request to allow Coyote Twin/Hollywood Video to close the parking stalls directly in front of Hollywood Video and Coyote Twin theatre at 10 E. Main Street on July 31, 2014 from 7:00 am – 5:00 pm.

July 7, 2014

The Coyote Twin Theatre requests permission to close the parking stalls (4) in front of the theatre at 10 & 12 E. Main St. on Thursday, July 31, 2014 from 7:00 a.m. to 5:00 p.m. for our annual poster/merchandise sale. The parking stalls will be blocked off to allow customer access to the sales area from the sidewalk side only.

A handwritten signature in black ink that reads "Janis Johnson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Coyote Twin Theatre

Janis Johnson

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: July 21, 2014

Subject: Miscellaneous Concrete Project

Presenter: Jose Dominguez

Background: The City has an ongoing program to update all of the handicap ramps within the City. The program was instituted several years back and designates funding for handicap ramp improvements. The City also utilizes this project to repair curb and gutter sections and storm sewer inlets that were damaged during the winter months.

Bids were opened July 16, 2014. The City send request for bids to five contractors, and to five plan houses. From those requests to bid, the City only received two bids. The low bid was from Walker Construction for the amount of \$55,137.43. The high bid was for \$67,831.50.

Discussion: Bidding is required by State law when the cost of the project is estimated to exceed \$50,000. This project was estimated to cost \$50,000.

Financial Consideration: \$50,000 was budgeted for this project. The current budget will be revised to account for the higher than anticipated bid.

Conclusion/Recommendations: Administration recommends awarding the project to Walker Construction for the amount of \$55,137.43.

CITY OF VERMILLION
 ACCOUNTS PAYABLE-JULY 21, 2014

1 ACE REFRIGERATION CO	ICE MACHINE	2,090.25
2 BROADCASTER PRESS	ADVERTISING	1,404.38
3 BRUNICKS SERVICE INC	FUEL	9,391.20
4 BUREAU OF ADMINISTRATION	TELEPHONE	209.57
5 BUTLER MACHINERY CO.	WHEEL LOADER	92,395.00
6 CAMPBELL SUPPLY	SUPPLIES	39.95
7 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
8 CENTURYLINK	TELEPHONE	1,516.77
9 CITY OF VERMILLION	LANDFILL VOUCHERS	672.00
10 CLAY-UNION ELECTRIC CORP	ELECTRICITY	683.69
11 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,248.87
12 GCSAA	MEMBERSHIP DUES	365.00
13 GREGG PETERS	MANAGERS PROFIT	24,904.39
14 INDEPENDENCE WASTE	WASTE HAULING	18.00
15 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
16 MASABA INC	PARTS	1,219.31
17 MATHESON TRI-GAS, INC	SUPPLIES	276.19
18 MIDAMERICAN	GAS USAGE	3,485.66
19 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
20 PEDERSEN MACHINE INC	PARTS	77.35
21 PRECISION MECHANICAL	COURTHOUSE HVAC FINAL	13,683.56
22 REPUBLIC NATIONAL DIST.	MERCHANDISE	7,473.52
23 RESERVE ACCOUNT	POSTAGE FOR METER	850.00
24 RICHARD HUSBY	REFUND SERVICE FEES/DEPOSIT	40.60
25 SANFORD HEALTH PLAN	PARTICIPATION FEES	66.00
26 SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	234.00
27 STERN OIL CO.	FUEL	15,363.66
28 SUE FRENCH	MICKELSON STREET CONSTRUCTION	15,970.61
29 TREASURER-STATE	UNCLAIMED PROPERTY	795.16
30 UNITED PARCEL SERVICE	SHIPPING	24.54
31 US POSTMASTER	POSTAGE FOR UTILITY BILLS	800.00
32 VERMILLION AREA COMMUNITY	ROUND UP PROGRAM	228.54
33 VERMILLION CHAMBER OF COMMERCE	BLISS POINTE GRANT	448,103.52
34 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	335.97
35 WESCO DISTRIBUTION, INC	SUPPLIES	1,776.00
36 WOW! BUSINESS	DIAL UP SERVICE	49.95
37 BLAINE'S BODY SHOP	BRIGHT ENERGY REBATE	940.00
	GRAND TOTALS	\$649,188.16

DER BÜRGERMEISTER DER STADT RATINGEN

Mayor John E. Powell
City of Vermillion / South Dakota
25 Center Street
Vermillion, SD 57069

U.S.A.

June 12th, 2014

Dear Mayor Jack Powell,

first of all I would like to send the best congratulations to you for being confirmed as the Mayor of the city of Vermillion.

Thank you very much for your letter from 30th April, 2014.

It is a long and valuable tradition between our sister cities, that groups from Vermillion visit our city and the citizens from Ratingen stay as guests in your interesting city.

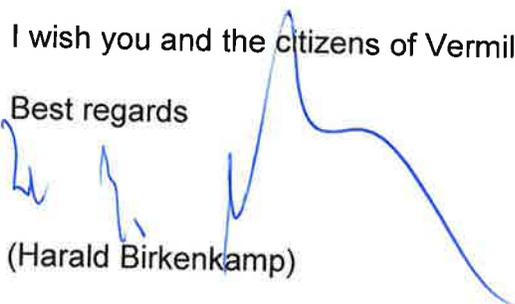
The visit of the students from Vermillion High School with Mrs Dibley as guests at our Friedrich-Bonhoeffer-Gymnasium in Ratingen shows that this tradition has been continued. I am very glad about this.

Last month I personally met the group of students and felt confident that they will have a nice and varied program during their stay in Ratingen and Germany.

I hope the students will return to Vermillion with a lot of good impressions and great experiences they can share at home.

I wish you and the citizens of Vermillion a successful and good time in the future.

Best regards


(Harald Birkenkamp)

City of Vermillion (See reverse side of form for state laws regarding raffles and lotteries)
RAFFLE AND LOTTERY NOTIFICATION FORM

Date: 7-15-14

1. Name of organization/group Clay County Flyers
Contact person: Name: Liz Dewelder 605-670-1865

2. Date(s) that tickets/chances will be sold: from 7-20-14 approval to 8-9-14
Cost of tickets/chances: \$5 for 2 \$20 for 5

3. Date(s) of drawing(s): 8-9-14

4. Can anyone purchase tickets? yes

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

6. Description and approximate value of top prize: Zeiss binoculars \$450

In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

Selling chances @ binoculars.
Drawing @ Clay Co Fair, Vermillion SD
Benefits Clay County Flyers 4-H Club
all \$ raised goes towards club.

Liz Dewelder
Applicant's Signature

Approval: John Prescott
City Manager 7-15-14
Date

City of Vermillion (See reverse side of form for state laws regarding raffles and lotteries)
RAFFLE AND LOTTERY NOTIFICATION FORM

Date: 07-08-14

1. Name of organization/group IOOF of Vermillion S.D. (660-7716) ^{phone #}
 Contact person: Name: Patricia Frazee - Secretary #
2. Date(s) that tickets/chances will be sold: from Aug 7, 2014 to Aug 8, 2014
 Cost of tickets/chances: \$2.00 each or 3 for \$5.00
3. Date(s) of drawing(s): Sat - Aug 9 at the IOOF Hall
4. Can anyone purchase tickets? Anyone over 18
5. Will the prize winner(s) be selected at random? Yes X No _____
6. Description and approximate value of top prize: 2 TV's \$179.99 + 129.99

In the space below, please provide a brief, general summary of the event. Be sure to include information such as the location and reason for the event.

Location would be Clay Co Fair Grounds, a booth to promote our order. We would like to sell chances on 2 televisions. All the proceeds will be returned to charity. Our Grand Master of South Dakota project that he is raising money for is Alzheimers for the state of South Dakota. This will possibly be the charity, however we do donate to many, many others. We will also be handing out pamphlets, pencils, coozies, and car garbage bags free. Our organization is world wide and provide many services to the public. We also donate most of our monies to local organizations such as Vermillion Fire Dept. Vermillion EMS Assoc, Sanford Hospital, Vermillion Hospice, Boy Scouts etc. We have given \$20,000.00 in scholarships across the state of SD. We want to let people of Vermillion and surrounding areas that we are here. Thankyou Patricia Frazee

Patricia Frazee IOOF - Vermillion
 Applicant's Signature

Approval: <u>John Prescott</u>	<u>7-9-14</u>
City Manager	Date

Also sales by members from July 12 - Aug - 9 - 2014