



Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting
Monday, June 16, 2014
Large Conference Room-City Hall
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – 2014 Community Survey Presentation – Andy Colvin.**
3. **Briefing on the June 16, 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 Council Agenda

7:00 p.m. Regular Meeting
Monday, June 16, 2014
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. June 2, 2014 Special Session; June 2, 2014 Regular Session; June 6, 2014 Special Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m. for the Vermillion Fire Department Community Day in the Park event that will include a band.
 - b. Integrated Resource Plan (IRP) for Vermillion Light and Power.
7. **Old Business**
8. **New Business**
 - a. City Employee Personnel Manual.
 - b. Vermillion Housing Authority Board appointment.
 - c. Resolution authorizing the Prepayment of Special Assessment Bonds.
 - d. Fireworks public display permit on June 17, 2014 for a University of South Dakota groundbreaking.
9. **Bid Openings**
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
 - a. Set a bid opening date of July 16, 2014 for the 2014 Shared Use Path Relocation project.
13. **Adjourn**

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

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

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

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

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

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.

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
June 2, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, June 2, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman

Absent: Mayor Powell

2. Educational Session - Integrated Resource Plan - Jason Anderson and Mark Koller

Jason Anderson, Assistant City Engineer, reported that our contract with Western Area Power Administration (WAPA) requires the City to comply with the requirements of the Energy Planning and Management Program and, as such, each five years update and adopt an Integrated Resource Plan (IRP). Jason stated that the City provides information to Missouri River Energy Services (MRES), our supplemental power supplier, who prepares the IRP for its member cities. Jason noted that the IRP is to notify WAPA that the utility is adequately planning for the future needs of the utility. Jason stated that City staff has been working with MRES on completing the IRP and will have this item on the next City Council agenda for adoption. Mark Koller, Electric Superintendent, stated that, once approved, the IRP will be available at City Hall, Electric Department and will be posted on the City web site. Jason and Mark answered questions of the City Council on the IRP process.

3. Informational Session - Construction progress update - Jose Dominguez, Jason Anderson and Mark Koller

Jason Anderson, Assistant City Engineer, reviewed the projects that the utilities currently have in progress or are under contract for this year as follows: water tower, electric substation improvements, waste water treatment boiler project, Cottage Street water main replacement and the Bliss Pointe project which, even though it is a VCDC project, the city is monitoring the utility work as we will be accepting ownership at the end of the project. Jason reported on the costs and contract completion date of each project. Jose Dominguez, City Engineer, reported on the remainder of City projects in progress or under contract for this year as follows: Norbeck Street utility and

street paving project, paving of north south alley in Block 68 Bigelow's Addition, Recycling Center entrance paving project, chip seal project to be bid later this year, landfill leachate pond, landfill baler and conveyor, landfill building and landfill cell 5 construction. Jose's report included costs and contract completion dates for each project. Jason and Jose answered questions of the City Council on the construction projects.

4. Briefing on the June 2, 2014 City Council Regular Meeting

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

5. Adjourn

174-14

Alderman Davies moved to adjourn the Council special session at 12:26 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. President Osborne declared the motion adopted.

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

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
Kent Osborne, Council President

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
June 2, 2014
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on June 2, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 19, 2014 Special Session; May 19, 2014 Regular Session.

175-14

Alderman Collier-Wise moved approval of the May 19, 2014 Special Session and May 19, 2014 Regular Session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

176-14

Alderman Grayson moved approval of the agenda with the addition to New Business of Item I - Request to have City staff schedule closure of North Dakota Street from East Clark to East Cherry Street and North University from 500 feet North of East Cherry Street to 700 feet North of E. Cherry Street for USD construction projects. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Annual malt beverage license renewals

Mike Carlson, Finance Officer, reported that the Notice of Hearing and the Police Chief's report for the applicants are included in the packet. Mike noted that City ordinance requires a management plan upon re-application if a violation occurred since last renewal. The management plans from Coyote Convenience, Inc for Coyote Convenience; Pump N Stuff for Pump N Stuff; Café Brule, Inc. for Café Brule and Bonnie Rowland for Raziél's were handed out at last Council meeting. Mike read the list of licenses that had applied for renewal noting that the Old Lumber Company license was restricted to the interior of the building when it was last renewed.

177-14

Alderman Osborne moved approval of the renewal of the following malt beverage licenses: Re-issuance of Retail (On-Off Sale) Malt Beverage: Gup Fei Zheng for Asian Buffet at 404 Bower Street; Bunyan's LLC for Bunyan's at 1201 West Main Street; Café Brule, Inc. for Café Brule at 24

West Main Street; BeBee Street II, Inc. for Carey's Bar at 18 & 20 West Main Street; Spanrex, Inc. for Chae's at 8 West Main Street; Charcoal Lounge, Inc. for Charcoal Lounge at 6 & 8 West Main Street; Coyote Convenience, Inc. for Coyote Convenience at 116 East Cherry Street; Blue, Inc. for Little Italy's at 831 East Cherry Street; Main Street Pub, Inc. for Main Street Pub at 11 West Main Street; Maya Janes, Inc. for Maya Janes at 9 West Main Street; Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street; NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street; Sunset Oil, Inc. for Lucky 7 Casino at 629 Stanford Suite A; Sunset Oil, Inc. for Sunset Casino at 629 Stanford Suite B; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #1 at 203 E Main St; Pump N Stuff of Vermillion, Inc. for Pump N Stuff VL room #2 at 203 E Main St; Bonnie K. Rowland for Raziell's at 13 West Main Street; Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street; Prairie River, Inc. for R Pizza at 2 West Main Street; Silk Road Café, Inc. for Silk Road Café at 12 West Main Street; OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street; City of Vermillion for The Bluff's Golf Course at 2021 East Main Street; David W. Raabe for Westside Inn at 1313 West Cherry Street; Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main; Dwight Iverson for Cherry Pit Stop video lottery at 23 East Cherry Street; Varsity Pub, LLC for The Varsity at 113 East Main Street; Re-issuance of Package (Off Sale) Malt Beverage: Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street; Freedom Valu Centers, Inc for Erickson Freedom Valu Ctr at 830 E Cherry Street; HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street; Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street; Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street; Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street; Re-issuance of Retail (On-Off Sale) Malt Beverage with SD Farm Wine: Augustus Management, LLC. for Cherry Street Grill at 1122 East Cherry Street; Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine: Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson Street and the renewal of the retail on-off sale malt beverage with the restriction to the interior of the structure located at 15 Court Street for the Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for Fraternal Order of Eagles on or about June 13-15, 2014 in an area by the band shell in Prentis Park

Mike Carlson, Finance Officer, reported that an application was received from the Fraternal Order of Eagles for a special daily malt beverage and wine license for the Shakespeare Festival in Prentis Park on or about June 13-15, 2014. Mike noted that the application indicated a fenced area northwest of the band shell and the hours would be from

6:00 p.m. to 11:00 p.m. each day. The Police Chiefs report is included in the packet and lists additional controls for the City Council to consider. Discussion followed on the option to not require the fenced area and to allow alcoholic beverages in the seating area.

178-14

Alderman Zimmerman moved approval of the special daily malt beverage and wine license for the Fraternal Order of Eagles on or about June 13-15, 2014 for a fenced area in Prentis Park between the hours of 6:00 p.m. to 11:00 p.m. with the recommendations of the Police Chief that entrance/exits to the beer garden area need to be supervised and identification checked to insure those entering are of legal age and if the beer garden is going to encompass areas where underage persons will be allowed, then a wrist band system should be used at the entrance/exit to identify those of legal age to drink and additional TAM trained staff should be employed to check to insure alcohol remains out of underage hands after the point of sale and that alcohol does not leave the fenced area. Alderman Willson seconded the motion. Alderman Osborne requested to abstain as he is an officer in the Fraternal Order of Eagles. Motion carried 6 to 2. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance 1316 - Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use

Mayor Powell read the title to Ordinance No. 1316 and stated that Alderman Willson has requested to abstain from discussion and voting as he owns property in this area.

Andy Colvin, Assistant to the City Manager, reported that the VCDC requested to review the zoning ordinance as it applied to existing buildings in the General Business Zoning District as there have been requests to locate businesses in this area but they do not conform to the GB standards. Andy noted that staff worked with SECOG developed a proposed ordinance that limited the conditional use to building less than 20,000 square feet in size that the Planning Commission reviewed and recommended to the City Council. Andy stated at first reading that the ordinance was amended to only be allowed on property formerly zoned I-0 Industrial in the applicable standards that is more restrictive. Andy reported that City staff has not received any comments on the ordinance since first reading.

Alderman Collier-Wise noted that the VDCDC made the request as they had requests for businesses to locate in the existing buildings in the General Business zone. She stated that to address the VDCDC's specific issue the applicable standards should be limited to only the existing buildings in this area and not include structures to be constructed on vacant lots.

179-14

Alderman Collier-Wise moved to amend the applicable standards in Ordinance No. 1316 to add the restriction that it only is permitted for existing buildings as of July 3, 2014. Alderman Davies seconded the amendment. Discussion followed on the ordinance and amendment noting that the amendment is more restrictive and would be an incremental approach to this issue. Discussion followed on the conditions that could be attached as part of the conditional use.

A roll call vote of the Governing Body on the amendment to Ordinance No. 1316 was as follows: Collier-Wise-Y, Davies-Y, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Zimmerman-Y, Mayor Powell-Y and Willson abstained. Amendment carried 8 to 0. Mayor Powell stated that Ordinance No. 1316 was amended.

180-14

Second reading of title to Ordinance No. 1316, entitled AN ORDINANCE Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use for the City of Vermillion, South Dakota.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1316 entitled an Ordinance Amending the Zoning Ordinance of the City of Vermillion by amending Section 155.008, Definitions, and Section 155.036, GB General Business District, providing a definition and regulations for limited production and processing as a conditional use for the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 19th day of May, 2014 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 2nd day of June, 2014 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE 1316

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY OF VERMILLION BY AMENDING SECTION 155.008, DEFINITIONS, AND SECTION 155.036, GB GENERAL BUSINESS DISTRICT, PROVIDING A DEFINITION AND REGULATIONS FOR LIMITED PRODUCTION AND PROCESSING AS A CONDITIONAL USE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota:

Section 1. That Section 155.008, of the Zoning Ordinance of Vermillion, SD, is hereby amended by adding the following definition to read as follows:

LIMITED PRODUCTION/PROCESSING. Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or on adjacent property. Limited production/processing generally does not include industrial processing from raw materials.

Section 2. That Section 155.036, of the Zoning Ordinance of Vermillion, SD, is hereby amended by adding the following conditional use to read as follows:

Conditional Use	Applicable Standards
Limited production and processing	§§ <u>155.070</u> , <u>155.072</u> , <u>155.073</u> , <u>155.074</u> , <u>155.077</u> , <u>155.095(A)</u> . Building size limited to a maximum area 20,000 square feet. Only permitted for existing buildings as of July 3, 2014, on property formerly zoned I-0 Industrial according to the official zoning map on August 6, 2008.

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

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

ATTEST:
By _____

Michael D. Carlson, Finance Officer

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

Motion carried 5 to 3. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Street Closure Request for Main Street from S. Norbeck Street to Washington Street for routing and/or staging of the Dakota Days Parade on Saturday, October 4, 2014 from 7:30 a.m. to 12:30 p.m.

Marya Wilson, USD Dakota Days Executive Board Parade Director, requested the closing of Main Street from South Norbeck to Washington Street on Saturday, October 14, 2014 from 8:00 a.m. to 12:30 p.m. Marya stated the parade route will change this year and at the intersection of Prentis Street and Main Street and travel west to High Street. She stated that this will allow more staging area for the parade at the high school parking lot.

181-14

Alderman Zimmerman moved approval of the closing of Main Street from South Norbeck Street to Washington Street on Saturday, October 14, 2014 from 8:00 a.m. to 12:30 p.m. for the Dakota Days parade. Alderman Meins seconded the motion. Discussion followed on the need to notify parade goers of the change in route as many set up on the west side of Prentis Park that is no longer on the parade route. Motion carried 9 to 0

B. Library Board appointments

Mayor Powell reported that five citizens have expressed interest in the two three year terms on the Library Board. Mayor Powell wanted to thank Cyndy Chaney and Janet Hoff for their service on the Library Board. Mayor Powell recommended the appointment of Daniel Burniston and Diane Leja to the Library Board.

182-14

Alderman Davies moved approval of the Mayor's recommendation of Daniel Burniston and Diane Leja to serve three year terms on the Library Board. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Resolution to remove parking on Bower Street west of Princeton Street

Jose Dominguez, City Engineer, reported that, during construction of the Vermillion Technology Center located at the corner of Bower and Princeton Streets, the property owner expressed concern with vehicles and trucks parking in front of the building and by the intersection. Jose stated that the owner was concerned that the parked vehicles might pose a safety issue with the increased traffic once the building is occupied. Jose reviewed the City ordinance regarding parking and provided a map of the area where on street parking will be removed. Jose recommended adoption of the resolution removing parking along a portion of Bower Street. Discussion followed on truck parking in the area.

183-14

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

RESOLUTION TO REMOVE PARKING ALONG A PORTION OF
BOWER STREET WEST OF PRINCETON STREET

WHEREAS, pursuant to City of Vermillion Code of Ordinances, section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along city streets; and

WHEREAS, there is a need for some of the parking along Bower Street to be removed for the safe use of the street.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that parking will be removed along the south side of Bower Street between Princeton and Carr Streets, and that parking will also be removed along the north side of Bower Street for 750-feet west of the intersection between Bower and Princeton Streets.

Dated at Vermillion, South Dakota this 2nd day of June, 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 Collier-Wise. 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.

D. Resolution to remove parking on Jefferson Street north of East Cherry Street

Jose Dominguez, City Engineer, reported that Standard Ready Mix is in the process of relocating their access point from East Cherry Street to Jefferson Street. Jose noted that due to the amount of truck traffic expected on this portion of Jefferson Street they have requested that the parking be removed from East Cherry Street to the new access to the property. Jose stated they are concerned that vehicles parked along this stretch will pose a safety issue when trucks are turning into Jefferson Street from East Cherry Street. Jose provided a map of the area to have parking removed and recommended the adoption of the resolution. Discussion followed.

184-14

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

RESOLUTION TO REMOVE PARKING ALONG A PORTION OF
JEFFERSON STREET BETWEEN EAST CHERRY AND DUKE STREETS

WHEREAS, pursuant to City of Vermillion Code of Ordinances, Section 70.071, the City Council may establish, and cause to be designated and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

WHEREAS, the City is responsible for the safety, security, and general welfare of drivers along City streets; and

WHEREAS, there is a need for some parking along Jefferson Street to be removed for the safe use of the street.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that parking will be removed along the east side of Jefferson Street from the intersection with East Cherry Street to 250-feet north of East Cherry Street.

Dated at Vermillion, South Dakota this 2nd day of June, 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 Meins. 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. Engineering services agreement with Banner Associates for Waste Water Treatment Plant boiler project

Jason Anderson, Assistant City Engineer, reported that on April 21, 2014 the City Council awarded the wastewater treatment process boiler improvement project to Hander, Inc for \$232,197. Jason stated that, since the award, City staff has been negotiating a contract for project inspection services with Banner Associates. Jason stated that the agreement is included in the packet for a total of \$23,709 that included \$3,835 of additional design costs resulting from changes in the project scope. Jason stated that to keep inspection costs as low as possible City staff will handle most of the construction inspection duties and involve Banner staff only when necessary. Jason stated that Banner staff will be involved in the final inspection. Jason recommended approval of the engineering services agreement with Banner Associates.

185-14

Alderman Zimmerman moved approval of the engineering services agreement with Banner Associates for wastewater treatment process boiler improvement project inspection in the amount of \$23,709. Alderman Meins

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

F. Set special meeting date to canvas election results

Mike Carlson, Finance Officer, reported that State law requires the canvass of the election results by the Governing Body within seven days of the election. Mike noted that there is not a regular scheduled meeting during these seven days so a special meeting date and time will need to be set. The County will be canvassing the primary results on June 5th so a special meeting will need to be set following Thursday. Discussion followed.

186-14

Alderman Zimmerman moved approval of calling a special meeting on June 6, 2014 at noon to canvass the June 3 City election results. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Labor & Finance Committee report on Personnel Manual Revision

Andy Colvin, Assistant to the City Manager, reported that the Labor and Finance Committee met on May 14 and May 28, 2014 to review a draft of the revised personnel manual for City employees. Andy noted that the City's personnel manual has not had a major revision in several years. Andy noted that the last amendment was in 2002 and addressed smoking in public facilities due to a change in State law. Andy reported that in 2013 the South Dakota Municipal League provided a draft Personnel Policy Manual to member cities. He stated that the draft was written by attorneys representing the South Dakota Public Assurance Alliance, who are the City's liability insurance carrier. Andy stated that this draft manual served as the starting point for the revised personnel manual that was reviewed and updated by the Labor and Finance Committee during their meetings. Andy reported that the recommendation of the Labor and Finance Committee to the City Council is to adopt the Personnel Manual as proposed that will be on the agenda for the next council meeting. Discussion followed on the report.

187-14

Alderman Zimmerman moved to accept the report of the Labor and Finance Committee on the personnel manual revisions. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Fireworks public display permit for July 4, 2014 by the Vermillion Chamber of Commerce

Mike Carlson, Finance Officer, reported that a Fireworks Public Display Permit was received from James Taylor on behalf of the Vermillion Area Chamber and Development Company for the July 4th fireworks display that will be discharged from the field south of Polaris, west of Carr Street. Mike reported that the application along with the Fire Department's required site plan are included in the packet. Mike stated that this is similar to last year's request. Discussion followed.

188-14

Alderman Willson moved approval of the Fireworks Public Display Permit for the Vermillion Area Chamber and Development Company for the 4th of July fireworks display south of Polaris, west of Carr Street to start at approximately 10:00 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

I. Request to have City staff schedule closure of North Dakota Street from East Clark to East Cherry Street and North University from 500 feet North of East Cherry Street to 700 feet North of E. Cherry Street for USD construction projects

John Prescott, City Manager, reported at the May 19th meeting the City Council approved two temporary street closing requests submitted by the USD consultant for the USD utility projects. John stated that the original request was for the Dakota Street closing for June 2nd to 6th and the University Street closing was scheduled for June 16th to 20th. John stated that today the USD's contractor is not yet ready to start work on the Dakota Street project and is now anticipating the closing for the week of June 16th to 20th. The University Street closing will be pushed back until the completion of the Dakota Street work. John stated that staff is requesting City Council to authorize City staff to schedule the street closings with USD as needed as the Council has already approved the closings. Discussion followed.

189-14

Alderman Grayson moved approval to authorize the City Manager or City Engineer to schedule the closing of North Dakota Street between East Clark and East Cherry Street and N. University Street from 500 feet North of East Cherry Street to 700 feet North of E. Cherry Street for the USD construction projects. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Surplus Turf sweeper

Jason Anderson, Assistant City Engineer, reported that the replacement of the 2000 Goosen Versa Vac turf sweeper was included for replacement

in 2014. The used equipment was declared surplus and appraised for \$6,000 following the January 20, 2014 meeting. No bids were received at the February 25th bid opening. Jason noted that the unit was reappraised for \$3,850 following the May 5th meeting. Again, no bids were received at the May 28th bid opening. Jason noted that there is some interest but they were not yet ready at the time of the bid opening. Jason stated that staff will continue to market the unit for not less than 90% of the appraised value. Jason stated that no action is required at this time.

B. Stump grinding quotes.

Chris Lubbers, City Engineer Intern, reported that during the winter months the City crews removed diseased trees and trees that are causing property damage in the public right-of-way. The City then hires a private contractor to remove the stumps by requesting quotes as the contract does not exceed the bid limit. Chris noted that requests for quotes were sent to three contractors with two quotes received and opened on May 24th. Chris stated that the low quote was from Hartington Tree, LLC of \$2,913.00 and the second quote was \$3,027.50. Chris recommended the low quote of Hartington Tree, LLC of \$2,913.00. Discussion followed on the stump grinding project.

190-14

Alderman Ward moved approval of the low quote of Hartington Tree, LLC of \$2,913.00 for stump grinding. Alderman Zimmerman 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 and 2 and Brunick's Service on Items 3 and 5.

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$3.2440, Brunick's Service \$3.28; Item 2 - 1,000 gal unleaded regular: Stern Oil \$3.4807, Brunick's Service \$3.55; Item 3 - 3,000 gal No. 2 Diesel fuel dyed: Stern Oil \$3.2347, Brunick's Service \$3.20; Item 5 - 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$3.4912, Brunick's Service \$3.44

191-14

Alderman Grayson moved approval of the low quote of Stern Oil on Items 1 and 2 and Brunick's Service on Items 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 to vote in the combined Primary/City Election on Tuesday, June 3rd with all Vermillion residents voting at the National Guard Armory, 603 Princeton Street. John noted that poles are open from 7:00 a.m. to 7:00 p.m.

B. John reported that the meeting with the alcohol license holders is on Thursday, June 5th at the Fire Station.

C. John wanted to remind citizens that East Main Street will be closed from 6:00 p.m. to 10:00 p.m. on June 13th, 14th and 15th for the Shakespeare Festival. John noted that the Prentis Park pool will close at 6:00 p.m. on those three days.

D. John reported that the City Council will be making one appointment to the Vermillion Housing Authority Board at the June 16th meeting. John asked interested citizens to complete the Expression of Interest form available at City Hall or on the City website and return by the end of day on June 12th.

E. John reported that the city will be fogging for mosquitoes this year. John noted that if citizens would like to have the fogging not take place as the equipment passes their property to contact City Hall at 677-7050 to be included on the No Fog list.

PAYROLL ADDITIONS AND CHANGES

Police Admin: Zachery Vekovious \$11.48/hr, Chad Passick \$34.48/hr;
Street: Cody O'Neill \$9.00/hr, Nick Olson \$8.50/hr; Recreation: Sam Craig \$7.75/hr, Rory Tucker \$8.50/hr; Pool: Dawn Bergeson \$11.75/hr, Alex DeJong \$8.75/hr, Nathan Svendsen \$8.00/hr; Communications: Tenelle Choal \$14.89/hr

11. Invoices Payable

192-14

Alderman Davies moved approval of the following invoices:

UNIVERSITY CLEANERS	SUPPLIES	20.00
---------------------	----------	-------

Alderman Zimmerman seconded the motion. Alderman Meins requested to abstain. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

193-14

Alderman Ward moved approval of the following invoices:

ADAPCO, INC	SUPPLIES	5,194.24
ADVANCED WEIGHING SYSTEMS, INC	ANNUAL SUPPORT	1,595.00
AMERICAN FENCE COMPANY, INC	REPAIRS	1,455.54
AMERICAN PATRIOT PICTURES	LIBRARY MATERIALS	19.99
AMSAN	SUPPLIES	70.20
APPEARA	SUPPLIES	118.08
ARAMARK	UNIFORM SHIRTS	72.72
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	239.35
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
AUTOMATIC BUILDING CONTROLS	ANNUAL INSPECTION	504.00
BAKER & TAYLOR BOOKS	BOOKS	1,434.35
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	24,168.50
BARKLEY ASPHALT	ASPHALT	823.05
BARRY BRATTEN	SAFETY GLASSES REIM	109.60
BIERSCHBACH EQPT & SUPPLY	SUPPLIES	740.25
BILLION AUTO	REPAIRS	1,952.05
BLACKSTONE AUDIO INC	BOOKS	150.00
BOMGAARS	SUPPLIES	834.89
BORDER STATES ELEC SUPPLY	PARTS	477.12
BOUND TREE MEDICAL, LLC	SUPPLIES	79.80
BROADCASTER PRESS	ADVERTISING	124.00
BROCK WHITE CO	REPAIR MATERIALS	7,380.23
BROWN TRAFFIC PRODUCTS	SUPPLIES	431.00
BRYAN ROCK PRODUCTS, INC	SUPPLIES	1,409.47
BURNS & MCDONNELL	PROFESSIONAL SERVICES	5,000.00
BUTLER MACHINERY CO.	PARTS	1,656.02
CALLAWAY GOLF	MERCHANDISE	290.97
CAMPBELL SUPPLY	SUPPLIES	1,002.16
CANFIELD BUSINESS INTERIOR	FURNITURE	381.00
CANNON TECHNOLOGIES, INC	SUPPLIES	17,032.32
CASK & CORK	MERCHANDISE	953.67
CENTRAL SERVICE CENTER	REPAIRS	228.50
CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	79.88
CENTURYLINK	TELEPHONE	741.81
CHESTERMAN CO	MERCHANDISE	779.19
CITY DIRECTORIES	ADVERTISING	405.00
CITY OF SIOUX FALLS	LIFEGUARD WORKSHOP	25.00
CITY OF VERMILLION	POSTAGE/COPIES	1,096.02
CITY OF VERMILLION	UTILITY BILLS	37,844.96
CLAY RURAL WATER SYSTEM	WATER USAGE/PARTS	404.65
CLUBHOUSE HOTEL & SUITES	LODGING	436.00
COFFEE KING, INC	SUPPLIES	115.50

COLONIAL LIFE ACC INS.	INSURANCE	2,918.96
CORTRUST BANK	TIF #6 BOND PAYMENT	1,010.33
COYOTE CONVENIENCE	FUEL	26.69
COYOTE RENTALS	WATER HEATER REBATE	170.00
CROP PRODUCTION SERVICES	SUPPLIES	140.79
CRYSTAL BRADY	MEALS REIMBURSEMENT	118.00
DAKOTA BEVERAGE	MERCHANDISE	14,399.18
DAKOTA HOSPITAL FOUNDATION	TIF #6 BOND PAYMENT	1,010.33
DAKOTA PC WAREHOUSE	REPAIRS/COMPUTER	717.94
DAKOTA SUPPLY GROUP	SUPPLIES	823.63
DANIELS RESIDENTIAL INC	BALER BUILDING	131,910.00
DANKO EMERGENCY EQUIPMENT	PARTS	487.54
DELTA DENTAL PLAN	INSURANCE	6,505.68
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	494.00
DGR ENGINEERING	PROFESSIONAL SERVICES	7,025.26
DUST TEX	MATS	80.00
E.A SWEEN COMPANY	SUPPLIES	368.02
EARTHGRAINS BAKING CO'S INC	SUPPLIES	243.88
ECHO ELECTRIC SUPPLY	PARTS	1,323.70
ELLIOTT EQUIPMENT CO	PARTS	20.00
EMERGENCY SERVICES MARKETING	SUBSCRIPTION FEE	800.00
ENERGY LABORATORIES	TESTING	1,220.00
EZ-LINER INDUSTRIES	REPAIRS	68.55
FARMER BROTHERS CO.	SUPPLIES	130.92
FIRST BANK & TRUST	TIF # 6 BOND PAYMENT	1,010.33
FIRST DAKOTA NATIONAL BANK	TIF #6 BOND PAYMENT	1,010.33
FOOT-JOY	MERCHANDISE	770.30
FOREMAN MEDIA	APRIL/MAY COUNCIL MTGS	150.00
GALE	BOOKS	134.25
GEOTEK ENGINEERING	TESTING	3,144.00
GRAINGER	PARTS	162.10
GRAYBAR ELECTRIC	PARTS	69.82
GRAYMONT CAPITAL INC	CHEMICALS	7,440.85
GREGG PETERS	FREIGHT	2,154.75
GREGG PETERS	RENT	937.50
HARLAND TECHNOLOGY SERVICE	RIBBONS	107.77
HAUFF MID-AMERICA SPORTS	LIFEGUARD SUITS/SUPPLIES	510.57
HD SUPPLY WATERWORKS	SUPPLIES	2,934.43
HDR ENGINEERING, INC	PROFESSIONAL SERVICES	33,726.88
HEWLETT-PACKARD COMPANY	COMPUTERS/MONITORS	3,007.00
HIGH PERFORMANCE COATINGS	REPAIRS	400.00
HIGHWAY IMPROVEMENT, INC	PARTS	1,275.00

HILLYARD FLOOR CARE SUPPLY	SUPPLIES	111.10
HY VEE FOOD STORE	SUPPLIES	378.99
IN CONTROL, INC	REPAIRS	148.82
INDEPENDENCE WASTE	WASTE HAULING	1,017.00
INGRAM	BOOKS	4,078.57
JACKS UNIFORM & EQPT	UNIFORM	1,991.70
JIM BALLEWEG	MEALS/SAFETY BOOTS	131.00
JOHN A CONKLING DIST.	MERCHANDISE	7,697.70
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	37,951.86
JOHNSON CONTROLS	REPAIRS	2,606.01
JOHNSON ELECTRIC	INSTALL CONTROLLERS	800.00
JOHNSON FEED, INC	REPAIRS	400.94
JOHNSTONE SUPPLY	SUPPLIES	455.50
JONES FOOD CENTER	SUPPLIES	625.32
JONES LIBRARY SALES, INC	LIBRARY FURNITURE	286.50
JOYCE MOORE	MILEAGE REIMBURSEMENT	47.36
KALINS INDOOR COMFORT	REPAIRS	286.02
KARSTEN MFG CORP	MERCHANDISE	274.98
KRAMES STAYWELL, LLC	SUPPLIES	49.02
LAYNES WORLD	BANNERS	229.57
LEARNING OPPORTUNITIES, INC	BOOKS	61.97
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	2,892.98
LEISURE LAWN CARE	TREATMENT	35.75
LINCOLN REPUBLIC INSURANCE	INSURANCE	469.50
LOCATORS AND SUPPLIES, INC	SUPPLIES	1,460.39
LP GILL, INC	TIRE DISPOSAL	531.00
LSC ENVIRONMENTAL PRODUCTS	EQUIPMENT RENTAL	2,200.00
LUKE TROWBRIDGE	MEALS REIMBURSEMENT	118.00
MAGUIRE IRON, INC	WATER STORAGE IMPROVEMENTS	19,924.19
MAINLAND ENGRAVING LLC	MEDALS	51.75
MALLOY ELECTRIC	PARTS	16.82
MARK FOLEY	MEALS REIMBURSEMENT	21.00
MART AUTO BODY	TOWING	1,075.00
MATTHEW BETZEN	MEALS REIMBURSEMENT	57.00
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	936.00
MEAD LUMBER	SUPPLIES	65.82
MICHAEL HEINE	MEALS REIMBURSEMENT	31.00
MICRO MARKETING LLC	BOOKS	79.98
MIDWEST ALARM CO	ALARM MONITORING	141.75
MIDWEST BUILDING MAINTENANCE	MAT SVC	278.70
MIDWEST TURF & IRRIGATION	MOWER/PARTS	30,428.14
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,225.00
MOVIE LICENSING USA	ANNUAL LICENSE	325.00

MSC INDUSTRIAL SUPPLY CO	PARTS	119.49
NCL OF WISCONSIN, INC	SUPPLIES	472.26
NETSYS+	PROFESSIONAL SERVICES	1,382.50
NEW YORK LIFE	INSURANCE	84.02
NORTHLAND	SUPPLIES	498.00
OFFICE OF WEIGHTS & MEASUREMENT	INSPECTION	254.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	400.00
PAUL BRUNICK	MEALS/MILEAGE	162.20
PCC, INC	COMMISSION	2,345.10
PGA OF AMERICA	MEMBERSHIP	1,032.00
PIONEERLAND LIBRARY SYSTEM	REPLACEMENT BOOK	40.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POWERPHONE, INC	RECERTIFICATION	129.00
PRAIRIE BERRY WINERY	MERCHANDISE	1,011.75
PRECISION LAWN CARE	MOWING	455.00
PRESSING MATTERS	SUPPLIES	415.02
PRESTO-X-COMPANY	INSPECTION/TREATMENT	86.03
PRINT SOURCE	SUPPLIES	310.00
PROGRESSIVE BUSINESS PUB.	SUBSCRIPTION	299.00
PUMP N PAK	FUEL	105.25
QUADSTATES FINISHING SYSTEM	REPAIRS	349.77
QUALITY MOTORS	REPAIRS	56.98
QUALITY TELECOMMUNICATIONS	PROCESSOR UPGRADE	3,150.00
QUEEN CITY WHOLESALE	MERCHANDISE	330.18
QUILL	SUPPLIES	1,302.32
RACOM CORPORATION	MAINTENANCE CONTRACT	395.50
RANDOM HOUSE, INC	BOOKS	117.75
RASMUSSEN MOTORS, INC	REPAIRS	255.90
RECHNAGEL CONSTRUCTION, INC	ROCK/GRAVEL	1,413.70
RECORDED BOOKS, INC	BOOKS	845.50
RECOVERY SYSTEMS CO, INC	BALER/CONVEYOR	696,499.30
RECREATION SUPPLY CO.	CHEMICALS	832.80
REINHART FOODSERVICE, LLC	SUPPLIES	1,492.79
REPUBLIC NATIONAL DIST.	MERCHANDISE	25,554.51
RESCO	SUPPLIES	80.16
RIVERSIDE HYDRAULICS & LAB	PARTS	247.54
ROOSTER'S HARLEY DAVIDSON	PARTS	7.80
ROSEWOOD GREENHOUSE	PLANTS	509.64
RS HALSTEAD CORP	LEACHATE POND FINAL	100,635.42
RYAN HOUGH	MEALS REIMBURSEMENT	118.00
SANFORD CLINIC VERMILLION	TESTING	78.00
SANFORD HEALTH PLAN	PARTICIPATION FEES	69.00
SANITATION PRODUCTS	PARTS	1,507.75

SCHAEFFER MFG. CO	SUPPLIES	595.20
SCHWEITZER ENGINEERING LAB	SUPPLIES	700.00
SD DEPT OF PUBLIC SAFETY	LICENSE FEE	12.00
SD ELECTRICAL COMMISSION	LICENSE RENEWAL	300.00
SD FEDERAL PROPERTY AGENCY	GLOVES	59.87
SD PUBLIC ASSURANCE ALLIANCE	COVERAGE	188.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	50,257.16
SDN COMMUNICATIONS	PROFESSIONAL SERVICES	997.50
SECUREIT TACTICAL, INC	STORAGE CABINET	1,551.02
SERVALL TOWEL & LINEN	SHOP TOWELS	16.80
SIOUX FALLS TWO WAY RADIO	REPAIRS	790.10
SIOUXLAND HUMANE SOCIETY	FEES	37.00
SKARSHAUG TESTING LAB.	REPAIRS	599.72
SOUTHEAST JOB LINK, INC	REGISTRATION	237.00
STANDARD READY MIX CONCRETE	BLACK DIRT/CONCRETE	403.66
STANGER LITHO GRAPHICS	SUPPLIES	284.00
STEVES COMFORT SYSTEM	REPAIRS	432.09
STURDEVANTS AUTO PARTS	PARTS	1,462.16
SUN MOUNTAIN	MERCHANDISE	256.00
TASER INTERNATIONAL	SUPPLIES	500.00
THATCHER COMPANY	SODA ASH	13,574.88
THE WALKING BILLBOARD	UNIFORMS	582.00
TIM TAGGART	SAFETY BOOTS	100.00
TITAN ACCESS ACCOUNT	PARTS	180.42
TITLEIST DRAWER CS	MERCHANDISE	3,008.68
TODDS ELECTRIC SERVICE	PROFESSIONAL SERVICES	681.68
TOTAL FLOORING	CARPET REMNANT	50.00
TRAVIS VANBEEK	SAFETY BOOTS	100.00
TRI TECH SALES	PARTS	482.30
TRUE VALUE	SUPPLIES	312.22
TWIN CITY HARDWARE	CORES/KEYS	681.42
UNITED PARCEL SERVICE	SHIPPING	12.18
UNITED WAY	CONTRIBUTIONS	462.46
USD FOUNDATION	TIF #6 BOND PAYMENT	1,010.33
USD MARKETING & U RELATIONS	SUPPLIES	187.20
VERIZON WIRELESS	CELL PHONES	1,561.58
VERMILLION ACE HARDWARE	SUPPLIES	1,021.57
VERMILLION BOOSTER CLUB	ELECTRONIC SIGN	10,000.00
VERMILLION HOUSING AUTHORITY	REIMBURSEMENT	7,244.00
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	6,013.09
WAL-MART COMMUNITY	SUPPLIES	1,082.50
WALKER CONSTRUCTION	CONCRETE WORK	7,906.73
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	273.00

WESCO DISTRIBUTION, INC	SUPPLIES	3,556.72
WILLIAMS & CO.	2013 AUDIT	18,500.00
WOW! BUSINESS	911 CIRCUIT	1,365.50
YAMAHA GOLF & UTILITY	MAY GOLF CARS LEASE	3,772.97
YANKTON COMMUNITY LIBRARY	REPLACEMENT BOCK	10.95
YANKTON JANITORIAL SUPPLY	SUPPLIES	1,068.05
YANKTON WINNELSON CO	PARTS	59.54
ZEE MEDICAL SERVICE	SUPPLIES	99.14
ZUERCHER TECHNOLOGIES LLC	MAINTENANCE	1,831.54
DALE HUSBY	BRIGHT ENERGY REBATE	275.00

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

12. Consensus Agenda

A. Set a public hearing date of June 16, 2014 for a special permit to exceed permissible sound levels by no more than 50% in the northwest portion of Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m. for the Vermillion Fire Department Community Day in the Park event that will include a band

194-14

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

13. Adjourn

195-14

Alderman Osborne moved to adjourn the Council Meeting at 8:14 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 2nd day of June, 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
June 6, 2014
Friday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was called to order on Friday, June 6, 2014 at 12:00 noon by Mayor Powell at the City Hall large conference room.

1. Roll Call

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

Absent: Osborne, Ward

2. New Business

A. Canvass of June 3, 2014 Municipal Election Results

Mike Carlson, Finance Officer, stated that the duties of the Canvassing Board are to open the returns from each precinct, which are found in the poll book, determine that the returns are genuine and not forged, tabulate the returns from the precincts, declare the results and make an abstract of the results that is to be signed. Mike reported that the County Commission has canvassed the results for the primary election so the poll book envelopes have been opened but were again sealed. The tabulation board results for each precinct were handed out to compare with the totals from the poll book. Mike noted that there were no provisional ballots in any of the City wards. The Mayor and City Council examined the poll books along with election results for each ward. Discussion followed.

196-14

Alderman Zimmerman moved approval of the official election results from the June 3rd election as follows:

CITY OF VERMILLION
OFFICIAL CANVASS SHEET
MUNICIPAL ELECTION

	Central Ward	Northeast Ward	Northwest Ward	Southeast Ward	Total
<u>Mayor</u>					
Stan Peterson	57	28	70	91	246
John E. (Jack) Powell	150	87	187	503	927
<u>Central Ward</u>					
Jennifer A. French	89				89
Katherine Price	129				129
<u>Northeast Ward</u>					
Sara Bye		56			56
Holly Meins		58			58
<u>Southeast Ward</u>					
Dennis Zimmerman				212	212
Rich Holland				237	237
Kris O'Connor				150	150

STATE OF SOUTH DAKOTA)
COUNTY OF CLAY)

We, the undersigned, appointed as the Board of Canvassers because of our position on the governing body in the jurisdiction of the City of Vermillion for the municipal election held on the 3rd day of June, 2014, hereby certify that the foregoing is a true abstract of the votes cast in the City of Vermillion at the election as shown by the returns certified to the person in charge of the election.

The Council members signed the election results and Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

3. Adjourn

197-14

Alderman Zimmerman moved to adjourn the Council special session at 12:13 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of June, 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: Mike Carlson, Finance Officer

Meeting: June 16, 2014

Subject: Special Permit to exceed permissible sound levels by no more than 50% for the Vermillion Fire Department for a band as part of “Community Day in the Park” in Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m.

Presenter: Mike Carlson

Background: The Vermillion Fire Department has applied for a special permit to exceed allowable noise levels for a band as part of their Community Day in the Park event in Barstow Park on July 4, 2014 from 3:00 p.m. to 9:00 p.m. The Community Day in the Park event is open to the public and will have activities with a family theme is scheduled to start at 4:00 and end before the fireworks. The band will be set up in the northwest portion of Barstow Park facing north away from residential property. 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.

6. Public Hearing; item a

- 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)

Discussion: The “Community Day in the Park” events are being sponsored by Vermillion Fire Department to encourage the community to gather for family activities in Barstow Park on the 4th of July before the fireworks display.

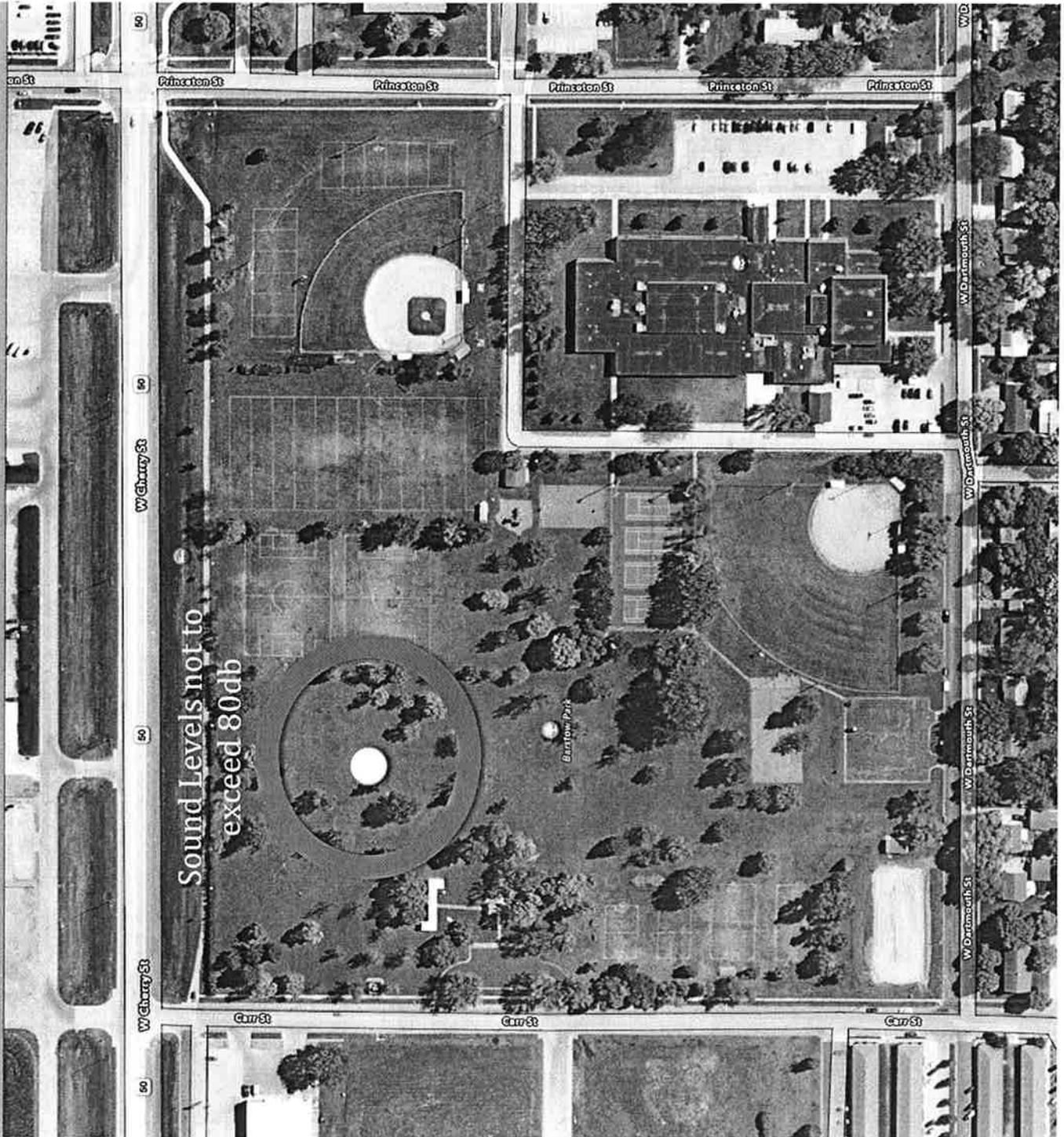
The City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can

demonstrate the public benefit of the event. This event is similar to what the Chamber has done in previous years in Barstow Park on the 4th of July. 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. City staff is not aware of any noise related problems with events held in Barstow Park in previous years.

Financial Consideration: The special permit fee is \$25.

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

Standard Hybrid Satellite



Sound Levels not to exceed 80db

Bantow Park



*Please join the Vermillion Fire Department
for the first annual
"Community Day in the Park"*

**Barstow Park, Friday, July 4th Celebration
4:00 pm—evening Fireworks**

Plan on dinner with the Fire Department!

**Pulled Pork BBQ
BBQ Chicken
Sides and Drinks
Adults: \$8.00
Children: \$5.00 (12 and under)**



Free Family Fun!

Kids bounce houses, train rides, live music, try your skills with the fire hose, dunk your favorite Firefighter in the dunk tank and more!

Evening Fireworks!

Provided by VCDC, City of Vermillion and Walmart



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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 16th day of June, 2014 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permit to exceed allowable sound levels between Friday, July 4, 2014 between the hours of 3:00 p.m. and 9:00 p.m. which has been filed in the Finance Officer's Office:

Vermillion Fire Department request for a special permit to exceed allowable sound levels in the northwest part of Barstow Park on Friday, July 4, 2014, from 3:00 p.m. to 9:00 p.m. for the Fire Department Community Day in the Park event to include a band.

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 30th day of May, 2014.

Michael D. Carlson, Finance Officer

Publish: June 6, 2014

Published once at the approximate cost of _____.

Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 16, 2014
Subject: Integrated Resource Plan
Presenter: Jason Anderson, Assistant City Engineer

Background: Western Area Power Administration (WAPA) customers must comply with the requirements of the Energy Planning and Management Program (EPAMP) to meet the objectives of Section 114 of the Energy Policy Act of 1992. The Energy Policy Act was created to promote clean energy use and improve energy efficiency. A WAPA customer is any entity such as Vermillion Light and Power that purchases firm capacity from WAPA under a long-term firm power contract. Every five years the City is required to approve a resolution adopting the Integrated Resource Plan (IRP). The City last completed this action in 2009.

Discussion: Missouri River Energy Services (MRES) is the City's supplemental power supplier. MRES is an integral part of providing electrical service in Vermillion. The IRP is a joint document between MRES and the City. MRES prepares the bulk of the IRP document for Vermillion as well as other members covered by the act. Essentially, the IRP provides information to WAPA on how we intend to serve our future load and that we are planning for the future.

The IRP provides information on a number of electrical system issues. It includes information on how MRES will keep rates competitive, maintain reliability and minimize adverse environmental impacts. MRES also includes information on methods for forecasting load growth, the current and future generation resources, and needs for future capacity. The IRP reviews current and future plans for demand side management as well as the Bright Energy Solutions program which helps to avoid the development of baseload power. Vermillion's electric rate structure and power purchase history is also reviewed in the IRP.

Financial Consideration: None at this time.

Conclusion/Recommendations: Administration recommends approval of the resolution adopting the Integrated Resource Plan.

**RESOLUTION ADOPTING INTEGRATED RESOURCE PLAN
FOR SUBMITTAL TO WESTERN AREA POWER ADMINISTRATION**

WHEREAS, the City of Vermillion purchases a significant portion of its power supply from the Western Area Power Administration (Western); and

WHEREAS, Western has published its Energy Planning and Management Program Rules specifying the requirements for preparing and filing of an Integrated Resource Plan (IRP); and

WHEREAS, the City of Vermillion with assistance from our supplemental power supplier Missouri River Energy Services has prepared an IRP Summary Report describing the IRP process used and the information and assumptions used to develop the IRP; and

WHEREAS, utility customers were informed of our IRP and resulting Action Plans through various means including a public meeting where public questions and comments were encouraged; and

WHEREAS, any public comments received have been addressed in order to strengthen the City's Integrated Resource Plan; and

WHEREAS, the IRP Summary Report includes 5-year and 2-year action plans outlining actions to be taken by the municipal utility during the next several years.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota as follows:

That the "*Integrated Resource Plan Summary Report For the City of Vermillion*" dated September 2014 shall be approved for filing with Western under the Energy Planning and Management Program.

Dated at Vermillion, South Dakota this 16th day of June, 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: Andrew Colvin, Assistant City Manager

Meeting: June 16, 2014

Subject: Personnel Manual Revision

Presenter: Andrew Colvin

Background: City staff have been working on a revision to the employee personnel manual. The current manual has existed for many years and has had periodic updates to account for changes in state and federal law. In 2013 the SD Municipal League, in cooperation with the SD Public Assurance Alliance (the City's liability insurance carrier), developed a draft personnel manual that was made available to municipalities free of charge. The manual was drafted by attorneys representing the SDPAA. Staff obtained a copy of the manual and made changes applicable to the City.

The City of Vermillion Labor and Finance Committee met on May 14 and May 28, 2014 to review and make changes to the draft of the revised personnel manual. The City Council received the report of the Labor and Finance Committee on June 2nd.

Discussion: The current manual is outdated and does not address many issues to the degree it should, such as harassment, the Americans with Disabilities Act, Family/Medical Leave Act, substance abuse, electronic and social media and various other topics. The final draft includes language recognizing current collective bargaining agreements, the terms of which will supersede the manual should a conflict arise. Additionally, benefits such as paid time off, holidays and insurance have not been changed as part of the revision.

Financial Consideration: None.

Conclusion/Recommendations: The recommendation of the Labor and Finance Committee to the City Council is to adopt the Personnel Manual as proposed by City staff. The City Attorney has reviewed the manual and is satisfied with the final draft. Staff would recommend approval of the revised manual with an effective date of August 1st, 2014, which will allow time to notify employees and provide copies to departments.



**Personnel Manual
&
Employee Policy Handbook**

Adopted _____, 2014

TABLE OF CONTENTS

Mission Statement.....	1
Organizational Chart	2
Department Functions and Descriptions	3, 4
Policy 1: Purpose and Use.....	5
1.01 Purpose of Policies and Procedures	
1.02 Applications	
1.03 Revisions	
1.04 At-Will Employment	
Policy 2: General Policies	5-18
2.01 Equal Employment Opportunity	
2.02 Sexual Harassment/Discrimination	
2.03 Americans with Disabilities Act	
2.03.1 General	
2.03.2 Complaint Procedure	
2.03.3 Disability Accommodation	
2.04 Seat Belt Policy	
2.05 Smoking	
2.06 Outside Employment	
2.07 Performance Evaluations	
2.08 Personnel Records	
2.08.1 Personnel File	
2.08.2 Changes of Name, Address, Telephone and Withholding Status	
2.08.3 Personnel Record Retention	
2.09 Benefits, Medical and Confidential File	
2.10 Employment References	
2.11 Political Activity	
2.12 Public Relations	
2.13 Acceptance of Gifts	
2.14 City Property	
2.14.1 Phones, Mobile Phones and Electronic Communication Devices	
2.14.2 City Vehicle Policy	
2.15 Recordings	
2.16 Safety Rules	
2.16.1 Violence, Harassment and Bullying in the Workplace Prohibited	
2.16.2 Weapons Prohibited	
2.17 Accident Reporting and Investigation	
2.18 Personal Appearance	
2.19 Computer and Internet Policy	
2.19.1 General Terms	
2.19.2 Discrimination/Harassment	
2.19.3 Specific Rules and Prohibition	
2.19.4 Monitoring, Violations, Penalties	
2.20 Blogging and Social Networking	
2.20.1 Personal Blogging or Social Networking on City Time	
2.20.2 Disclaimer	
2.20.3 Restriction on Customers, Clients, Vendors, Products and Services	
2.20.4 Right to Monitor	
2.20.5 Reporting	
2.20.6 Employee Rights	
2.21 Non-solicitation	

Policy 3: Employee Classifications	18, 19
3.01	Appointed and Elected Officials
3.02	City Employee
3.03	Regular Full-Time Employee
3.04	Regular Part-Time employee
3.05	Temporary or Seasonal Employee
3.06	Employee-in-Training (Probationary)
Policy 4: Recruitment, Selection and Promotion	19-21
4.01	Recruitment and Hiring Policy
4.02	Promotion/Transfer
4.03	Job Announcement
4.04	Applications for Employment
4.05	Eligibility
4.06	Veterans Preference
4.07	Disqualifications
4.08	Selection
4.09	Appointment of City Employees
4.10	Employment Offers
4.11	Acceptance of Employment
4.12	Residency Requirement
4.13	Employment of Relatives (Nepotism)
4.14	Employee-in-Training Period (Probationary)
Policy 5: Hours of Work.....	21-23
5.01	General Policy
5.02	Standard Work Week
5.03	Standard Work Day
	5.03.1 Time Worked
	5.03.2 Daylight Savings Time
5.04	Call Back Pay
5.05	Flex Time
5.06	Stand-By Time
5.07	Overtime
5.08	Comp Time
5.09	Exemptions to Overtime
5.10	Attendance
5.11	Time Sheets
Policy 6: Compensation	23-25
6.01	Pay Period and Pay Day
6.02	Payroll Deductions
6.03	Benefits
6.04	Workers' Compensation
6.05	Travel and Reimbursement of Expenses
	6.05.1 Meals
	6.05.2 Mileage
	6.05.3 Family Member Traveling in City Vehicles
	6.05.4 City Credit Card for Travel Use
Policy 7: Leave of Absence.....	25-32
7.01	General Policy
7.02	Vacation Leave
	7.02.1 Vacation Pay
	7.02.2 Scheduling of Vacations
	7.02.3 Vacation Call-Back
	7.02.4 Vacation Compensation on Separation
7.03	Sick Leave
	7.03.1 Accrual Rate

7.03.2	Vacation Leave as Sick Leave	
7.03.3	Eligibility	
7.03.4	Sick Leave Compensation upon Separation	
7.04	Extended Leave for Illness and Temporary Disability	
7.05	Maternity Leave	
7.06	Jury Duty/Litigation	
7.07	Voting Leave	
7.08	Military Leave	
7.08.1	Request for Military Leave of Absence	
7.08.2	Active Duty	
7.08.3	Reserve or National Guard Training Leave	
7.08.4	Federal Statute	
7.09	Personal Emergency Leave	
7.10	FMLA Leave	
7.10.1	While on Leave	
7.10.2	Intermittent and Reduced Scheduled Leave	
7.10.3	Medical and Other Benefits	
7.10.4	Returning from Leave	
7.11	Holidays	
7.11.1	Floating Holiday	
7.11.2	Absence on a Holiday	
7.11.3	Holiday Pay	
7.11.4	Holiday for Overtime Purposes	
7.12	Leave Slips	
	Policy 8: Separation from City Service	32, 33
8.01	General Policies	
8.01.1	Definitions	
8.01.2	Return of City Property	
8.02	Voluntary Separation	
8.02.1	Resignation	
8.02.2	Un-notified Absence	
8.02.3	Retirement Age	
8.03	Unemployment Compensation	
8.04	Exit Interviews	
	Policy 9: Disciplinary Action	33, 34
9.01	Oral Reprimand	
9.02	Written Reprimand	
9.03	Suspension without Pay	
9.04	Demotion or Reassignment	
9.05	Dismissal	
9.06	Disciplinary Interview	
	Policy 10: Drug and Alcohol Abuse Policy	34-39
10.01	City's Commitment to Drug and Alcohol Free Workplace	
10.02	General Policies	
10.03	Employee Responsibilities	
10.04	Management Responsibilities and Guidelines	
10.05	Testing for Drugs or Alcohol	
10.05.1	Post Offer/Pre-Employment	
10.05.2	Reasonable Suspicion	
10.05.3	Post-Accident	
10.05.4	Follow-Up Testing	
10.06	Drugs to be Tested for	
10.07	Testing Procedure	
10.08	Consequences to Employee Engaging in Prohibited Conduct	
10.09	Confidentiality	

Mission Statement

Working within a revenue base, which is acceptable to the Community, the City of Vermillion is dedicated to a service structure that promotes the health, safety, and well being of the Public. Entrusted with the responsible management and delivery of Community-owned goods and services, City employees and officials shall strive to improve service reliability, responsiveness, accountability, impartiality, and the quality of communication between themselves and the Vermillion Community.

Organization of City Government

The City of Vermillion operates under the Aldermanic/Manager form of government. This type of municipal government provides for an elected governing body that establishes policies (rules and guides) for City government, and for the community of Vermillion. It also provides for a City Manager to administer these policies. In the absence of the City Manager the Finance Officer shall serve in this capacity unless otherwise directed by the Mayor and Council. The City Manager is authorized and directed to administer the provisions of this manual, including the right to establish such administrative procedures as may be necessary to explain further and to carry out the provisions.

The Governing Body of Vermillion is composed of the Mayor, who is elected at large, and eight aldermen elected by wards. These officials are elected for staggered four-year terms on a nonpartisan basis and are the only elected City officials. The Mayor is the presiding officer of the City Council. The City Council sets policies through the adoption of: 1) ordinances (City laws); 2) resolutions; 3) the annual budget.

The organization chart below provides an overview of how authority is distributed among the various City departments. Below are some brief statements of purpose for each department. Each Department Head is authorized to make more specific departmental rules and regulations.

It is the policy of the City Council that this document is to be used as a basic outline for personnel policies, practices, and procedures. The manual contains general statements of policy for the City of Vermillion and should not be read as including the fine details of each policy.

(Insert Org Chart)

Department Function Descriptions

Airport: Harold Davidson Field provides airport terminal services, maintenance support, and a 4,100-foot runway for air transportation services. There is an airport manager who oversees the general operations and maintenance of the airport.

Electric Utility: Constructs and maintains municipal electric distribution systems which deliver retail electricity services to Vermillion residents within the City's electrical service territory.

Engineering: Responsible for preparation of plans and specifications for public works projects; as well as staking and inspection of such projects, surveying for all City departments, review of plats, and calculation of assessment rolls. Also responsible for enforcement various subdivision and zoning codes.

Code Enforcement: Responsible for the issuing of building permits and inspection of those projects. Concurrently responsible for the enforcement of several building, plumbing, rental housing, sign, and animal control codes as well as operating the animal shelter.

Finance Department: Handles the accounting, billing, record-keeping, licensing, and payroll operations for the all City departments, all of the utilities, and other various funds of the City.

Fire and EMS Department: The Fire Division provides fire protection, rescue service, safety education, and fire prevention programs for the City of Vermillion, rural residents, and state property. The EMS Division provides 24-hour Basic Emergency Medical Service to the residents of Vermillion and Clay County.

General Government/City Manager: The City Manager serves as the Chief Administrative Officer of the City. has the state statutory responsibility to: 1) enforce all laws and ordinances; 2) supervise the administration of City affairs; 3) make recommendations to the City Council concerning City operations; 4) advise the City Council of the financial condition of the City and future needs of the City; 5) prepare an annual budget; 6) assure compliance with contracts by those doing business with the City; 7) prepare proposed ordinances and resolutions for the Council and 8) carry out all other duties prescribed by ordinances of the Council.

Library: Serves the community of Vermillion and Clay County. The library provides various media materials, programs of interest, and interlibrary loan service to its patrons under the direction of the Library Board.

Municipal Liquor Store: Controls the sale of packaged liquor in the City of Vermillion according to the provisions of the current management agreement.

Parks & Recreation Department: Provides recreational programs, maintains the parks and swimming pool in Vermillion, and manages *The Bluffs Golf Course* and the Armory/Community Center.

Police Department: Maintains law and order in the City of Vermillion.

Solid Waste & Recycling: Responsible, in cooperation with the City and County of Yankton, for the operation of a solid waste system for Clay and Yankton Counties, including a landfill and recycling center in Vermillion and a solid waste transfer facility in Yankton.

Street Department: Responsible for street maintenance and sweeping, mechanics garage, street snow removal, street sign maintenance, dead tree removal in the public right-of-way, street

crosswalk marking, alley maintenance, street cleanup after wind storms, and assistance in all other tasks not specifically assigned to other departments.

Telecommunications: Provides emergency radio communications and enhanced-911 services on a 24-hour basis, and answers City telephone lines after hours, on weekends, and on holidays.

Wastewater Treatment: Responsible for the protection of community health and the environment through operation of the Wastewater Treatment Plant and collection system.

Water: Responsible for meeting the water treatment and distribution needs of the City of Vermillion through well pumping and water softening.

POLICY 1: PURPOSE AND USE

1.01 Purpose of Policies and Procedures:

The policies and procedures for personnel administration are enacted by the City of Vermillion (hereinafter “City”) in order to further the following goals:

1. To provide a uniform and sound personnel administrative system throughout the City;
2. To inform employees of the general policies and procedures of the City and the benefits and obligations of employment with the City;
3. To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance and are in compliance with federal and state law;
4. To serve as written documentation of the City’s commitment to fair employment practices and equal employment opportunity;
5. To assist managers in carrying out sound, equitable and consistent personnel administration and in making effective use of their human resources;
6. To promote and encourage communication between the employer or supervisor and the employee, and
7. To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

1.02 Applications:

The personnel policies and procedures shall apply to all City Employees as defined in Section 3.02 of this manual. In the event of a conflict between these policies and any collective bargaining agreement or state and federal law, the terms and conditions of that agreement or law shall prevail.

1.03 Revision:

The City specifically reserves the right to repeal, modify or amend any of these policies at an aforementioned time with or without notice.

1.04 At-Will Employment:

The City recognizes that South Dakota is an employment at-will state and the intent of this City is to maintain that employment at-will status of all employees. **This manual does not confer a contract of employment. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.**

POLICY 2: GENERAL POLICIES

2.01 Equal Employment Opportunity:

It is the policy of the City to recruit, hire, train, promote, discipline and discharge all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, marital or veteran status, or any other basis prohibited by state or federal law. Violations of this policy by any City employee may be cause for immediate disciplinary action. Any employee who feels (s)

he has been discriminated against according to this policy should bring this concern to his/her supervisor or higher authority according to the procedure specified herein.

2.02 Sexual Harassment/Discrimination:

The City is committed to providing a work environment that is free from discrimination and harassment. Harassment or discrimination on the basis of race, religion, color, national origin, sex, age, disability or any other basis prohibited by state or federal law will not be tolerated. Harassment and offensive behavior may take different forms and may be verbal, non-verbal or physical in nature.

Under this policy, sexual harassment is defined as behavior of a sexual nature which is unwelcome and personally offensive to its recipient. It is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship. This sexual harassment policy also applies to same-sex harassment.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct or communication of a sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
2. Any conduct or communication of a sexual nature has the purpose or effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee, including but not limited to:
 - § repeated sexual flirtations, advances, or propositions;
 - § continual or repeated verbal abuse of a sexual nature;
 - § foul language;
 - § unwanted physical contact;
 - § graphic verbal commentaries about an individual's body or manner;
 - § sexually degrading words used to describe the individual, or
 - § the display of sexually explicit pictures, cartoons, or other materials.

Any employee who feels (s)he has been harassed or discriminated against or that his/her personal rights have been violated should immediately report the matter to the immediate supervisor unless the supervisor is the offending party. If the supervisor is unavailable, or the employee believes that it would be inappropriate to contact his/her supervisor, the employee should immediately contact the Department Head, City Manager, or Assistant City Manager.

A supervisor or manager who becomes aware of any possible harassment should advise the Department Head, City Manager or the Assistant City Manager. The City will make a thorough, confidential, and impartial investigation of the complaint. All employees must cooperate with any such investigation. The City will take prompt remedial measures to immediately end the offending action.

Discrimination and harassment in the work place is prohibited by Federal and State law, whether committed by elected officials or supervisory or non-supervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by the City. A legitimate complaint of sexual harassment or discrimination will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignments, career development, etc.

A formal complaint of sexual harassment or discrimination may be initiated in lieu of, during, or following this informal process as provided by State or Federal law.

Violations of the above stated policy by any employee may be cause for immediate disciplinary action.

2.03 Americans with Disabilities Act:

2.03.1 General

The Americans with Disabilities Act (ADA) and Amendments provide comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination” in programs or activities sponsored by a public entity.

2.03.2 Complaint Procedure

The City has adopted this procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA or its Amendments.

Any individual who believes that (s)he or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the City may, by himself or herself or by any authorized representative, file a complaint. Complaints should be addressed to: (*Assistant City Manager, 25 Center Street, Vermillion, SD 57069, (605)677-7087*) who has been designated to coordinate ADA compliance efforts. The complaint process is as follows:

1. A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the City of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.
2. The complaint must be filed within 180 days after the alleged violation occurs. This time may be extended for good cause shown.

3. The Assistant City Manager shall promptly conduct an informal, but thorough, investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint.
4. A written determination of the validity of the complaint and a description of the resolution shall be issued and a copy forwarded to the complainant after completion of this investigation. The finding shall include: findings of fact and conclusions of law, a description of a remedy for any violation found, and a notice of the rights available to both the entity and the complainant, including the complainant's right to file a private suit.
5. The complainant may request a reconsideration of the complaint in cases where (s)he is dissatisfied with the resolution. The request for reconsideration must be made to the City Manager within five working days of the original finding.
6. Nothing in this procedure shall be construed as preventing an individual from pursuit of other remedies including filing the complaint with any federal agency (s)he believes is appropriate or with the U.S. Department of Justice. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.

2.03.3 Disability Accommodation

The City is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA) and all amendments thereto including, but not limited to, the Americans with Disabilities Act Amendments Act (ADAAA). It is the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. The employee or employment applicant shall inform the City Manager's office or the department of the need for an accommodation, and the City shall engage in an interactive process regarding the request. The City may request documentation of the functional limitations to support the request. Such documentation shall be treated as a confidential record and not kept in the personnel file. The City prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

2.04 Seat Belt Policy:

The City is committed to preventing injury to employees, preventing damage to property and to protecting the employees and the public from the results of accidents. Therefore, in addition to being required by law, the City realizes that the use of safety belts an important and efficient means to prevent injuries in traffic accidents. It is the policy that all City employees and their passengers shall be required to use seat belts when driving any City owned or leased vehicle (if equipped with seat belts) or while driving their personal vehicle on official City business. Failure to comply with this policy may result in disciplinary action.

2.05 Smoking:

It is the policy of the City that smoking shall not be permitted in City buildings, facilities, vehicles or enclosed equipment, except in designated smoking areas.

2.06 Outside Employment:

Employees shall not accept additional outside employment except with the prior written approval of their Department Head. Such approval will not be granted when additional employment will interfere, conflict with or adversely affect the employee's City duties and responsibilities. The Department Head may rescind prior approval if the additional outside employment begins to interfere with the employee's City duties. The Department Head shall provide the employee with written notification if the approval is to be rescinded.

2.07 Performance Evaluations:

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and employee. The performance appraisal will be conducted annually by the employee's supervisor and/or Department Head. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. If requested, employees are required to sign their evaluations and may obtain a copy upon request. Signing does not imply agreement with the evaluation, but simply agreement that the contents have been made known or discussed with the employee.

2.08 Personnel Records:

2.08.1 Personnel File

It is the policy of the City to maintain accurate and updated information on City employees in its personnel files. The personnel file may include the following documents, but will not include any information contained in the confidential file listing (see policy 2.09):

- § personal data sheet
- § letters of commendation
- § payroll deduction authorizations
- § W-4 form
- § I-9 form
- § leave and absence slips
- § disciplinary actions
- § termination or discharge record
- § previous positions held with City and rate of pay
- § performance evaluations

The Assistant City Manager's office shall be responsible for maintaining personnel records. In the absence of the Assistant City Manager, his/her designee shall assume responsibilities for such personnel records. Employee records are confidential. Such records shall be accessible only to the individual employee, the decision-making authority affecting the individual employee's employment status, and any others with a demonstrated need to know. The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the Assistant City Manager. The file

will be made available to the employee's representative only upon express written authorization by the employee and copying costs paid by the employee.

As to written disciplinary actions in the personnel file, the employee may submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.

2.08.2 Changes of Name, Address, Telephone and Withholding Status

It is the employee's responsibility to inform the Assistant City Manager of any changes in name, address, telephone number or withholding status. An employee must immediately report any of the above or other pertinent changes. Intentional failure to report such information is grounds for disciplinary action.

2.08.3 Personnel Record Retention

Personnel records are maintained in accordance with the records retention and destruction manual for cities published by the State Bureau of Administration.

2.09 Benefits, Medical and Confidential File:

The City maintains confidential file(s) on employees. The file may include:

- § benefit forms (retirement, health and life insurance, etc.)
- § injury reports and workers' compensation information
- § necessary medical examinations and records
- § harassment/discrimination investigatory documents.

Access to this file is limited to the Assistant City Manager and on an absolute need to know basis only as deemed appropriate by the Assistant City Manager.

2.10 Employment References:

Absent a written authorization from the employee, it is the City's policy to provide only the following information on both present and past employees:

- § if an employee has been employed with the City;
- § dates of employment;
- § current position or position at the date of separation from employment and other positions held; and
- § verification of salary information.

Any written information disclosed about the job performance of an employee, or former employee, to a prospective employer of that person at the written request of the prospective employer or the employee or former employee, is presumed to be done in good faith and, unless lack of good faith is shown by clear and convincing evidence, the disclosing party and City may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request.

Providing employment references, including off-the-record remarks, without authorization in violation of the above stated policy may result in disciplinary action.

2.11 Political Activity:

Employees are encouraged to exercise their right to vote in City elections, but shall not engage in or participate in any other way in said elections, except with permission of the City Manager. Failure to comply with this provision may result in disciplinary action.

Any employee who intends to give testimony in a legislative process involving issues relevant to the City or the employee's position with the City, must get permission from the City Manager prior to providing the testimony. This does not prohibit the employee from taking leave and testifying for themselves or exercising their rights as citizens.

Employees should not have direct or indirect conversation with state or federal legislators or their staff involving policies relating to the City without knowledge of the appropriate supervisor.

2.12 Public Relations:

All employees are responsible for providing their particular City services to the public in a courteous, polite manner. Employees are expected to maintain high standards of conduct and cooperation in their duties for the City.

2.13 Acceptance of Gifts:

City employees may not accept individual gifts from the public. Gifts, other than advertising caps, calendars and pens, etc., valued at more than \$15.00 may be considered bribes by the public. Any attempted bribes must be reported to the City Manager at once.

Holiday gifts may be accepted if they are items that all the employees in a department may equally share, such as a box of candy or apples.

No gifts of any kind (including group gifts) shall be accepted from any business for which the City supervises in granting a license (for example an on-sale bar). City employees may receive gifts from other city employees as occurs during weddings, baby showers, birthdays, retirements, going-away, etc.

2.14 City Property:

Property owned by the City shall only be used for City business. Any use of City property for personal use may result in disciplinary action, except those uses of City vehicles inherent with an approved travel request. Any items received as a result of doing business as the City is the property of the City. All mail or packages received at City offices may be opened by a supervisor or other appropriate person and there shall be no expectation of privacy in such matters. Employees who separate from employment shall return all City property. The City may withhold the value of unreturned property from the offending employee's final payment. Where any outstanding debts for equipment loss or unauthorized charges exist, the City may consider the employee to have left

employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

2.14.1 Phones, Mobile Phones and Electronic Communications Devices

While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls on non-work time where possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention. Employees are not permitted to make personal long-distance telephone calls using the City's telephones, except in emergencies. Employees may place personal long-distance calls if they use their personal phone, calling card or call collect.

The purchase and assignment of mobile phones, which also includes smart phones, shall be subject to the approval of the employee's Department Head.

- § Mobile phones provided by the City are intended to be used primarily in the conduct of City business.
- § The employee assigned the use of a mobile phone is expected to exercise discretion regarding persons having access to their phone number in an effort to minimize phone usage costs.
- § Employees are reminded that mobile phones should not be considered secure. Therefore, employees should use discretion in relaying confidential information, and reasonable precautions should be made to prevent equipment theft. Reasonable precautions should also be taken regarding loss or general damage to the telephone and related equipment.
- § All employees are expected to follow applicable state, federal and local laws or regulations regarding the use of mobile phones at all times. Employees are prohibited from using their phone to text, surf the web, email or instant message or to take pictures or video while driving a City vehicle or on City time. Discretion should be exercised when making or receiving calls while driving.

2.14.2 City Vehicle Policy

City vehicles must only be used for City-related business. The City provides a vehicle for travel to conferences, seminars and other City-related business meetings. All City vehicles must be filled up at the Service Center; travel out of town would be an exception. Appropriate receipts must be provided if a City-issued credit card is used to purchase fuel for a City vehicle out of town. When returning the City travel car, employees must ensure the vehicle is fueled for the next use.

2.15 Recordings:

Employees shall not record employment-related conversations without prior approval of a supervisor. All picture taking and video taping is prohibited unless approved by management.

2.16 Safety Rules:

The City desires to conduct all of its operations in the safest manner possible. Compliance with the General Safety Rules listed below will assist the city in achieving this objective. These rules are a minimum and your continued awareness and cooperation in providing a safe place to work is a vital part of your job. Failure to follow applicable safety rules may result in disciplinary action and jeopardize worker's compensation coverage.

1. Whenever you are involved in any accident that results in personal injury or damage to property, no matter how small, the accident must be reported. Get first aid promptly.
2. Report immediately any condition or practice you think might cause injury or damage to equipment.
3. Do not operate any equipment which, in your opinion, is not in a safe condition, and report the condition of the equipment to your supervisor.
4. All prescribed safety and personal protective equipment should be used as required and maintained in working condition.
5. When lifting, use the approved lifting technique, i.e. bend your knees, grasp the load firmly, then raise the load keeping your back as straight as possible. Get help for heavy loads.
6. Do not horseplay; avoid distracting others; be courteous.
7. Use the right tools and equipment for the job. Use them safely and when authorized.
8. Good housekeeping should always be practiced. Return all tools, equipment, and material to their proper places.
9. The use of drugs and/or intoxicating beverages during employment and/or at the workplace is prohibited.

*Please refer to the City of Vermillion **Safety Manual** for more detailed policies.*

2.16.1 Violence, Harassment and Bullying in the Workplace Prohibited

The City condemns harassing, intimidating, threatening, bullying or assaulting behavior, speech or actions by any elected official or City employee against any employee or the public at and away from the workplace. In addition, the City will not tolerate intentional damage to City property by City employees or elected officials. Any employee who violates this policy will be subject to discipline up to, and including, discharge. Employees having knowledge of violation of this policy shall report such violation to their supervisors, or through the City's procedure(s).

2.16.2 Weapons Prohibited

For the safety of City employees and the public, no person will be permitted to bring or possess firearms, explosives, or other weapons on City property, except those individuals authorized to do so in the course of their duties with the City. Examples of prohibited weapons include, but may not be limited to:

1. All types of firearms, including rifles, shotguns, pistols.

2. Archery equipment, including arrows, hunting bows, crossbows.
3. Large hunting or weapons-style knives, including “bowie” knives, machetes, stilettos, or switchblades, etc. (This does not prohibit possession of personal, folding pocket or penknives or other bladed tools used in the course of work activities.)
4. All explosive devices or explosive materials used in such devices.
5. Other objects clearly designed or intended to be used as weapons, such as nunchucks, clubs, and brass knuckles.

Duly authorized educational programs, demonstrations, displays, dramatizations, competitions, or other similar public events as approved by the respective department may be exempted.

2.17 Accident Reporting and Investigation:

All work-related accidents and injuries, no matter how minor, should be reported to your supervisor or Department Head immediately. This is for your protection in case medical attention is necessary or in the event of some future complication caused by the accident.

The City provides workers’ compensation insurance for every employee. It protects you for loss of pay and time and for the cost of medical care for injuries sustained while working. For details, see Section 6.4 the in this handbook.

If you are involved in an automobile accident while working or while driving a City-owned or rented vehicle, you should:

- Report the accident to the local law enforcement agency.
- Obtain all information relating to the accident in a professional manner, including the names and addresses of any witnesses.
- Do not negotiate the settlement of any claim, promise payment for any injury or damage, or admit liability.

You should complete a written report for all accidents and injuries as soon as possible. Completed accident reports provide necessary information to allow the processing of claims with the City’s or the other motorists’ insurance companies. Any damage to the vehicle, no matter how slight, must be noted on the accident report.

Upon notice of an accident, an investigation may be conducted by a supervisor and if done, shall be documented. An employee involved in a motor vehicle accident within Vermillion City limits while in a City vehicle or in personal vehicles while on City business shall also report the accident to the Police Department.

2.18 Personal Appearance:

Employees are expected to exercise discretion and good taste in the matter of dress. Cleanliness and good grooming are expected.

Departments may require City-issued uniform be worn as their standard to ensure consistency and public identification. Shirts shall be short-sleeved at a minimum.

Clothing items purchased with City funds shall be worn or used during work hours, and generally worn by the employee while working. Employees will be required to replace missing work clothing at their own expense if the work clothing is lost, stolen or damaged due to the employee's own negligence. Employees are expected to report to work each day in a clean shirt. When a shirt is considered unwearable, the shirt will be returned to the appropriate supervisor, who will dispose of it first removing any logos. Employees are required to return all City-issued uniforms to their supervisor upon conclusion of employment.

The wearing of suggestive attire, soiled clothing or radical departures from conventional dress is not permitted.

Department Heads are authorized to develop and implement additional policies and practices which relate to the provisions of this subject which are not inconsistent with the guidelines set forth herein. Employees wearing inappropriate attire will be instructed not to wear the attire again. A second offense will result in the employees being asked to go home and change into appropriate attire. Third and subsequent offenses may result in further disciplinary action.

2.19 Computer and Internet Policy:

The City may provide employees access to computers, networks, Internet and electronic mail (e-mail). Every employee has a responsibility to maintain and enhance the City's public image and to use the above listed tools in a productive, businesslike manner. To ensure this, the City has established the following policy for using computer/electronic equipment. This policy does not supersede any local, state or federal laws, or any other City policy regarding confidential information dissemination or standards of conduct. The electronic equipment listed above is City-owned property, thus its access and use, except in the limited circumstances listed below, is for **OFFICIAL USE ONLY**. Employees shall have **NO EXPECTATION OF PRIVACY**, regarding their use of e-mail or the Internet. All records created by Internet use or e-mail are subject to inspection and audit by management or its representatives at any time, without notice. When using City e-mail or Internet services, which include messages sent by home using the City's server, employees agree to allow the employer to review and monitor all messages they send, store or receive on the system or any searches they make on web sites they visit using the City's Internet Server. By use of this equipment/systems, the **employee** understands and consents to the **City's right to inspect, audit, and/or monitor**.

2.19.1 General Terms

City electronic equipment is to be used only for official City business; however, brief and occasional e-mail, browsing the Internet and use for non-business and/or personal matters within the confines of good judgment and within the guidelines herein described will not be deemed a violation of City policy. Usage for personal and/or non-business reasons must not impede the conduct of the City business and must not cause the City to incur any direct cost. An employee assumes full risk and responsibility for the exercise and application of good judgment; and all personal usage of the City electronic equipment is subject to later review and determination by the City, on a basis which may arguably be

subjective, as to whether or not the personal usage was within the confines of good judgment and not an abusive misuse of public property.

2.19.2 Discrimination/Harassment

Employees are prohibited from using electronic equipment to violate City Policy 2.2, titled SEXUAL HARASSMENT/DISCRIMINATION relating to all forms of harassment and/or discrimination.

2.19.3 Specific Rules and Prohibition

- Unless authorized, employees may not use another employee's personally assigned account, password, login, logout, user name, etc., or lend use of any of these to another person.
- Employees must be aware of and comply with licensing and copyright restrictions applicable to software and data files they may access.
- Employee users must respect the privacy of others; employee users may not access private files or communications of other employees, even if such files are unprotected; management reserves the right to access files as stipulated within this policy.
- The creation, dissemination, download, upload, installation or copying of illegal or pornographic documents or images is strictly forbidden. Certain work-related situations will exclude the Police Department Detective Division from this rule.
- Employees shall not use the electronic equipment in a manner which results in damage to any City property (hardware or software); employees shall use all City provided computer equipment in a manner which shall not knowingly result in the introduction of a computer virus or other destructive program or file to any City computer system.
- Accessing, posting, or sharing any racist, sexist, threatening, offensive, obscene or otherwise objectionable material (whether visual, textual, or auditory) via the Internet or e-mail is strictly prohibited.
- Electronic equipment will not be used for personal commercial purposes, political purposes, illegal or unauthorized purposes.

2.19.4 Monitoring, Violations, Penalties

- Violations of this policy shall be reported to the employee's supervisor.
- Monitoring individual usage of the electronic equipment by authorized individuals may occur.
- Violation of these policies may result in disciplinary action up to and including termination.

2.20 Blogging and Social Networking:

The City recognizes that Social Networking (such as personal web sites, blogs, Facebook, MySpace, Twitter, online group discussions, text messaging, message boards, chat rooms, etc.) can be used by employees for personal reasons as well as business purposes. The City also understands how the use of internet social network sites and blogs can shape the way the public views our products or services, employees, vendors, partners and clients. The City respects the right of any employee to maintain a blog or post a

comment on social networking sites. However, the City is also committed to ensuring that the use of such communications serves the needs of our business by maintaining the City's identity, integrity, and reputation in a manner consistent with our values and policies. Therefore, the City has established the following rules and guidelines for communicating City-related information via Social Networking forums whether used in or outside the workplace:

2.20.1 Personal Blogging or Social Networking on City Time

Employees may not post on a personal blog or web page or participate in a personal social networking site during working time or at any time with City equipment or property. Working time is your scheduled time of work not including lunch time, breaks or time prior to or after your shift.

2.20.2 Disclaimer

If from your post in a blog or elsewhere in social media it is clear you are a City employee, or if you mention the City, or it is reasonably clear you are referring to the City or a position taken by the City, and also express a political opinion or an opinion regarding the City's positions or actions, the post must specifically note that the opinion expressed is your personal opinion and not the City's position. This is necessary to preserve the City's good will in the marketplace. Policy 2.11 above should be followed whenever City elections are implicated.

2.20.3 Restriction on Customers, Clients, Vendors, Products and Services

Employees are prohibited from soliciting City customers, vendors, or clients to be "friends" or contacts on any social or professional networking site except when the contact has also been divulged to the City or in cases where there is a pre-established relationship outside the City which has been disclosed to and approved by the supervisor at the time of employment or institution of this policy. Employees are not to advertise or sell any of the City's products or services on any website or social network.

2.20.4 Right to Monitor

The City reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with City policies. The City reserves the right to access any City computer and electronic communication device to monitor blogs and on-line websites. Employees should not maintain any expectation of privacy with respect to information transmitted over, received by, or posted on such sites.

2.20.5 Reporting

If an employee believes that a blog or other online communication violates any City policy, the employee should immediately report the blog or online communication to his or her supervisor. The City will investigate the matter, determine whether such blog, posting, website, or communication violates City policies, and take appropriate action.

2.20.6 Employee Rights

This policy is not intended to restrict an employee’s rights to discuss wages and working conditions with co-workers or in any way limit employees’ rights under the National Labor Relations Act.

2.21 Non-solicitation:

Solicitation for personal benefit or profit on City property is not allowed.

POLICY 3: EMPLOYEE CLASSIFICATIONS

3.01 Appointed and Elected Officials: An Appointed Official is an individual who holds a position in a City due to an appointment by the Mayor or City Council subject to the provisions in SDCL ch. 9-14. Elected Officials are those Officials who hold office through election.

3.02 City Employee: Anyone employed by the City who is not an Appointed Official or Elected Official.

3.03 Regular Full-Time Employee: (FTE = Full Time Employee) An employee who is employed by the City to work a predetermined schedule of at least 40 hours per week and has completed their employee-in-training period. Benefits for FTE are as follows:

Vacation Leave:	Full benefit
Sick Leave:	Full benefit
Holiday Pay:	Full benefit
Health and Dental Insurance:	Full benefit
Life Insurance:	Full benefit
S.D. Retirement System:	Participating

3.04 Regular Part-time Employee: An employee who is employed by the City to work at least 20 hours but less than the full time hours per week as defined above on a regular basis [and has completed his/her employee-in-training period]. Benefits for these employees are as follows:

Vacation Leave:	Prorated to hours worked
Sick Leave:	Prorated to hours worked
Holiday Pay:	Prorated to hours worked
Health and Dental Insurance:	Full Benefit
Life Insurance:	Full Benefit
S.D. Retirement System:	Participating

3.05 Temporary or Seasonal Employee: An employee who is employed by the City to work for less than 20 hours per week (part time) or less than six months. No benefits are provided.

3.06 Employee-in-Training (Probationary): An employee who is newly hired by the City in a regular full [or part] time position who is completing his/her six-month training period (see policy 4.14). Benefits for these employees are as follows:

Vacation Leave:

Accrue full benefits but may not use leave until completion of training period.

All other benefits are the same as their respective classification above.

POLICY 4: RECRUITMENT, SELECTION AND PROMOTION

4.01 Recruitment and Hiring Policy:

It is the policy of the City to recruit and fill job vacancies with the most qualified individual for the position. The City has three methods of recruiting qualified applicants to fill job vacancies in City employment. These are: 1) promotion from within; 2) transfer from within; or 3) open announcement and advertisement. All selections shall be based on merit and fitness to fill the job vacancy. All recruitment efforts are based upon equal employment opportunity and conducted without regards to race, religion, creed, color, national origin, sex, age, disability, political affiliation, and marital or veteran status.

4.02 Promotion/Transfer:

If in the best interest of the City, promotions or transfers of individuals already employed with the City shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment.

4.03 Job Announcement:

Except as set forth in 4.02 above, announcements for regular full-time and part-time job vacancies shall be made according to the position. Announcements may include the job title; a brief job summary; the minimum qualifications for appointment; the deadline for filing an application; and location to send application. Announcements and advertisements shall state that the City is an "Equal Opportunity Employer."

4.04 Applications for Employment:

Individuals interested in applying for a specific position with the City must complete and submit a City application form. In addition to the completed application form, a resume and cover letter may be required.

4.05 Eligibility:

To be eligible for employment with the City the applicant must:

1. Be legally eligible to be employed in the United States as proven on the required I-9 form. (Required by federal law)
2. If born after December 31, 1959 and male, be registered for the selective service. (Required by federal law and SDCL 3-1-1.1)

4.06 Veterans Preference:

Where all other qualifications are equal, preference in employment will be given to veterans who have served on active duty and been honorably discharged from the armed forces of the United States using the definition of veteran listed in SDCL 33-17-1 and the periods specified in SDCL 33-17-2.

4.07 Disqualification:

An applicant is disqualified from employment by the City if he/she: 1) does not meet the minimum qualifications for appointment; 2) knowingly has made a false statement on the application form or resume; 3) has committed fraud during the selection process; 4) has failed to register for the selective service where so required to do; or 5) is a debtor to the City.

4.08 Selection:

Selection to fill a job vacancy is made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. All selections are to be made without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, and marital or veteran status (see section 4.06).

4.09 Appointment of City Employees:

Appointment of City employees is by the Department Head with the approval of the City Manager.

4.10 Employment Offers:

After the proper authorities have selected an individual to fill a job vacancy, the individual will be notified of their selection by the Assistant City Manager. An offer of employment shall be extended and a starting date established at this time. Employment offers are for at-will employment, under which the employment relationship may be terminated with or without cause, with or without prior notice, by either the City or the employee. Exceptions to at-will employment status are those created by separate written employment contract or collective bargaining agreement.

4.11 Acceptance of Employment:

After an individual has accepted employment with the City, the Department Head and Assistant City Manager shall ensure that the necessary and proper paperwork is filed within the employee's personnel file.

4.12 Residency Requirement:

Residency within the City shall generally be a condition of employment with the City. Exceptions may be granted with the approval of the Department Head and City Manager, provided, however, that such exception does not interfere or hamper the employee from fulfilling the duties of his/her position or cause the employee to miss work often.

Residency within the City or a distance in which the employee can reach the City within 15 minutes shall be a condition of employment for Public Safety and Emergency Response employees. An applicant, however, shall not be discriminated against because of non-residency in the City and shall be given a reasonable amount of time not to exceed six months, if hired, to establish residency within the City.

4.13 Employment of Relatives (Nepotism):

The City's policy in employment is to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities and to avoid circumstances of favoritism. Thus, the

employment of immediate family members in the same department or where one member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. Immediate family is defined as: parents, step-parents, spouse, children, stepchildren, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren, aunts, uncles, cousins or individuals who have acquired any of the above status through marriage.

4.14 Employee-in-Training Period (Probationary):

Every employee hired by the City must complete a six-month training period for the purpose of assessing the individual's ability to perform their assigned duties. Such employment may be terminated if the City determines this is the appropriate action. There is no notice required of either party for such termination and no due process procedures will be held by the City for any disciplinary action during this time period. During this training period an employee shall accrue both sick and vacation leave at the regularly scheduled rate. Sick leave may be used as necessary during this time, however, the employee is not entitled to use their accrued vacation leave until completion of their training period. An employee-in-training is entitled to paid holidays as observed by the City. At the discretion of the employer, the training period may be extended by an additional three months.

Employees receiving transfers, promotions etc. must complete a 90-working day training period for assessing his/her ability to perform the duties of the new position assigned. During this time the employee will continue to receive all benefits as previously assigned.

POLICY 5: HOURS OF WORK

5.01 General Policy:

It is the City's intent to create a standard work week within which an employee is expected to perform City services. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the City's policy that every employee be treated equally and fairly when expected to work odd or extended hours.

5.02 Standard Work Week:

The standard 40- hour work week for the purpose of calculating pay and overtime shall begin at 12:01 a.m. Sunday and end on 12:00 a.m. Saturday.

5.03 Standard Work Day:

The standard eight-hour work day for City employees will begin as set by the employing department, including a 30- or 60-minute break (depending on departmental policy) for noon lunch and a 15-minute break period in both the morning and afternoon. Break periods may not be accumulated for time off. Emergencies may require that employees work more than eight hours in a day but shall be compensated with equal time off within

the same work week (flex time) or through the accumulation of overtime or comp time if over 40 hours are worked in the week.

5.03.1 Time Worked

If less than a full hour is worked, the amount of time recorded on the timesheet should be rounded to the nearest half-hour.

5.03.2 Daylight Savings Time

The hour an employee loses each spring (by working seven of a scheduled eight-hour shift) must be charged to vacation or, with supervisory approval, be made up within the same work week. The extra hour an employee works each fall (by working nine hours rather than the scheduled eight) must be paid to the employee within the guidelines for overtime provisions under the Fair Labor Standards Act.

5.04 Call Back Pay:

For all benefited, hourly employees, the City will follow the rules covering call-back pay outlined in the current collective bargaining agreement that covers the respective department.

5.05 Flex time:

The City Manager reserves the right to authorize flexible work hours within the 40 hour work week in situations where it is appropriate or necessary. Employees must still adhere to the standard 40-hour work week unless flex time or overtime has been approved by their supervisor.

5.06 Stand-By Time:

For all benefited, hourly employees, the City will follow the rules covering stand-by time outlined in the current AFSCME collective bargaining agreement. Police and Telecommunications employees shall follow the rules referenced in the current bargaining agreement for those departments.

5.07 Overtime:

For all benefited, hourly employees, the City will follow the rules covering overtime pay outlined in the current AFSCME collective bargaining agreement. Police and Telecommunications employees shall follow the rules referenced in the current bargaining agreement for those departments.

5.08 Comp Time:

For all benefited, hourly employees, the City will follow the rules covering compensatory time outlined in the current AFSCME collective bargaining agreement. Police and Telecommunications employees shall follow the rules referenced in the current bargaining agreement for those departments.

Upon separation from City service, the employee will be paid for any unused comp time at their final rate of pay. Comp time hours accrued and taken must be reported to the

Department Head and included on timesheets.

5.09 Exemptions to Overtime:

The following employees are exempt from the overtime standards:

- 1) Appointive Officials (if determined to be FLSA exempt);
- 2) Police and fire personnel (if less than five within the department);
- 3) Swimming pool and recreational personnel (if operated for less than seven months), and
- 4) Executive, administrative, professional, and computer and outside sales employees.

5.10 Attendance:

All City employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their immediate supervisor or Department Head prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible. Except in cases of an emergency, if an employee is absent more than two (2) consecutive days without proper notification, the employee will be considered to have voluntarily resigned their position and may be discharged from City service.

5.11 Time Sheets:

For the purpose of calculating and issuing pay checks, each employee's time sheet is a record of their regular hours worked, overtime worked, and vacation or sick leave used. Every employee and their supervisor must sign their time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action.

POLICY 6: COMPENSATION

6.01 Pay Period and Pay Day:

City employees are paid via direct deposit on a bi-weekly schedule on the first Thursday following the end of the bi-weekly pay period. Pay periods run from Sunday to Saturday.

6.02 Payroll Deductions:

The City is required to withhold Federal Income Tax and Social Security (FICA) from each employees pay check, unless employee designates as exempt on W-4.

Other deductions include:

- 1) Employee contributions to the South Dakota Retirement System;
- 2) Employee contributions to Health Insurance, and
- 3) Employee contributions to optional benefit or insurance policies.

6.03 Benefits:

Benefits that follow are those offered by the City to employees. These benefits are afforded according to individual employee classifications (see policy 3). Applicable information will be provided separately to you by the City.

6.04 Workers' Compensation:

Workers' compensation is a "no fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill due to their employment. Some exceptions are injuries caused by willful and serious misconduct or by a worker's intoxication or by an employee's voluntary participation in recreational social activities.

The City pays the entire cost of workers' compensation insurance. The insurance will cover all related medical and rehabilitation expenses and a portion of lost wages. The insurance company will also authorize the length of stay, if any, away from work.

If an employee is injured on the job, work-related medical costs are paid as well as the compensation rate for salary loss as set by the State of South Dakota. Injury on the job must be reported immediately to the Department Head or supervisor. The injured employee must then complete the appropriate workers' compensation forms and return them to the Department Head or supervisor and filed in the Finance Office. State law requires any injury to be reported no later than three business days after it occurred. If it is not reported within three business days and the employee lacks a good reason for not doing so, workers' compensation benefits could be denied.

In cases where workers' compensation wage reimbursement is paid to an employee, the employee may use sick leave to make up the difference between workers' compensation pay and his/her regular pay. When the sick leave is exhausted, annual paid leave may be used for this purpose. When all leave becomes exhausted, workers' compensation pay will be continued but participation by the City through wage supplementation will be discontinued and leave benefits will not accrue. Benefits of health, dental, and life insurance will be continued for the employee (according to the City benefits policy) for a period of six months for City participation. Any voluntary payroll deductions (i.e. short-term disability insurance) or coverage with employee participation will also end. The employee will have the option of two plans as to when the six months of participation by the City will begin:

1. If the employee chooses to use accumulated sick and annual leave to supplement worker's compensation pay, the six months of City participation will begin at the time all accumulated leave is exhausted, or,
2. If the employee does not choose to use accumulated sick and annual leave, the six months begins at the time of the injury.

In either case, City participation of employee-only health, dental, and life insurance will not exceed one year from the date of injury. Retirement contributions shall be discontinued during the period of time the City is not participating in conjunction with workers' compensation. All benefits will continue upon return to work.

6.05 Travel and Reimbursement of Expenses:

It is the policy of the City that employees be reimbursed for necessary and reasonable job-related travel expenses, such as meals and mileage, according to South Dakota State Per-Diem rates.

6.05.1 Meals

Reimbursements are for meals not provided by a conference. For overnight travel, meals are reimbursed to employees on a vendor check. For non-overnight travel, meals are reimbursed the next payday, so travel vouchers must be attached to time sheets.

6.05.2 Mileage:

Mileage reimbursement will follow the current South Dakota state rates if an employee uses his/her personal vehicle. Employees are expected to utilize the City travel car for transportation to conferences and other job-related training seminars. The reimbursement rate may be higher if a City travel car is not available, and a statement from the Department Head is required as to unavailability.

6.05.3 Family Members Traveling in City Vehicles:

Family members traveling with City employees in City vehicles will be reviewed on a case-by-case basis in advance with the Department Head and City Manager.

6.05.4 City Credit Card for Travel Use

Each Department Head assigns credit cards that may be used for lodging, airline tickets, rental cars, taxi fees, airport parking fees, City vehicle fuel and repairs to City vehicles. Employees are responsible for ensuring state sales tax is not charged since the City is exempt. All charge receipts must be returned to the Department Head for coding and attached to the monthly bill. *All reimbursement requests must include a copy of the program agenda and registration form indicating any meals that may have been included.*

POLICY 7: LEAVES OF ABSENCE

7.01 General Policy:

Leaves of absence for vacation and sick leave are considered a benefit and privilege offered by the City. Leaves are not granted automatically, but are to be requested by the employee. Reasonable effort will be made to ensure that all employees are treated equally and fairly. In some instances it may not be possible to grant all leaves requested during busy times or emergency situations, however, reasonable effort will be made to grant requests. Employees anticipating a leave of absence are encouraged to apply for such leave as early as possible.

7.02 Vacation Leave:

Vacations must be approved in advance by the Department Head to assure that services will continue to be provided. Department Heads must submit requests for vacation to the City Manager. Vacation allowances shall be earned annually and accrued monthly based on the following schedule:

<u>Years of Service</u>	<u>Vacation Hours</u>
0 – 1	48
2 - 5	96
6 - 10	120
11 - 15	144
16 - 20	160
21	168
22	176
23	184
24	192
25+	200

Vacation leave may be accumulated monthly until such time as the total accumulation reached is one and one-half (1 ½) times the number of days that may be accumulated in a year.

7.02.1 Vacation Pay.

The rate of vacation pay shall be the employee's regular straight time rate. Vacation will be accrued and charged in increments of one-half (½) hour.

7.02.2 Scheduling of Vacations.

Vacations shall be granted to the extent possible at the time requested by the employee provided that advanced notice is given. The total number of working days advance notice given shall equal the number of vacation days requested. If the nature of the work makes it necessary to limit the number of employees on vacation at the same time, or in the event of a conflict over vacation periods, the employee with the greater seniority shall be given his choice of vacation period. If an employee contracts an illness or injury while on vacation, he shall be entitled to convert such vacation leave to sick leave pay upon certification of such illness or injury by a doctor provided such illness is incapacitating.

7.02.3 Vacation Call-Back

Employees called back to work from vacation leave due to emergency conditions shall be paid for the actual time worked at their regular rate of pay, or may receive equal compensatory time off at the mutual convenience of the employee and the City. For all benefited, hourly employees, the City will follow the rules covering vacation call-back outlined in the current AFSCME collective bargaining agreement. Police and Telecommunications employees shall follow the rules referenced in the current bargaining agreement for those departments.

7.02.4 Vacation Compensation on Separation

Upon voluntary separation from the service of the City, regular, non-probationary employees shall be compensated for one hundred percent (100%) of his or her accumulated vacation hours according to the maximum allowed at the time of separation. This policy shall not apply to employees who are discharged or who voluntarily terminate their employment with the city without giving fourteen (14) days advanced notice.

7.03 Sick Leave:

Sick leave shall be for the purpose of permitting an employee to be relieved of his duties during actual disabling illness, injury, or illness in the employee's immediate family as defined in 7.03.3 below. The second time during a 12 consecutive month period that an employee takes sick leave without a physician's statement the day before or after a holiday or the day before or after the two non-working days of the week, it shall count as three days sick leave taken.

7.03.1 Accrual Rate.

All benefited employees shall accrue sick leave at a rate of 10 hours per month for the first 10 years of employment, and 13.3 hours per month thereafter. Sick leave shall be accumulated but shall not be granted to any benefited employees during the first 60 days of their initial probationary period. Employees may accumulate to a maximum of 1,700 hours. Sick leave is accrued and charged in increments of one-half hour.

7.03.2 Vacation Leave as Sick Leave.

After an employee's accumulated sick leave has been exhausted, unused vacation leave may be used as sick leave at the employee's request, with approval of the Department Head. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of the employee shall be discontinued until (s)he returns to work.

7.03.3 Eligibility.

For family sick leave, immediate family means husband, wife, son, daughter, ward, father, mother, son-in-law, daughter-in-law, mother-in-law or father-in-law living with employee.

7.03.4 Sick Leave Compensation upon Separation

Upon voluntary separation from the service of the City, regular, non-probationary employees shall be compensated for accumulated sick leave up to the maximum limits set hereinafter in this section.

- Employees with no less than five (5) years of service shall have their accumulated sick leave added to their accumulated vacation at the rate of one (1) hour for each three (3) hours of accumulated sick leave, up to a maximum of 720 hours.
- Employees with ten (10) or more years of service shall have their accumulated sick leave added to their accumulated vacation at the rate of one (1) hour for each three (3) hours of accumulated sick leave, up to a maximum of 760 hours.

This policy shall not apply to employees who are discharged or who voluntarily terminate their employment with the city without giving fourteen (14) days advanced notice.

7.04 Extended Leave for Illness or Temporary Disability:

Employees may request approval to use accumulated sick leave and vacation leave for the purpose of paid release time to recover from an extended illness or temporary

disability. For extended periods of illness or temporary disability, a medical doctor's certification of illness may be required.

7.05 Maternity Leave:

The City shall treat maternity leave the same as any other temporary disability.

7.06 Jury Duty/Litigation:

City employees will be granted leave for jury duty or if they are subpoenaed to testify in court. During such periods of absence, regular full-time or part-time employees will receive their regular rate of pay minus the jury duty pay or the employee may endorse the court payment, less documented mileage/expenses, to the City. Employees who are absent from work due to jury duty will not be dismissed or suspended from employment; and shall retain and be entitled to the same job status and pay as he/she had prior to performing jury duty. Persons who are to be absent due to jury duty must notify his/her immediate supervisor or Department Head in advance. If no prior notification is given the employee may be subject to disciplinary procedures. Vacation and sick leave benefits shall accrue at the normal rate for eligible employees during jury duty.

City employees involved in their own litigation are required to use vacation leave.

7.07 Voting Leave:

City employees whose work schedule does not enable them time to vote during which time the polls are open shall be allowed up to two consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leaves.

7.08 Military Leave:

7.08.1 Request for Military Leave of Absence

An employee who wishes to be granted military leave of absence must submit the request and a copy of his/her official orders or other records from the military service to his/her immediate supervisor or Department Head prior to the dates of attendance. If the reservist or National Guard member submits a copy of his/her official annual training schedule prior to beginning of the year's military activities, the employee need only submit separate requests and orders for those training duties not included on the annual schedule, or when the annual schedule is modified.

7.08.2 Active Duty

An employee who enlists or is called into Active Duty for the military service of the United States or who, in time of national emergency, voluntarily enlists for active duty, shall be granted military leave for the time necessary to permit completion of the military service. In order to have re-employment rights, a person leaving active duty in the military service of the United States must apply to the City for reemployment within 90 days after his/her separation from active duty, or within 90 days after his/her release from hospitalization continuing after such separation for not more than one year. This applies to inductees and enlistees, as well as to reservists and National Guard members performing full active duty, as opposed to initial duty for training, or active or inactive

duty training, or other active duty where different re-employment rights are defined by Federal Statute. Employees are responsible for making arrangements to pay for voluntary and optional payroll deductions while on active duty or the benefits will be terminated.

7.08.3 Reserve or National Guard Training Leave

An employee who is a member of the National Guard, or a branch of the Armed Forces Reserve, shall be entitled to a military leave of absence when ordered by proper authority to active duty for exercises or instructions, not to include monthly drills. The employee shall be reimbursed by the City for the difference between his/her regular City compensation and such compensation as he/she may receive, excluding dependent allowances or housing allowances for such military service up to a maximum of ninety 90 hours pay annually. In order to receive such reimbursement, the employee shall be required to produce such military service pay records as may be deemed necessary by the Finance Officer. However, in the fulfillment of such duty should the off duty requirement exceed the 90 hours allotted military leaves such employee shall be considered on leave of absence without pay.

All benefits shall continue for all hours compensated under this section.

If an employee fails to report to his/her job within this specified time period, he/she may be subject to the penalties which would be imposed on any employee who is tardy or absent without permission. If an employee separates his/her employment with the City in order to enlist in the Reserves or National Guard, he/she must reapply to the City within 31 days after his/her separation from initial active duty for training in the Reserves or National Guard in order to retain re-employment rights.

7.08.4 Federal Statute

An employee who participates in any branch of the Military Service of the United States is covered by and subject to Federal Statute, US Code Title 38, Chapter 43, and all other applicable statutes.

7.09 Personal Emergency Leave:

If necessary, qualified City employees may use accrued sick leave for personal emergency leave. This leave may be used for the following:

- Death in the immediate family. (Immediate family is defined as an employee's spouse, parents, step-parents, children, step-children, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren and great grandchildren. The term also includes a spouse's equivalent of the above). An employee shall be entitled to take up to three consecutive scheduled workdays, with pay, for a death in the employee's immediate family or the immediate family of the employee's spouse.
- Emergency illness or scheduled surgery in the immediate family.

The amount of sick leave to be used for personal emergency leave is to be limited to 40 hours per year if previously accrued. This leave does not accumulate from year to year.

7.10 FMLA Leave:

The City complies with the Family Medical Leave Act (“FMLA”), which is unpaid leave. Any FMLA leave shall, however, run concurrent with any paid or other unpaid leave time, meaning you must use any available paid leave for any FMLA leave. The City applies the “rolling” 12-month leave cycle, which means that each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. FMLA leave forms are available from the City Manager’s Officer and FMLA must be authorized by the Department Head. If you are requesting leave for a serious health condition, whenever possible the medical certification from your healthcare provider should be supplied before leave begins.

Further, the City, at no expense to the employee, may require an examination by a second health care provider designated by the City except in the case of military leave. If the second health care provider’s opinion conflicts with the original medical certification, the City, at no expense to the employee, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The City may require a subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided, and/or may subject you to discipline up to and including termination for taking unauthorized leave or excessive absenteeism. The City may contact the employee’s health care provider to clarify information on the medical certification, but you must sign the appropriate authorization form for such contact.

7.10.1 While on Leave

If an employee takes leave because of an employee’s own serious health condition or to care for a covered relation, an employee should contact the employee’s Department Head on the “first and third Tuesday” of each month regarding the status of the condition and an employee’s intention to return to work to determine how an employee is progressing and so that the City is aware of on any new developments. In addition, an employee must give notice to an employee’s Department Head as soon as practicable (within two business days, if feasible) if the dates of leave change, are extended or initially were unknown.

7.10.2 Intermittent and Reduced Scheduled Leave

Leave because of a serious health condition or military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works each workday) if medically necessary. An employee will receive an employee’s current rate of pay for hours worked. Time spent working will not count against an employee’s available FMLA leave. In addition, while an employee is on an intermittent or reduced schedule leave, the City may temporarily transfer an employee to an available alternative position which better accommodates an employee’s recurring leave and which has equivalent pay and benefits.

7.10.3 Medical and Other Benefits

During an approved FMLA leave, the City will maintain an employee's health and other benefits as if an employee continued to be actively employed. However, an employee must continue to pay an employee's portion, if any, of the group health plan premiums, dental insurance premiums, or voluntary deductions so that an employee's benefits are not cancelled. In order to accrue benefits such as Vacation or Sick Leave, an employee must be working, using Vacation, Sick Leave, or holiday hours to equal at least fifty percent (50%) of his/her regularly scheduled time for the pay period. If an employee returns to work owing any employer-made contributions for an employee's insurance premiums to maintain coverage during an employee's leave, an employee will be required to reimburse the City through payroll deduction immediately upon return. If ~~you~~ an employee elects not to return to work at the end of the leave period, an employee will be required to reimburse the City for contributions to the health insurance premiums made to maintain coverage during an employee's leave, unless an employee cannot return to work because of a serious health condition or because of other circumstances beyond an employee's control. A physician's certification may be required by the City for this determination.

7.10.4 Returning from Leave

When an employee is able to return to work following a leave because of an employee's own serious health condition, an employee should attempt to give the City at least one week's notice by mailing or faxing to the Assistant City Manager a medical certification stating that an employee is able to resume work. However, an employee should make sure that the City receives this notice no later than two business days before an employee's return to work at the conclusion of ~~you~~ an employee's leave.

7.11 Holidays:

The following days shall be paid holidays for City employees:

- § New Year's Day (January 1)
- § President's Day (3rd Monday in February)
- § Memorial Day (Last Monday in May)
- § Independence Day (July 4)
- § Labor Day (1st Monday in September)
- § Native American Day (2nd Monday in October)
- § Veteran's Day (November 11)
- § Thanksgiving Day (4th Thursday in November)
- § Christmas Day (December 25th)

Whenever any of the holidays listed shall fall on Saturday, the preceding Friday shall be observed as the holiday. Whenever any of the holidays listed shall fall on Sunday, the succeeding Monday shall be observed as the holiday.

7.11.1 Floating Holiday.

In addition to the above named holidays, one (1) additional holiday may be taken at the option of the employee with one day's notice in minimum increments of one-half (1/2) day. The City may limit the number of employees taking the floating holiday at the same time in order to maintain City services. If denial is made, a written explanation will be given to the employee upon request. Eligible employees shall receive one (1) day's pay for each of the holidays listed above on which they perform no work.

7.11.2 Absence on a Holiday.

Any employee who is absent without leave on the working day immediately preceding or immediately following a holiday shall not be paid for that holiday. If a holiday is observed on an employee's scheduled day off, or during his vacation, he shall be paid for the unworked holiday.

7.11.3 Holiday Pay.

In the event that an employee works on a holiday, the employee shall have the option of receiving compensation or earning flex or comp time. The time selected to take compensatory time shall be mutually agreed upon by the employee and the City. The time will be awarded on the same basis as pay is given. The employee must indicate his desire for compensatory time at the end of his first regular shift following the holiday.

7.11.4 Holiday for Overtime Purposes.

For the purpose of computing overtime, all holiday hours (whether worked or unworked) for which an employee is compensated shall be regarded as hours worked.

7.12 Leave Slips:

The City requires that each leave of absence must be accompanied by a leave slip. Such leave slips must indicate the dates of the leave, type of leave to be taken or reason leave is taken and number of hours of leave to be taken. Each leave slip must be signed by the employee's *immediate supervisor or Department Head* prior to the leave being taken. In circumstances such as an emergency or unexpected illness, the leave slip is to be submitted as soon as possible when the employee returns.

POLICY 8: SEPARATION FROM CITY SERVICE

8.01 General Policies:

8.01.1 Definitions

Voluntary Separation: Resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee.

8.01.2 Return of City Property

City employees are expected to return all City property at the time of their departure from City service. The City reserves the right to withhold from the employee's final paycheck

the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary to recover City property.

8.02 Voluntary Separation:

8.02.1 Resignation

A City employee may resign from City service by giving his/her Department Head written notice of his/her resignation. Said resignation is requested at least fourteen (14) days in advance of leaving City service. The Department Head may accept the employee's resignation as taking effect immediately.

8.02.2 Absence without Notification

If an employee is absent for more than three consecutive work days without proper notification in accordance with the attendance policy, they shall be considered to have voluntarily resigned their position in City service without notice. Reinstatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the City Manager. Any absence without notification may result in disciplinary action.

8.02.3 Retirement Age

There is no mandatory retirement age for City employees.

8.03 Unemployment Compensation:

The City follows the state of South Dakota unemployment compensation laws as found in SDCL Title 61.

8.04 Exit Interviews:

Upon notice of voluntary termination of employment, the City may, in its discretion, conduct an exit interview prior to an employee's separation from City employment. The exit interview is conducted for several purposes, including:

- § to resolve all outstanding matters between the City and the employee;
- § to advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation, and/or
- § to aid the City in gathering information to help improve the City working environment and other employment relationships.

POLICY 9: DISCIPLINARY ACTION

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion or reassignment, or dismissal as defined below. The City may, but is not required to, apply these actions progressively, and for example, suspension or termination of employment may be applied as a first step of discipline. Employment is at-will and this disciplinary policy does not otherwise create any other employment relationship. The City

reserves the right to suspend an employee with pay; however, such action is not deemed to be a disciplinary action.

9.01 Oral Reprimand:

An oral reprimand is a verbal statement, which may or may not be documented.

9.02 Written Reprimand:

A written reprimand is a written statement.

9.03 Suspension without Pay:

Removal from duties from City for specified period of time, without pay, for up to 10 working days.

9.04 Demotion or Reassignment:

Demotion or reassignment includes reduction in pay (possibly including benefits) or job duties; placement into a lower position; change of employee's duties within his/her current position, or use any combination of the above.

9.05 Discharge:

Discharge is termination of employment.

9.06 Disciplinary Interview:

As to any employee who is not under an at-will employment relationship, before any disciplinary action of suspension without pay, demotion, or dismissal, the City Manager shall:

1. Notify the employee of the proposed disciplinary action, providing the reason(s) for the action and the proposed discipline, and the employee shall be permitted a reasonable opportunity to respond to the allegations and proposed discipline, and
2. The City shall then after provide written notice to the employee of the discipline.

POLICY 10: DRUG AND ALCOHOL ABUSE POLICY

10.01 City's Commitment to Drug and Alcohol Free Workplace:

The City has a strong commitment to its employees to provide a safe, healthy, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective the City will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City's work force. The City's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees.

While the City has no intention of unreasonably intruding into the private lives of its employees, the City does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals.

The City complies with the Drug-Free Workplace Act of 1988. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances including alcohol is prohibited while employees are on the City's property and while conducting business-related activities off the City's premises. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Any employee found to be in violation of this policy or any of the provisions set forth in the plan below will be subject to discipline up to and including termination of employment.

Any person who accepts employment with the City is considered, as a condition of his/her employment, to consent to reasonable suspicion-based testing pursuant to policy 10.5 below. If any person refuses to submit to such testing, such refusal shall be documented for determination of appropriate disciplinary action.

10.02 General Policies:

The following are the policies of the City regarding drug and alcohol abuse:

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the City is proper cause for disciplinary action.
2. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers (including EMTs) who are in possession of an illegal controlled drugs or substances while acting in the line of duty.
3. It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
4. The legal use of controlled drugs or substances prescribed by a licensed physician is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.
5. The illegal use, sale, and possession of controlled drugs or substances while off duty and off City premises, which results in a criminal conviction, is unacceptable. Off-duty, alcohol or drug-related, criminal convictions are also unacceptable and may affect job performance as well as the confidence of the public in the City's ability to meet its responsibilities. Such off-the-job conduct, which results in a criminal conviction, will be proper cause for disciplinary action.

10.03 Employee Responsibilities:

1. An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on or off duty alcohol or drug use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.
2. An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
3. An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
4. An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Any violations of the above stated may result in immediate disciplinary action.

10.04 Management Responsibilities and Guidelines:

1. Supervisors and Department Heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
2. Supervisors and Department Heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.
3. Any supervisor or Department Head encountering an employee who refuses to consent to a drug and/or alcohol analysis when “reasonable suspicion” has been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.
4. Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or discharge.

10.05 Testing for Drugs or Alcohol:

10.05.1 Post Offer/Pre-Employment

The City may require an individual to undergo post-offer, but pre-employment, controlled substance testing. Work shall not be permitted until such testing is completed and results are given to the Assistant City Manager.

10.05.2 Reasonable Suspicion

The City may request that the employee undergo drug and alcohol testing if there is a “reasonable suspicion” that the employee is under the influence of drugs or alcohol

during work hours. Reasonable suspicion tests should be administered as soon as practical following the determination of reasonable suspicion. If the alcohol test is not administered within two hours of the determination of reasonable suspicion, the attending supervisor will document the reason for the delay. If the alcohol test is not administered within eight hours of the determination of reasonable suspicion all attempts to conduct the alcohol test will cease and the attending supervisor will document the reasons for the failure to test. If the controlled substances test is not administered within eight hours of the determination of reasonable suspicion, the test should still proceed. The attending supervisor must document the reasons for the delay. If the controlled substances test has not been administered within 32 hours of the determination of reasonable suspicion, all attempts to conduct the controlled substances test will cease and the reasons will be documented by the attending supervisor.

“Reasonable suspicion” means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior that is so unusual that it warrants summoning a supervisor, Department Head or other individual for assistance;
2. Information provided by a reliable and credible source with personal knowledge;
3. Direct observation of drug or alcohol use;
4. Presence of the physical symptoms of drug or alcohol use; (i.e. glassy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes), or,
5. Possession of substances in violation of the City’s drug and alcohol policy.

The employee, where “reasonable suspicion” exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the City’s expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the City. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. The proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the Assistant City Manager and placed in the employee’s file only if confirmed by the drug and/or alcohol test.

10.05.3 Post-Accident

Any City employee involved in a work-related vehicular accident may be subject to post-accident testing. Nothing in this section, however, will be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

10.05.4 Follow-Up Testing

If a medical provider determines that an employee is in need of assistance in solving problems with alcohol use and/or controlled substances use, an employee may be subject to unannounced follow-up alcohol and/or controlled substances testing if they are allowed to continue their employment with the City. Follow-up testing will not exceed 60 months from the date of the employee's return to duty, so long as the employee remains drug and alcohol free. It is preferred that the employee will have no less than six unannounced follow-up alcohol and controlled substances tests within the first 12 months following the employee's return to work, provided the employee remains employed and drug- and alcohol-free for that period.

10.06 Drugs to be Tested for:

The following drug groups were selected for testing purposes based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under state and federal law.

1. Alcohol, ethyl;
2. Amphetamines/Methamphetamines; i.e., speed;
3. Barbiturates; i.e., to include but not limited to amobarbital, butabarbital, phenobarbital, cecobarbital;
4. Cocaine, Cocaine Metabolites;
5. Benzodiazepines;
6. Opiates; i.e., to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone;
7. Phencyclidine (PCP), and
8. THC (Marijuana) Metabolite.

10.07 Testing Procedure:

Whenever an applicant or employee is required or requested to submit to any controlled substances testing, the applicant or employee may, upon request, be permitted to have a representative present during collection or testing when reasonably possible without disrupting the timeliness or effectiveness of the testing process.

Testing for employees is conducted by analyzing an employee's specimen according to the protocol of the testing facility. If testing involves urine collection and the employee attempts and fails to provide an adequate amount of urine, the Assistant City Manager will refer the employee for a medical evaluation, at the employee's expense, to determine if the employee's inability to provide an adequate volume of urine is medically genuine or constitutes a refusal to test.

10.08 Consequences to Employee Engaging in Prohibited Conduct:

1. Positive Results
 - a. If the results of a confirmatory pre-employment alcohol or controlled substances test (see 10.05) are positive, the applicant will be disqualified for employment.

- b. An employee who tests positive for alcohol with a concentration level above 0.02 grams alcohol/210 L breath or who tests positive for the presence of an illegal controlled substance will be subject to disciplinary action up to and including termination.
 2. Refusal to Submit to Required Testing
 - a. An applicant who refuses to take a drug and alcohol test or does not report to the testing facility at the scheduled date/time shall be disqualified from further consideration for the conditionally offered position with the City.
 - b. A refusal by an employee to submit to alcohol and/or controlled substance testing required under this policy will be treated as a positive test result. The employee will not be permitted to work. The refusal may be considered sufficient cause for disciplinary action up to and including discharge.
 3. Return to Work Following Positive Results
 - a. If an employee has been found to have violated the requirements of this policy, such as testing positive for the presence of alcohol and/or controlled substances while on duty, the employee may in certain circumstances be permitted to return to his or her position. This decision is entirely in the discretion of the City.
 - b. If an employee is permitted to return to work following a positive drug or alcohol test, his or her continued employment may be conditional upon very specific requirements including but not limited to certain testing and treatment requirements.

10.09 Confidentiality:

Information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee. However, disclosure without employee's consent may occur in the following circumstances:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the City and the employee, or
3. The information must be disclosed pursuant to a genuine emergency wherein the information must be disclosed to protect the safety or welfare of any person. Even in such situations, however, if time permits, the City shall attempt to obtain a judicial order to disclose this information.

Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 16, 2014
Subject: Vermillion Housing Authority Appointment
Presenter: Mayor Jack Powell

Background: By State Statute the City Council is charged with appointing members of the Vermillion Housing Authority.

11-7-12. Appointment and terms of commissioners--Vacancies. The commissioners constituting a commission shall be appointed by the mayor or the chairman of the board of county commissioners, with the approval of the governing body. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made.

The commission is comprised of five (5) citizens appointed by the City Council. The terms are for five (5) years and expire in June.

Discussion: The opportunity to apply for the Housing Authority Board was announced at a City Council meeting and listed on the City's website. A notice of the opportunity to apply was also included with all 2014 Board term expirations in the February Equalizer. Two Expression of Interest form were received and are included for consideration. State statute 11-7-11 does not require a Board member to be a city resident but reside within the area served.

The term of incumbent Board member Cindy Benzel is expiring. In 2005, she was appointed to a partial term that expired in 2009. In 2009, Ms. Benzel was appointed to a full five (5) year term.

The other current members of the Vermillion Housing Authority and term expiration year are: Joan Holter (2015), Sandy Brown (2016), Craig Develder (2017) and Elizabeth Abbott (2018).

Financial Consideration: None. Neither the City nor the Housing Authority compensates Housing Authority Board members for their service.

Conclusion/Recommendations: Administration recommends the City Council appoint an individual to fill the balance of a Vermillion Housing Authority Board expiring in June 2019.



CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM

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

Title: _____
Name: Cindy Benzel
Home Address: 2802 Rotherson Rd Vermillion
Email Address: Cindy.Benzel@SanfordHousing.org
Phone #: 605-638-0916

Number of years you have lived in/around Vermillion: 40 years
Occupation: HR Manager Employer: Sanford Vermillion

Business Address: 20 S Plum St Vermillion
Prior elected or appointed offices held (if any): Main Street Center Board
Civic Co Board - serving on both now

Present and past community volunteer activities: Volunteer with both
organizations for past 8 years

Why are you interested in serving on this Board/Commission: Currently a
board member & would like to continue
to serve & contribute support HUD

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve?

Vested & longtime resident of City of
Vermillion

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission?

Cindy Benzel 6-5-14
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: Vermillion Housing Authority

Title: Board Member

Name: Maria Trowbridge

Home Address: 19 South Crawford Road, Vermillion, SD 57069

Email Address: jordyn5499@msn.com or Maria.Trowbridge@state.sd.us

Phone #: 605-677-7451-cell or 605-624-5350-home

Number of years you have lived in/around Vermillion: 17 years

Occupation: Economic Assistance Benefits Specialist Employer: South Dakota Department of Social Services

Business Address: 114 Market St, Ste. 102, Vermillion, SD 57

Prior elected or appointed offices held (if any): None

Present and past community volunteer activities: Clay County Reserve Deputy, Annual Guest Speaker for the Family Planning Class at the Vermillion High School, Youth Soccer Coach, Youth Softball Coach

Why are you interested in serving on this Board/Commission: I am interested to know more about the inner workings of the housing program not only as a community member but also as a facilitator to this community that assists low income families.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I feel that my knowledge of community resources are very strong and could benefit the clients that the Vermillion Housing Authority services. This knowledge comes from my employment with the Vermillion Police Department, USD Head Start Program, and currently the South Dakota Department of Social Services.

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 our housing program maintain adequate and affordable housing, housing choice, suitable living environments, and to form partnerships with other community based organizations to better serve the clients of Vermillion Housing Authority.

Maria Trowbridge
Signature

6/05/14
Date

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

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: June 16, 2014
Subject: Resolution to Prepay Special Assessment Bonds
Presenter: Mike Carlson

Background: The City issues special assessment bonds to pay for the improvements that are assessed as a benefit to the adjoining property for curb and gutter, street paving, street lights, water and sanitary sewer mains. After the project is completed, a special assessment bond is prepared that is sold to the Electric Utility fund as an inter-fund loan. With the internal loan, there are no bond issuance fees that would need to be passed along as costs of the project to the benefiting property owners. The bond resolution provides that all payments are to be restricted until the bond has been repaid.

The special assessments are filed with the County Treasurer and the annual principal and interest payment is included on the property tax statements. The payments made with the property taxes are collected by the County and remitted to the City. Special assessments can be prepaid with interest to the City at any time as long as the payments to the County are current.

The bond provides for prepayment, at par, with accrued interest, at any time, at the option of the City as follows: whenever there shall be sufficient funds in said Special Assessment Improvement Bond Fund account over and above the amount of principal and interest necessary to pay the next succeeding installment to become due on said bonds, plus the last principal installment remaining unpaid, together with interest then accrued thereon, then the City may prepay the amount of said last unpaid installment and accrued interest, if any. As the bonds have annual payments due on July 1 there will be no accrued interest due with the prepayment.

Discussion: A number of the special assessments have been prepaid to the City. As the bond interest rates are 4% to 6%, which is considerably higher than what the prepayment funds can be invested, it is in the best interest of the City to call a portion of the bonds.

A resolution has been prepared to authorize the prepayment of the special assessment bonds by the amount of prepaid special assessments on hand in the special assessment debt service fund, water utility fund and wastewater utility fund.

Financial Consideration: The prepayment funds are restricted in the Special Assessment Debt Service Fund for the payment of the bonds and, as such, are available for the prepayment. By making the prepayment, it preserves the financial ability of the debt service fund to make future payment due to the difference in the interest rate on the bond and what the funds can be invested for.

Conclusion/Recommendations: Administration recommends approval of the resolution authorizing the prepayment of the 2005, 2006, 2008, 2010 and 2013 special assessment bonds in the total principal of \$92,165.33, from the special assessment debt service fund, \$2,150.12 from the water utility fund, and \$1,075.12 from the wastewater utility fund for a total of \$95,390.57.

RESOLUTION AUTHORIZING THE PREPAYMENT
OF SPECIAL ASSESSMENT BONDS

WHEREAS, the City of Vermillion has issued special assessment bonds to finance the curb and gutter, street pavement, water and sewer main improvements, that were authorized by resolutions of necessity adopted by the City Council; and

WHEREAS, these special assessment bonds were purchased by the Electric Utility fund as an investment of electric utility reserve funds, accounted for as an interfund loan; and

WHEREAS, the bonds provide for annual payments of principal and interest from the special assessment debt service fund, water utility fund and wastewater utility fund, to the electric utility fund; and

WHEREAS, the bond resolution provide that all or a portion of the individual bonds may be called without penalty upon notice; and

WHEREAS, the special assessment bonds were secured by a assessment levied against the parcels of property benefiting from the improvement to be repaid in annual assessments with the property taxes or may be prepaid at any time; and

WHEREAS, the special assessment debt service fund, water utility and wastewater utility fund have received prepayment funds that are restricted for the payment of the outstanding bonds and as such, elects to exercise the option to call this portion of the individual special assessment bonds that are currently outstanding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes to exercise the option to call the following portions of the special assessment bonds in the amounts stated on July 1, 2014:

2005 Special Assessment Bond	\$4,183.64
2006 Special Assessment Bond	\$58,012.19
2008 Special Assessment Bond	\$9,778.26
2010 Special Assessment Bond	\$10,045.89
2013 Special Assessment Bond	\$13,370.59

BE IT FURTHER RESOLVED, that the City Council authorizes the Finance Officer to make the advance bond payments, as authorized, from and to the respective city funds effective July 1, 2014.

Dated in Vermillion, South Dakota this 16th day June, 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: Mike Carlson, Finance Officer

Meeting: June 16, 2014

Subject: USD Fireworks Display Permit

Presenter: Mike Carlson

Background: The University of South Dakota is requesting City Council approval for a fireworks display to be held on Tuesday, June 17, 2014 between 1:45 and 2:30 pm. The display is part of their groundbreaking ceremony for several new projects to be constructed on campus over the next couple of years. The projects include a 6,000 seat arena, a soccer and outdoor track facility, and a building between the Dome and arena that will include a science, health and research lab that has classrooms and a weight room.

Discussion: State law requires approval from the governing board of the municipality where the public display is to be fired.

SDCL: 34-37-13. Public display of fireworks. Nothing in this chapter prohibits the use of public display of fireworks. However, any person, association, organization, municipality, county, firm, partnership, or corporation, before making such public display of fireworks shall secure a written permit from the governing board of the municipality, township, or county where the public display is to be fired, and shall have purchased fireworks for the display from a licensed wholesaler under this chapter. Any public display shall comply with the National Fire Protection Association Standard 1123, 1995 edition.

The groundbreaking ceremony will take place in the parking lot south of the Dome. The fireworks will be discharged in the field north of the Dakota Dome, west of WH Over Museum and south of Highway 50. Chief Draper met with Mr. Taylor to review the site. The City Manager will contact local veteran groups to make them aware of the display time and date.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council authorize the Mayor to sign the Fireworks Public Display permit for the University of South Dakota to be held on June 17, 2014 in the field north of the Dakota Dome, west of WH Over Museum and south of Highway 50.

FIREWORKS PUBLIC DISPLAY PERMIT
A PERMIT TO OPERATE A DISPLAY OF FIREWORKS

Name of Applicant University of South Dakota Phone 563-260-4316

Address 414 Clark St. City Vermillion State SD Zip 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name Thomas Taylor Address 703 Valley View Dr. City Vermillion State SD Zip 57069

Name Dennis Andersen Address 703 Valley View Dr. City Vermillion State SD Zip 57069

Date of Display ~~July 17, 2014~~ June 17, 2014 Time of Day Between 1:45-2:30

Exact Location of Display In field north of Dakota dome, west of WH Over Museum, and south of Highway 50

TYPES OF FIREWORKS: U.S. Consumer Product Safety Commission CFR Title 16-1507-1998
American Pyrotechnics Association STD 87-1-1993



Display Fireworks

Consumer Fireworks

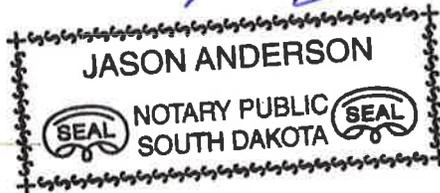
I, James Taylor, declare and affirm under the penalty of perjury that this Fireworks Display Permit has been examined by me and to the best of my knowledge and belief is true and correct.

Date this 12 day of June, 2014


Signature of Applicant

Subscribed and sworn to (or affirmed)
Before me this 12th day of June, 2014


Notary Public



My Commission Expires August 11, 2017

Permit Authorized By: _____

Title _____

Location of Issuing Authority _____

Date _____

Issued subject to all applicable laws and regulations, SDCL 34-36, SDCL 34-37 and National Fire Protection Association Pamphlet #1123 (1995 Edition). This permit may not be reassigned or transferred.

COPIES: WHITE-Permit Holder; YELLOW-Fireworks Wholesaler; PINK-Issuing Authority



Fireworks Display Site Plan

Vermillion Fire Department
25 Center ST Vermillion, SD 57069
(605) 677-9637

Site Plan

Please provide information about your event on page 1, sketch the site on page 2 and fax back to us. Page 4 includes an example of a completed site sketch and firing distance specifications from the NFPA. Page 3 is a checklist you may refer to when planning your event.

ABOUT YOU

Name (first, last) James Taylor _____
Street address 25 Prentis Ave _____ City Vermillion _____ State SD _____ Zip 57069 _____
Primary phone 605-670-1253 _____ Mobile 605-670-1253 _____ Email address fireworksunlimited@vyn.midco.net _____

EVENT INFO

Display date 6/17/14 _____ Rain date ~~7/5/14~~ _____ Display time (am/pm) 1:45PM _____ Length of display 10 mins _____
Exact location of display (for example, park, ball field, office complex, etc) Field south of the Dakota Dome and east of Dakota St. _____

Fire official  _____ Phone 675-9637 _____
Place to meet on date of display _____ Meeting time _____

INSURANCE

Name of insurance certificate holder 1 Fireworks Unlimited, Inc _____
Additional insured (list all additional) 2 University of South Dakota _____
3 City of Vermillion _____
4 _____

CONTACT INFO FOR DAY OF SHOW

Primary contact James Taylor _____ Home phone 605-670-1253 _____ Work phone _____
Mobile 605-670-1253 _____ Email fireworksunlimited@vyn.midco.net _____
Pager _____
Secondary contact Dennis Andersen _____ Home phone 605-366-0308 _____ Work phone _____
Mobile _____ Email _____
Pager _____

Highway 50

Share

dim



Ratingen Strasse



100 ft

Report a problem

Privacy

Terms

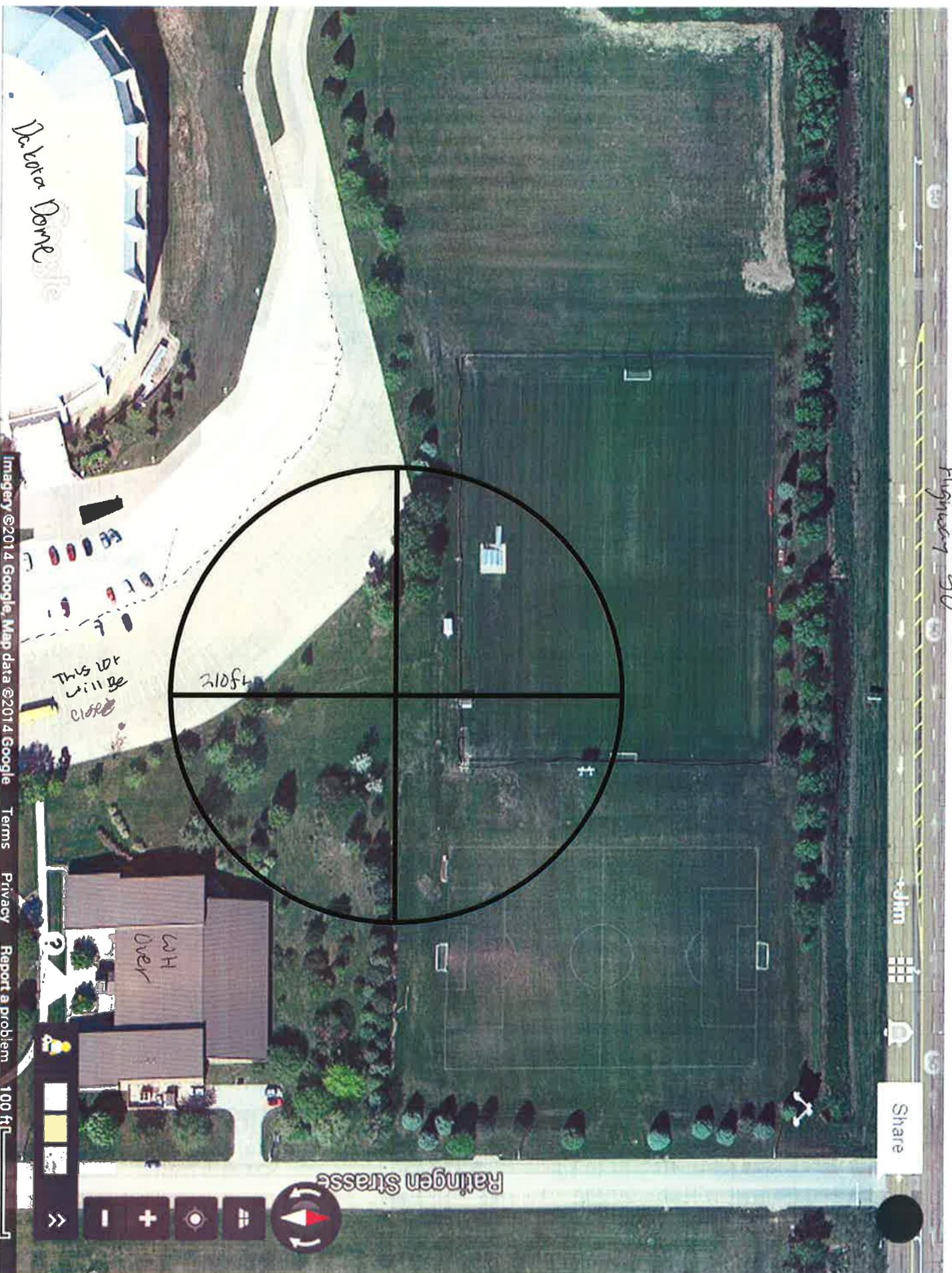
Imagery ©2014 Google, Map data ©2014 Google

Peppara Dome Fe

This lot will be closed

210ft

COH Over



CITY OF VERMILLION
 INVOICES PAYABLE-JUNE 16, 2014

1 A-OX WELDING SUPPLY CO	PARTS	7.20
2 ATCO INTERNATIONAL	SUPPLIES	339.60
3 BOUND TREE MEDICAL, LLC	SUPPLIES	3,971.00
4 BROADCASTER PRESS	ADVERTISING	2,390.88
5 BUREAU OF ADMINISTRATION	TELEPHONE	260.86
6 CAMPBELL SUPPLY	SUPPLIES	127.65
7 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
8 CENTURYLINK	TELEPHONE	1,486.89
9 CITY OF VERMILLION	LANDFILL VOUCHERS	768.00
10 CLAY CO REGISTER OF DEED	FILING FEE	240.00
11 CLAY-UNION ELECTRIC CORP	ELECTRICITY	608.14
12 CONCRETE MATERIALS	GOLF SAND	936.36
13 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,449.72
14 GRAYBAR ELECTRIC	SUPPLIES	129.50
15 GREGG PETERS	MANAGERS FEE	5,375.00
16 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL	300.95
17 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
18 MIDAMERICAN	GAS USAGE	3,811.49
19 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
20 MIDWEST TURF & IRRIGATION	PARTS	1,236.17
21 PETE JAHN	BLADE REIMBURSEMENT	933.31
22 QUILL	SUPPLIES	157.49
23 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
24 SD GOVERNMENTAL FINANCE OFFICERS' ASSOC	REGISTRATION	150.00
25 SERVALL TOWEL & LINEN	SUPPLIES	58.80
26 STERN OIL CO.	FUEL	22,122.01
27 STURDEVANTS AUTO PARTS	PARTS	46.79
28 THE EQUALIZER	ADVERTISING	1,176.00
29 THE WALKING BILLBOARD	UNIFORM SHIRTS	537.50
30 TRUE VALUE	SUPPLIES	14.98
31 TURFWERKS	PARTS	699.72
32 UNITED PARCEL SERVICE	SHIPPING	8.62
33 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
34 VERMILLION ACE HARDWARE	SUPPLIES	49.55
35 VERMILLION CHAMBER OF COMMERCE	TIF #6 GRANT	15,967.61
36 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	163.11
37 WOW! BUSINESS	DIALUP SERVICES	49.95
38 ZIMCO SUPPLY CO	SUPPLIES	10,383.00
39 FIRST BANK & TRUST	BRIGHT ENERGY REBATE	940.00
	GRAND TOTAL	\$81,422.80