



**Special Meeting Agenda**

**City Council**

12:00 p.m. (noon) Special Meeting  
Monday, June 2, 2014  
Large Conference Room-City Hall  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Educational Session - Integrated Resource Plan – Jason Anderson and Mark Koller.**
3. **Informational Session - Construction progress update – Jose Dominguez, Jason Anderson and Mark Koller.**
4. **Briefing on the June 2, 2014 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

Access the City Council Agenda on the web – [www.vermillion.us](http://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 2, 2014  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
  - a. May 19, 2014 Special Session; May 19, 2014 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
  - a. Annual malt beverage license renewals.
  - 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.
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.
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 am to 12:30 pm.
  - b. Library Board appointments.
  - c. Resolution to remove parking on Bower Street west of Princeton Street.
  - d. Resolution to remove parking on Jefferson Street north of East Cherry Street.
  - e. Engineering services agreement with Banner Associates for Waste Water Treatment Plant boiler project.
  - f. Set special meeting date to canvas election results.
  - g. Labor & Finance Committee report on Personnel Manual Revision.
  - h. Fireworks public display permit for July 4, 2014 by the Vermillion Chamber of Commerce.
9. **Bid Openings**
  - a. Surplus Turf sweeper.
  - b. Stump grinding quotes.
  - c. Fuel Quotes.
10. **City Manager's Report**

## 11. Invoices Payable

## 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.

## 13. Adjourn

Access the City Council Agenda on the web – [www.vermillion.us](http://www.vermillion.us)

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

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

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

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

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### ***Vermillion City Council's Values and Vision***

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



Unapproved Minutes  
Council Special Session  
May 19, 2014  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 19, 2014 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise (arrived 12:02 p.m.), Meins, Ward, Willson, Zimmerman, Mayor Powell

Absent: Davies, Grayson, Osborne

2. Presentation of DENR Drinking Water Excellence award to Water Department

Mayor Powell reported that the South Dakota Department of Environment and Natural Resources (DENR) announced that for the 13th consecutive year the City's Water Department has met the requirements of the Safe Drinking Water Act and State of South Dakota regulations. Mayor Powell presented Randy Isaacson, Superintendent, with the Secretary's Award for Drinking Water Excellence along with the individual operator awards.

3. Update on installation of sidewalks in Country Side Addition - Jose Dominguez

Mayor Powell noted that at last meeting, due to concerns about pedestrian safety, a report on the sidewalks along Burbank Road was requested from the City Engineer.

Jose Dominguez, City Engineer, provided a map of the Country Side Addition showing the sidewalks currently installed, sidewalks that will be installed this year as part of a current building permit and sidewalks that are not completed. Discussion followed on the need to complete the sidewalk along Burbank Road for pedestrian safety as it has been reported that many pedestrians are walking along Burbank Road.

Jose reported when Burbank Road is lowered and widened the sidewalk may not be in the correct location. Jose proposed the following options for sidewalk along the road: a) the property owner can pay for the sidewalk installed now and if the sidewalk is relocated because of construction on Burbank Road the City will pay to replace the sidewalk at that time or b) the City will pay for the sidewalk now and if it is relocated

because of construction on Burbank Road the owner will pay to replace the sidewalk at that time.

Discussion followed on the need to complete the sidewalk in this area with the City Engineer to contact the property owners about installing sidewalks and reporting back to the City Council.

#### 4. Educational Session - Discussion of malt beverage mark-up as a funding source for Prentis Park improvements - John Prescott

John Prescott, City Manager, stated that a report was made at the May 5<sup>th</sup> noon session on possible funding options for the Prentis Park improvements. John stated that since that meeting another funding option has come forward that the City Council might want to consider. John stated that the proposed Prentis Park project consisting of the pool, parking lot and basketball courts would remain the same as well as the funding of \$2 million from reserves, a general obligation bond for \$3 million and \$250,000 of donations and grants. John stated that the malt beverage mark up fee could be another option to assist with repaying the bonds for the improvements. John stated that the City Council looked at this funding option previously in 1988 when the ordinance was adopted and the City Council repealed the ordinance before it became effective. In 1993 the City Council adopted the ordinance which was referred to a vote and defeated. It was again discussed in 2007 but not adopted. John stated that in 2007 it was proposed to generate \$116,000 per year which could be used to make part of the GO bond payment instead of general fund revenues and BBB Sales tax funds. John stated that a few issues would be: a) it is a new tax, b) the City would see all the invoices for purchases and c) there would be staff time in billing and collecting the markup. Discussion followed on the malt beverage as a revenue source for part of the debt service on the Prentis Park Improvements Bond. The consensus was to have the City Manager set up a meeting with the license holders to explain the proposal.

#### 5. Briefing on the May 19, 2014 City Council Regular Meeting

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

#### 6. Adjourn

161-14

Alderman Willson moved to adjourn the Council special session at 12:56 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of May, 2014.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Unapproved Minutes  
City Council Regular Session  
May 19, 2014  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 19, 2014 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Meins, Ward, Willson, Zimmerman, Mayor Powell, Student Representative Tordsen

Absent: Grayson, Osborne,

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 5, 2014 Special Session; May 5, 2014 Regular Session

162-14

Alderman Willson moved approval of the May 5, 2014 Special Session and May 5, 2014 Regular Session minutes. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

163-14

Alderman Zimmerman moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

## 5. Visitors to be Heard

### A. EMS Week Proclamation

Alderman Meins read the EMS Week Proclamation proclaiming the week of May 18-25, 2014 as Emergency Medical Services Week in Vermillion. Mayor Powell presented the proclamation to Alan Hanson, EMS Chief. Alan Hanson thanked the City Council for the proclamation on behalf of the EMS staff.

## 6. Public Hearings

A. First 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.

Andy Colvin, Assistant to the City Manager, reported that the ordinance to allow limited production and processing as a conditional use in the GB zone was brought forward at the request of the Vermillion Chamber and Development Company (VCDC). Andy noted that, in 2011, the Planning Commission and City Council considered an ordinance to rezone a parcel of property located at 1222 West Cherry from General Business to General Industrial. At that time, the City Council voted against the rezoning ordinance and reviewed options to allow certain uses without rezoning. The issue recently resurfaced with the VCDC who is attempting to market to economic development prospects some older buildings in the west part of the community. Andy noted that prior to the adoption of the 2008 Zoning Regulations the commercial district zoning permitted light industrial uses. Andy noted that when the zoning ordinance was amended in 2008 the Planning Commission and City Council felt that Cherry Street is the City's primary commercial district and is best suited for larger office, retail, and service operations. Andy reported that staff working with SECOG drafted an ordinance to allow for limited production and processing as a conditional use in the GB zone with buildings size limited to a maximum of 20,000 square feet. Andy reported that the Planning Commission considered the amendment on April 28<sup>th</sup> and recommended approval. Andy reported that the Planning Commission was concerned about expanding light industrial uses, but also desired to put active uses in existing vacant buildings which would help economic development and expand the tax base. Andy noted that, since the hearing, staff visited with SECOG who suggested inserting an additional restriction that the use would only be available to existing buildings constructed prior to the 2008 zoning revision. Andy stated that with the option suggested by SECOG, new

construction could not apply for the conditional use that would address the Planning Commission's concerns about protecting the GB district and the City's entryways from industrial uses.

Discussion followed on the proposed ordinance as well as the impact of the proposed change. Upon request, Nate Welch, representing the VCDC, reported that he has had two businesses looking at buildings located in the GB zone for light manufacturing with all the processing being done inside the building but the zoning has prevented these businesses from locating in the city. Nate noted that the proposed ordinance would allow the Planning Commission to attach conditions to the use in the district thus allowing for these buildings to house employees.

164-14

Alderman Willson moved approval of first reading of Ordinance No. 1316 as recommended by the Planning Commission. Alderman Zimmerman seconded the motion. Discussion followed with John Prescott noting that another option might be to limit the conditional use to the area that was zoned light industrial prior to the 1988 zone change. Jim McCulloch, City Attorney, stated that this could be accomplished by adding to the "Applicable Standards" language that the conditional use will apply to existing buildings in areas zoned as light industrial prior to the 2008 zone change. Discussion followed on existing buildings as compared to vacant lots in this zone.

165-14

Alderman Ward moved to amend the motion to restrict the conditional use to existing buildings in the GB zone. Alderman Collier-Wise seconded the motion. Discussion followed on the proposed amendment and existing buildings compared to vacant lots. Mayor Powell called for the vote on the amendment to the motion. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Meins-N, Ward-Y, Willson-N, Zimmerman-N, Mayor Powell-Y. The amendment to the motion failed 3 to 4. Mayor Powell declared the amendment failed.

Discussion followed on the proposed ordinance with the option to allow the conditional use for properties that were zoned light industrial prior to 2008 zoning ordinance. Jim McCulloch, City Attorney, stated that the Applicable Standards will need to be expanded to include "on property that was formerly located in the light industrial zone prior to the adoption of the 2008 zoning ordinance." Discussion followed noting that this would allow the conditional use on existing building as well as new building located within this area.

164-14

Alderman Willson moved to amend his original motion to include the addition to the Applicable Standards "on property that was formerly

located in the light industrial zone prior to the adoption of the 2008 zoning ordinance" for the first reading of Ordinance No. 1316 and the adoption of the following resolution:

BE IT RESOLVED that the minutes of this meeting shall show that the title to 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 of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 19<sup>th</sup> day of May, 2014 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

As the second on the original motion, Alderman Zimmerman agreed with the change to the original motion. After discussion, the question of adoption of the Resolution was put to a roll vote of the Governing Body. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Meins-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y. Motion carried 6 to 1. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. ISO Fire Department rating

Shannon Draper, Fire Chief, reported that in 2013 the Fire Department began the process to update the Insurance Service Office (ISO) score that applied to the city and rural area for insurance purposes. Shannon stated that this is an independent company that provides information about the community risk in their rating. Shannon reviewed the process used to gather information including the site visit by the rating team in November 2013. Shannon stated that the old rating was 5/9 with 5 being in the city and 9 being the rural area. The new rating was 3/3Y with three being for the city and property within five miles or 1,000 feet of a hydrant and the 3Y applies to property beyond the five miles or 1,000 feet from a hydrant. Shannon reported that the rating is more than just the Fire Department equipment and operations. It includes the Water Department and Emergency Communications. Shannon reviewed the Water Department and Emergency Communications items included in the report for the rating. Shannon reported that the new rating will be effective August 1, 2014. Shannon noted that he contacted some local insurance agents that reported that the in-city insurance rate would be reduced up to \$50 per year and the rural rate

would be reduced between \$0 and \$150 per year. Shannon answered questions of the City Council on the report.

166-14

Alderman Zimmerman moved to acknowledge receipt of the Fire Department ISO report. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted and wanted to thank Shannon, on behalf of the whole Fire Department, as well as the Water and Emergency Communications Departments for their work in reducing the rating for the community.

#### B. Capital Improvement Plan

John Prescott, City Manager, reported in April the Capital Improvement Plan was updated for 2014 to 2018 and presented to the City Council. John noted that funding may not be defined for each item at present but will be developed as the timeline moves closer. John stated that the Capital Improvement Plan has been developed for the last several years as a planning document to be used in developing the future budgets. John reviewed the projects being considered for 2015 that will be included in the 2015 budget later this summer.

167-14

Alderman Ward moved approval of the Capital Improvement Plan for 2014-2018 as presented. Alderman Willson seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

#### C. Request from USD to close Dakota Street from E. Clark to E. Cherry Street from June 2, 2014 to June 6, 2014 for construction

Jose Dominguez, City Engineer, reported USD is starting on a project that will be making significant improvements to the utilities on campus. Jose noted that, in order for the project to be completed, they would like to add another tie-in to our sanitary sewer system on North Dakota Street. Jose reported that USD's contractor is planning on closing North Dakota Street from East Clark to East Cherry Street to tie to a sanitary sewer manhole located across from Akeley-Lawrence Science Center. The street will need to be closed due to the location of the manhole and the depth of the manhole. Jose noted that, because of both of these factors, there will not be enough road width remaining for the safe passage of vehicular traffic. Jose reported that USD will have appropriate signage notifying traffic of the closure. The work is anticipated to occur from June 2<sup>nd</sup> to June 6<sup>th</sup>, depending on weather conditions. Jose recommends the closing of North Dakota Street between East Clark and East Cherry Street for the duration of one week and also recommended allowing, if necessary, the closure to be extended by a

maximum of an additional week due to weather issues. Jose noted that representatives from the consulting firm were present if there were any questions.

168-14

Alderman Ward moved approval of the closing of North Dakota Street from East Clark to East Cherry Street from June 2<sup>nd</sup> to June 6<sup>th</sup> depending on the weather and up to a maximum of one additional week due to weather issues. Alderman Willson seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

D. Request from USD to close N. University Street from 500-ft North of East Cherry Street to 700-ft North of East Cherry Street from June 9, 2014 to June 13, 2014 for construction.

Jose Dominguez, City Engineer, stated that, as was reported in the previous agenda item, USD is starting on a project that will be making significant improvements to the utilities on campus. Jose noted that in order for the project to be completed they would like to add another tie-in to our sanitary sewer system on North University Street. Jose noted that USD's contractor would like to close North University Street north of East Cherry Street to tie to the sanitary sewer located in the center of the street. Jose said that North University Street will need to be closed due to the location of the sanitary sewer line, the depth of the line and the type of work. Jose noted that USD will have appropriate signage notifying traffic of the street closure. The work is anticipated to occur from June 9<sup>th</sup> to June 13<sup>th</sup>, depending on weather conditions. Jose recommended the closing of North University Street north of East Cherry Street for the duration of one week and also recommended allowing, if necessary, the street closure to be extended by a maximum of an additional week due to weather issues.

169-14

Alderman Davies moved approval of the closing of North University Street from 500-ft North of East Cherry Street to 700-ft North of East Cherry Street from June 9<sup>th</sup> to June 13<sup>th</sup> depending on the weather and up to a maximum of one additional week due to weather issues. Alderman Collier-Wise seconded the motion. Discussion followed. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

## 9. Bid Openings

### A. Surplus vacuum excavator

Jason Anderson, Assistant City Engineer, reported that the 2003 Ringomatic 550SJV50D has been replaced and was declared surplus on April 21, 2014. The used vacuum excavator was appraised at \$16,500 and

advertized for sale by sealed bids. Bids were opened on May 14, 2014 with only one bid received from Vermeer High Plains for \$15,000 which was in excess of 90% of appraised value. Jason recommended acceptance of the only bid to sell the surplus equipment.

170-14

Alderman Willson moved to accept the only bid of Vermeer High Plains of \$15,000 for sale of the surplus 2003 Ringomatic 550SJV50D vacuum excavator. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayo Powell declared the motion adopted.

#### 10. City Manager's Report

A. John stated that there are two openings on the Library Board for three year terms. John asked interested individuals to complete Expression of Interest forms and return them by noon on Thursday, May 29<sup>th</sup> as the City Council will make the appointments at their June 2<sup>nd</sup> meeting.

B. John reported on a raffle request from the Vermillion Rotary Club who will be selling Monday Night Football books for \$25 each between June 1st and September 30th. Weekly winners will receive \$50 with the proceeds going to Rotary Club charitable causes.

C. John reported that City offices will be closed on Monday, May 26th for Memorial Day.

D. John reported that the Prentis Park pool is scheduled to open on May 24th.

E. John invited interested citizens to a program explaining the City Mosquito Spraying Program on Thursday, May 29th at noon at the National Guard Armory.

F. John reminded citizens that lawn grass should not be discharged into the street when mowing.

G. John reminded citizens that garage sale signs should not be attached to stop sign or stop light posts.

H. John reminded citizens that political signs should be placed on private property that would generally be behind the sidewalk.

#### PAYROLL ADDITIONS AND CHANGES

Garage: Vincent Johnson \$8.00/hr; Engineering: Chris Lubbers \$9.00/hr;  
Street: Adam Praska \$9.00/hr, Josh Timmerman \$8.75/hr; Parks: Allison

Heine \$7.75/hr, Megan Olson \$7.75/hr; Library: Susan Heggstad \$12.70/hr, Beth Knedler \$12.70/hr, Patricia Roberts-Pizzuto \$10.99/hr; Communications: Derek Ronning \$15.48/hr; Golf Clubhouse: Ellen Brown \$8.25/hr, Sam Craig \$7.25/hr, Nick Hovden \$9.00/hr, Garrett Peterson \$7.25/hr, Lindsay Robinet \$8.25/hr; Golf Maintenance: Madilyn Myers \$7.25/hr, Nicklaus Jensen \$7.25/hr

11. Invoices Payable

171-14

Alderman Zimmerman moved approval of the following invoices:

ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	51.10
BROADCASTER PRESS	ADVERTISING	1,340.71
BUREAU OF ADMINISTRATION	TELEPHONE	236.07
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,486.89
CITY OF VERMILLION	LANDFILL VOUCHERS	744.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	758.22
DANIELS RESIDENTIAL INC	LANDFILL BUILDING	14,715.00
DEPT OF ENVIRONMENT	LOAN PAYMENT	66,031.51
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,208.89
DIVISION OF MOTOR VEHICLE	TITLE/PLATES	5.00
GREGG PETERS	MANAGERS FEE	5,375.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	CYLINDER RENTAL	10.50
MIDAMERICAN	GAS USAGE	4,895.46
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.68
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
RICHARD DRAPER	REIMBURSEMENT-BACK PACKS	128.01
STERN OIL CO.	FUEL	23,724.00
THE EQUALIZER	ADVERTISING	992.79
TITLEIST DRAWER CS	MERCHANDISE	2,772.00
UNITED PARCEL SERVICE	SHIPPING	243.69
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
VERIZON WIRELESS	WIRELESS COMMUNICATION	245.12
SHARON OLSON	BRIGHT ENERGY REBATE	250.00
CAFÉ BRULE	BRIGHT ENERGY REBATE	200.00

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

12. Consensus Agenda

A. Set a public hearing date of June 2, 2014 for annual malt beverage license renewals

B. Set a public hearing date of June 2, 2014 for 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

C. Set a public hearing date of June 16, 2014 for the Integrated Resource Plan (IRP) for the Municipal Electric Utility.

172-14

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

13. Adjourn

173-14

Alderman Meins moved to adjourn the Council Meeting at 8:23 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 19<sup>th</sup> day of May, 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 2, 2014  
**Subject:** Annual Renewal of Malt Beverage Licenses  
**Presenter:** Mike Carlson

**Background:** Applications for renewal of malt beverage licenses have been received from the establishments listed on the notice of hearing. The Police Chief has prepared a report indicating the performance of each of the establishments since July 1, 2013 and when compliance checks were completed. In the letter sent to all license holders, with the renewal application, the applicants were encouraged to attend the public hearing or have someone represent the business. The City Council adopted Ordinance No. 1193 in September 2008 to require a written management plan upon reapplication for a licensee where conviction of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control has taken place. That ordinance is as follows:

Management plan required for reapplication after conviction or upon request of the City Council

Any licensee under this chapter, its agents or employees or the manager or contractual operators, or their agents or employees, of retail establishments licensed under this chapter, who in the course of the operation of the license, are convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control, or upon the request of the City Council, shall upon reapplication for a license submit with the reapplication a written management plan which sets forth the licensee's policy for correcting any and all defects in its operation that contributed to a violation or issue related to license renewal. The governing body will review the adequacy of the plan as part of the renewal process. Failure to submit a plan or submission of an inadequate plan shall be considered by the governing body in exercising its discretion to approve or disapprove the application pursuant to SDCL 35-2-1.1.

Management plans were received from the four (4) businesses that failed a compliance check(s) during the last year:

Coyote Convenience, Inc for Coyote Convenience - failed (June 18, 2013)  
Pump N Stuff Vermillion, Inc. for Pump N Stuff - failed (June 18, 2013 and July 24, 2013)  
Café Brule, Inc. for Café Brule - failed (November 19, 2013)  
Bonnie Rowland for Raziél's - failed (March 26, 2014)

The Management Plans were handed out and emailed on May 19. If additional copies are needed, please let me know.

For background, the previous information on compliance checks for the four (4) businesses is as follows:

Coyote Convenience Coyote Convenience, Inc, on-off sale malt beverage

December 9, 2008 failed - management plan June 2009  
March 5, 2009 failed - management plan June 2009  
April 2, 2009 passed  
December 11, 2009 passed  
September 8, 2010 passed  
March 31, 2012 failed - management plan June 2012  
August 17, 2012 passed  
June 18, 2013 failed will need a management plan June 2014  
July 24, 2013 passed

Pump N Stuff Pump N Stuff-Vermillion, Inc., off sale malt beverage, (2) on off sale malt

December 9, 2008 failed - management plan June 2009  
March 5, 2009 passed  
April 2, 2009 passed  
December 11, 2009 passed  
September 8, 2010 passed  
March 31, 2012 passed  
June 18, 2013 failed - management plan submitted for June 2014  
July 24, 2013 failed - management plan submitted for June 2014  
September 11, 2013 passed

Café Brule Café Brule, Inc., on-off sale wine, on-off sale malt beverage

December 7, 2012 passed  
November 19, 2013 failed - management plan submitted for June 2014

Raziel's Bonnie K. Rowland, on off sale malt beverage, on off sale wine

March 19, 2009 passed  
May 1, 2009 passed  
March 23, 2010 passed  
April 6, 2010 passed  
August 3, 2012 failed - management plan December 2012  
December 7, 2012 failed - management plan June 2013  
March 21, 2013 passed  
March 26, 2014 failed - management plan submitted for June 2014

**Discussion:** The City Council has the ability to renew a license on basically two (2) criteria: suitable person and suitable location. With respect to the location criteria, licenses have been previously approved for all of the locations. A South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to

assess whether an alcohol sales location continues to be suitable. With respect to the suitable person criteria, the City Council can also determine that an applicant is not of suitable moral character and not renew a license. If an application is denied, the motion must state the reasoning for denial. The applicant cannot reapply for this type of license for one (1) year.

**Financial Consideration:** The City receives \$162.50 for an on-off sale malt beverage with SD Farm Wine license, \$150 for each on-off sale malt beverage license and \$100 for each off-sale malt beverage license. For those businesses with video lottery machines, the fee is \$50 per machine, unless this fee was paid with their liquor license renewal in December.

**Conclusion/Recommendations:** Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the malt beverage licenses. The City Council might want to break it down into these separate actions:

1. The first action would be to consider the renewal of the on-off sale malt beverage license for the Old Lumber Company, Inc., at 15 Court Street. When the liquor license was renewed in December it included the restriction that the license is for the interior of the building at 15 Court Street. The Building Official has issued occupancy permits for the first and second floors. The City Council will need to determine if it wants to include the “interior of the structure” condition on the license.
2. The second action would be to consider the renewal of the balance of the on-off sale malt beverage licenses, on-off sale malt beverage with SD Farm wine license and package off sale malt beverage.

If a motion is made to deny any of the licenses, the reason needs to be included in the motion.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 2<sup>nd</sup> day of June, 2014 at the hour of 7:00 P.M. located at the City Hall Council Chambers, 25 Center Street will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period July 1, 2014 until June 30, 2015, which has been presented to the City Council and filed in the Finance Officer's Office:

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;  
Old Lumber Company, Inc. for Old Lumber Company at 15 Court 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 Package (Off Sale) Malt Beverage with SD Farm Wine:

Augustus Management, LLC. for Cherry Street Grill at 1122 East Cherry Street;  
Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St;

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

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2014.

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Michael D. Carlson, Finance Officer

Publish: May 23, 2014

Published once at the approximate cost of \_\_\_\_\_.

City of Vermillion  
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To: Vermillion City Council

Date: 05/23/2014

From: Matthew Betzen  
Chief of Police 

Subject: Alcohol License Renewals/July 1, 2014 to June 30, 2015

In the last half of 2013 and first half of 2014, the Vermillion Police Department conducted 36 compliance checks. Of those 29 of the checks were successful, and in 7 the business failed. One of the businesses checked have failed more than one compliance check during the last 12 months.

Below is a summary of alcohol license related contacts on each of the alcohol license holders seeking re-issuance. Of note, the only incidents reported here are the events that actually take place on the property of the license holder and are clearly associated with the business and its sale of alcohol. The downtown area (Main Street) has a large number of alcohol related investigations that are not necessary attributed to any specific license holder. Examples of this would be persons with open containers or urinating in public, who are in the downtown area but are not specifically identified as being in or from a license holder's establishment.

Re-Issuance of Retail (On-Off Sale) Malt Beverage:

Gup Fei Zheng for Asian Buffet at 404 Bower Street

- On 3/26/2014, the Asian Buffet passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Bunyan's LLC for Bunyan's, 1201 West Main Street

- On 12/12/2013, Bunyan's passed a compliance check.
- Officers responded to one call involving a highly intoxicated man who needed assistance and a call of a car being intentionally damaged while parked in the Bunyan's parking lot. Management cooperated with law enforcement efforts.

Café Brule Inc. for Café Brule, 24 West Main Street

- On 11/19/2013, Café Brule failed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

BeBee Street II Inc. for Carey's Bar, 18 & 20 West Main Street

- On 12/12/2013, Carey's Bar passed a compliance check.

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- Officers responded to one call involving a highly intoxicated woman who required medical care after binge drinking numerous shots. Officers also investigated three assault events at Carey's in the last 12 months.

Spanrex, Inc. for Chae's, 8 West Main Street

- On 11/19/2013, Chae's passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Charcoal Lounge, Inc. for Charcoal Lounge, 6 & 8 East Main Street

- During the last 12 months, no compliance checks have been conducted at the Charcoal Lounge.
- Officers investigated two assault events at the Charcoal Lounge in the last 12 months. Officers also provided assistance for one highly intoxicated woman at the Lounge.

Coyote Convenience, Inc. for Coyote Convenience, 116 East Cherry Street

- On 6/18/2013, Coyote Convenience failed a compliance check.
- On 7/24/2013, Coyote Convenience passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Blue, Inc. for Little Italy's, 831 East Cherry Street

- On 11/19/2013, Little Italy's passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Main Street Pub, Inc. for Main Street Pub, 11 West Main Street

- On 12/12/2013, Main Street Pub passed a compliance check.
- Officers investigated one report of the Main Street Pub over serving an intoxicated patron and responded to a medical event involving a highly intoxicated man.

Maya Jane's, Inc. for Maya Jane's, 9 West Main Street

- On 2/12/2014, Maya Jane's passed a compliance check.
- Officers investigated one assault event and a trespassing/public disorder event involving intoxicated persons at Maya Jane's.

Mexico Viejo, Inc. for Mexico Viejo Mexican Restaurant at 432 E. Cherry Street

- On 6/18/2013, Mexico Viejo passed a compliance check.
- There were no alcohol related police response calls in the last 12 months.

Old Lumber Company, Inc. for Old Lumber Company at 15 Court Street

- During the last 12 months, no compliance checks have been conducted at the Old Lumber Company.

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- Officers investigated one assault event, assisted one highly intoxicated man who was unable to care for himself, and found three minors drinking in the bar.
- Management has reported two events involving minors with fraudulent identification attempting to purchase alcohol.

NPC International, Inc. for Pizza Hut #2788 at 928 East Cherry Street

- On 07/24/2013, Pizza Hut passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Sunset Oil, Inc. (Lucky 7 Casino and Sunset Casino) for Pump N Pak at 629 Stanford

- On 09/11/2013, Pump N Pak passed a compliance check.
- Officers responded to assist one highly intoxicated man who passed out at Pump N Pak while in the casino area.
- Management called for officers to stop an intoxicated man from driving away from the store.

Pump N Stuff of Vermillion, Inc. (Video Lottery Rooms 1 and 2) for Pump N Stuff at 203 E Main St.

- On 06/18/2013 and 07/24/2013, Pump N Stuff failed two compliance checks.
- On 09/11/2013, Pump N. Stuff passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Bonnie K. Rowland for Raziél's at 13 West Main Street

- On 3/26/2014, Raziél's failed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street

- On 11/19/2013, Red Steakhouse passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Prairie River, Inc. for R Pizza at 2 West Main Street

- During the last 12 months, no compliance checks have been conducted at the R Pizza.
- There was one underage person require medical assistance in front of R Pizza.

Silk Road Café, Inc. for Silk Road Café at 12 West Main Street

- On 09/11/2013, Silk Road Café passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

OMA SHREE, LLC for Speedee Mart at 800 East Cherry Street

- On 05/31/2013, Speedee Mart passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

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City of Vermillion for The Bluff's Golf Course at 2021 East Main Street

- On 07/24/2013, The Bluff's passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

David W. Raabe for Westside Inn at 1313 West Cherry Street

- During the last 12 months, no compliance checks have been conducted at the Westside Inn.
- There was one report of illegal service of liquor, which could not be substantiated.

Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main

- During the last 12 months, no compliance checks have been conducted at the Valiant Vineyard.
- There were no alcohol related events reported in the last 12 months.

Dwight Iverson for Cherry Pit Stop Video Lottery at 23 East Cherry Street

- On 09/11/2013, the Cherry Pit Stop passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Varsity Pub, LLC. for The Varsity at 113 East Main Street

- During the last 12 months, no compliance checks have been conducted at the Varsity Pub.
- There were no alcohol related events reported in the last 12 months.

#### Re-issuance of Package (Off Sale) Malt Beverage

Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street

- On 09/11/2013, The Cherry Pit Stop passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Freedom Valu Centers, Inc for Erickson Freedom Valu Ctr at 830 E Cherry Street

- On 09/11/2013, Freedom Valu Center passed a compliance check.
- There was one drunken assault event investigated at the Freedom Valu Ctr.

HyVee Food Stores, Inc. for HyVee at 525 West Cherry Street

- On 05/31/2013, HyVee failed a compliance check.
- On 09/11/2013, HyVee passed a compliance check.
- There was a drunken dispute in the parking lot that resulted in a DWI arrest. The event was reported by a manager.

Leo's Sports Bar & Grill, LLC for Leo's Lounge at 11 Market Street

- On 12/12/2013, Leo's passed a compliance check.
- On one occasion, a minor was found drinking in the bar.

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Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 East Main Street

- On 06/18/2013 and 07/24/2013, Pump N Stuff failed two compliance checks.
- On 09/11/2013, Pump N. Stuff passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Wal-Mart Stores, Inc. for Wal-Mart Super Center #3734 at 1207 Princeton Street

- On 05/31/2013 and on 03/26/2014, Wal-Mart passed two compliance check.
- There were no alcohol related events reported in the last 12 months.

Re-issuance of Package (Off Sale) Malt Beverage with SD Farm Wine

Augustus management, LLC. For Cherry Street Grill at 1122 East Cherry St.

- On 02/12/2014, Cherry Street Grill passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

Casey's Retail Company, Inc. for Casey's General Store at 615 Jefferson St.

- On 5/31/2013, Casey's passed a compliance check.
- There were no alcohol related events reported in the last 12 months.

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** June 2, 2014

**Subject:** Special Daily Malt Beverage and Wine License for the Fraternal Order of Eagles on or about June 13, 14 & 15 in Prentis Park by the band shell for the Coyoteopoly/South Dakota Shakespeare Festival

**Presenter:** Mike Carlson

**Background:** The Fraternal Order of Eagles has submitted an application for a special daily malt beverage and wine license for the Coyoteopoly/South Dakota Shakespeare Festival on June 13, 14 and 15 for a beer garden in Prentis Park by the band shell. Jon Robertson will be representing the Fraternal Order of Eagles for this special event license. A diagram of the park is included with the vendor area outlined that is northwest of the band shell. An email from Greg Huckabee indicated the hours of operation to be 6:00 pm to 11:00 pm. and that the vendor area would be fenced.

City ordinance on special daily licenses reads as follows:

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

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

State Statute for the special daily licenses is as follows:

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

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed

## 6. Public Hearing; item b

pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;

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

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

**Discussion:** The notice of public hearing is attached and the Fraternal Order of Eagles has been issued a liquor license. The report from the Police Chief is also attached. The City Council might want to consider:

- As is noted in the Police Chief memo, the entrance/exits to the beer garden area need to be supervised and identification checked to insure those entering are of legal age.
- 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.

Other items that are addressed with a special license would be adequate facilities and clean up. The Coyoteopoly group has arranged to have portable restrooms in the park for the event. The group also has a cleanup committee that has contracted for a dumpster to be located on the east side of the park to deposit cleanup materials.

When the event was held in 2012 there were no issues reported.

**Financial Consideration:** The City has received the \$15 per day license fee and \$15 advertising fee from the applicant for a total of \$60.

**Conclusion/Recommendations:** Administration recommends approving the issuance of the special daily malt beverage and wine license for June 13, 14 and 15, 2014 with conditions as to the time being 6:00 p.m. to 11:00 p.m. daily, the sales and consumption area is fenced and any additional licensee controls as determined by the City Council unless further information is provided at the public hearing.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 2<sup>nd</sup> day of June, 2014 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

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

Fraternal Order of Eagles on or about June 13, 14 & 15, 2014 in Prentis Park by the band shell for Shakespeare Festival.

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

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of May, 2014.

\_\_\_\_\_  
Michael D. Carlson, Finance Officer

Publish: May 23, 2014

Published once at the approximate cost of \_\_\_\_\_.

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## MEMORANDUM

**To:** Vermillion City Council

**Date:** May 23, 2014

**From:** Matt Betzen   
Chief of Police

**Subject:** Application for Beer Garden during the Shakespeare Festival/Prentis Park June 13, 14 and 15, 2014

**Reference:** Eagles

This event occurred for the first time in 2012 and at that time the Eagles obtained a special daily license for the event. The Vermillion Police Department's Records Management System revealed no alcohol related violations or felony convictions in reference to this application.

The 2012 application included the following provisions to reduce the possibility of underage drinking and I would recommend these provisions be adopted for this application as well:

1. All entrance/exits to the beer garden be supervised and identification checked to insure those entering are of legal age.
2. 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/exits to identify those of legal age to drink alcohol.
3. If the beer garden is going to encompass areas where underage persons will be allowed, additional TAM trained staff should be employed to check to insure alcohol remains out of underage hands after the point of sale.

## *Council Agenda Memo*

**From:** Andrew Colvin, Assistant City Manager

**Meeting:** June 2, 2014

**Subject:** 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

**Presenter:** Andrew Colvin

**Background:** In 2011 the Planning Commission and City Council considered an ordinance to rezone a parcel of property located at 1222 W. Cherry Street from General Business to General Industrial. A business was operating at that location that did not conform to GB standards. The City Council voted against the rezoning ordinance and directed staff to come up with alternative options for allowing certain uses without rezoning. Staff developed a number of ideas which were presented to the City Council for discussion, but none were met with a great deal of interest to proceed with a zoning amendment. The issue was dropped and recently resurfaced with the VCDC, who is attempting to market to economic development prospects some older buildings in the west part of the community that would work for smaller limited production and processing operations but have limited ability to house the commercial uses allowed in General Business zoning.

**Discussion:** Nate Welch and Steve Howe from the VCDC contacted staff to inquire about the possibility of allowing limited assembly and production operations in the GB District. Prior to the adoption of the 2008 Zoning Regulations, the commercial district zoning permitted light industrial uses. When the zoning ordinance was amended in 2008, the Planning Commission and City Council felt that Cherry Street is the City's primary commercial district and is best suited for larger office, retail, and service operations. Industrial uses can potentially create noise, traffic, and other issues that may not be desirable in commercial areas of the community.

City staff worked with SECOG to develop the proposed ordinance to allow limited processing and production as a conditional use in the GB District. As a safeguard, a provision for a maximum building size of 20,000 square feet is included so these types of operations don't become too large in the GB District; the VCDC possesses property for

small and large industrial operations. Based on the definition and regulations proposed, staff feels that the proposed amendment will not detract from the Cherry Street corridor. Additionally, the amendment will support local economic development and job growth efforts by permitting limited industrial uses in smaller, currently vacant buildings and sites. These sites may serve as the start-up location until the businesses are ready to expand into a larger site in an industrial zoned area.

The Planning Commission considered the amendment on April 28, and forwarded a recommendation of approval. The Planning Commission was concerned about expanding even light industrial uses, but also desired to put active uses in existing vacant buildings, which would help economic development and expand the tax base. The City Council discussed the ordinance on May 19<sup>th</sup> and amended the language to include property, both developed and undeveloped, that was zoned Industrial prior to the 2008 revision. This language has been included in the ordinance. City staff has not received any public comments on the proposed ordinance since the May 19, 2014 Council meeting.

**Financial Consideration:** None, other than publication costs.

**Conclusion/Recommendations:** Administration recommends approval of Ordinance 1316. As this is the second reading, a roll-call vote is required.

**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	§§ <a href="#">155.070</a> , <a href="#">155.072</a> , <a href="#">155.073</a> , <a href="#">155.074</a> , <a href="#">155.077</a> , <a href="#">155.095(A)</a> . Building size limited to a maximum area of 20,000 square feet and only allowed on property formerly zoned I-0 Industrial according to the official zoning map on August 6, 2008.

Dated at Vermillion, South Dakota this 2<sup>nd</sup> 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

First Reading: May 19, 2014  
Second Reading: June 2, 2014  
Publication: June 13, 2014  
Effective Date: July 3, 2014

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** June 2, 2014  
**Subject:** Street closure request for Dakota Days parade  
**Presenter:** Marysa Wilson, USD Dakota Days Committee

**Background:** Every year, the University of South Dakota holds a parade on the streets of Vermillion to celebrate Dakota Days, the University's homecoming. The parade requires closing portions of several streets for most of the morning on the day of the parade.

Bar owners have taken a more active role in monitoring their patrons during the last four parades, which has helped to minimize past concerns. While it is not a charge of the Dakota Days Committee, it is hoped that bar owners will again actively participate, when possible and appropriate, in controlling their patrons during the parade.

**Discussion:** This year's parade is set to take place on Saturday, October 4, 2014. A different route has been requested this year by the organizers of the parade. They anticipate a larger parade this year as it is the 100<sup>th</sup> anniversary of Dakota Days, there are national and state political races, and there is not a conflict with the SDSU homecoming event. The route request submitted by the Dakota Days Committee is 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 8:00 am to 12:30 pm. The parade would begin at the intersection of Prentis Street and E. Main Street at 10:00 am. As the High School provides a large amount of space to stage parade entries, no other street closing requests are requested. The Committee has also worked with the School District to utilize some of the High School interior space to coordinate the parade.

The importance of cleaning up after the parade has been made known to the applicants. At the time of City Council packet preparation, a student organization responsible for cleanup has not been identified as has been done with past applications. For many years the City Council has made approval conditional upon providing proper clean up after the parade. The group to clean-up the route has typically been identified and the information provided to the City once the fall semester classes begin.

The police, fire, and EMS department have been notified of the street closings. The requested parade route actually entails closing fewer intersections than the 2013 route.

**Financial Consideration:** In preparing the 2014 budget, Police Department overtime wages for monitoring this parade route and Street Department overtime wages for setting up and removing barricades for the street closure were included.

**Conclusion/Recommendations:** Administration recommends that the City Council approve the parade route and times conditional upon a parade route clean-up group being identified.

Request to Close Public Street

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

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

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

Organization Requesting Dakota Days Executive Board

Contact Person Marysa Wilson Phone 605-216-2274

Contact Person Address 118 N Plum St

Event D-Days Parade Date(s) of Event October 11<sup>th</sup>

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

Street Main from S Norbeck St to N. Washington St

Street Closing Times 8 to 12:30 PM

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

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

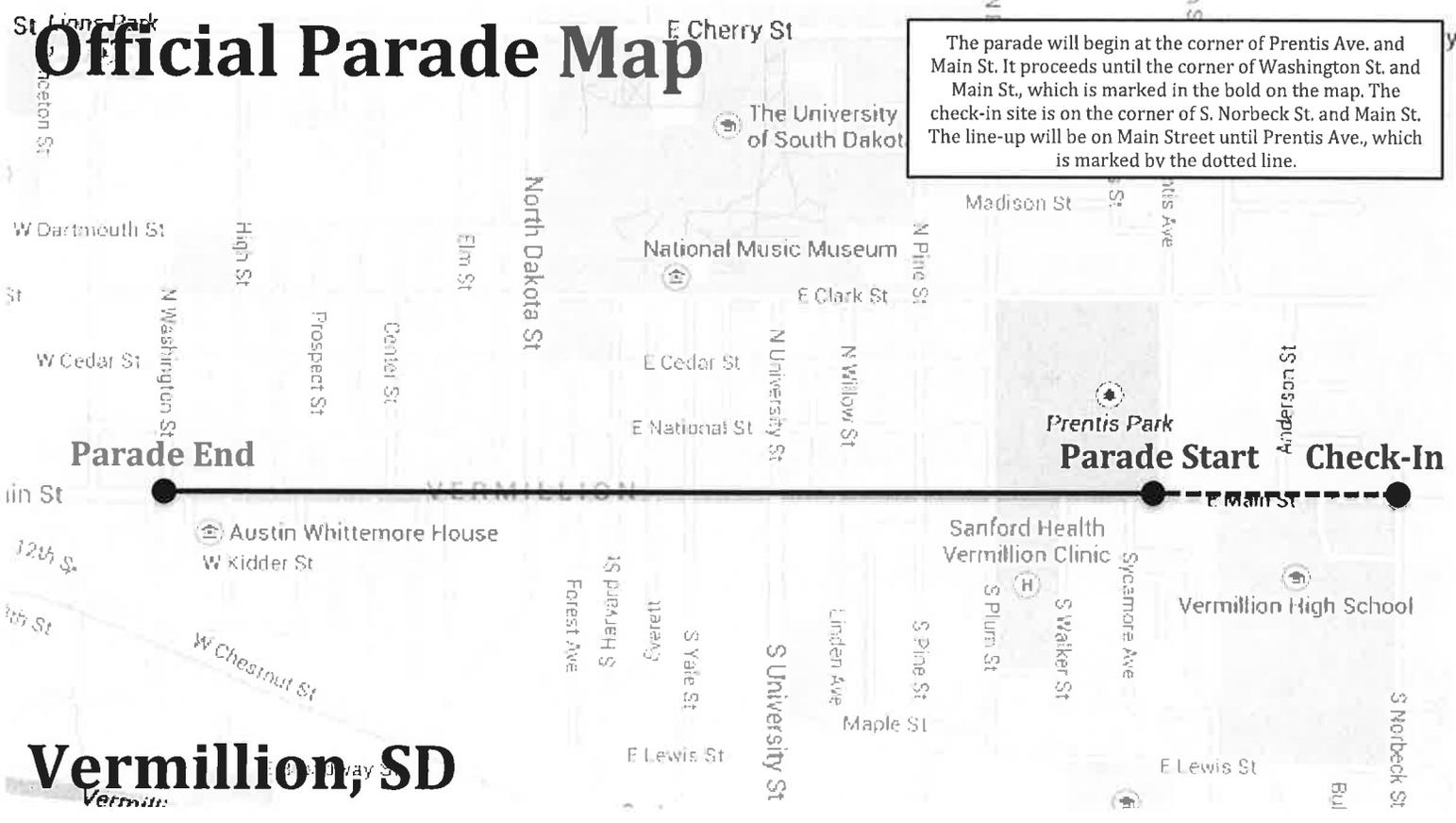
Another student organization will be cleaning Main after the parade.

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

Signature of applicant Marysa Wilson date 5/27/14

# Official Parade Map

The parade will begin at the corner of Prentis Ave. and Main St. It proceeds until the corner of Washington St. and Main St, which is marked in the bold on the map. The check-in site is on the corner of S. Norbeck St. and Main St. The line-up will be on Main Street until Prentis Ave., which is marked by the dotted line.



## Vermillion, SD

**Streets Closed:**  
Main from S. Norbeck St. to N. Washington St. (8 AM- 12:30 PM)

## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** June 2, 2014

**Subject:** Library Board Appointments

**Presenter:** Mayor Jack Powell

**Background:** By State Statute, the City Council is charged with appointing members of the Library Board.

9-10-9. Officers and employees appointed by governing body--Others appointed by city manager. The auditor, attorney, library board of trustees, and the treasurer shall be appointed by the governing body and may be removed at any time by such governing body. The auditor and the treasurer shall each appoint all deputies and employees in his office. All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, shall be appointed by the manager and may be removed by him.

The Board is comprised of five (5) citizens, appointed by the City Council, and one (1) member of the City Council. The board terms are for three (3) years and expire in May.

**Discussion:** The current members of the Library Board and term expiration year are: Jon Flanagan (2016), Carl Gutzman (2016), Cyndy Chaney (2014), Janet Hoff (2014), and Fern Kaufman (2015). The City Council member is appointed when City Council Committee assignments are made in July of even years. The current council member serving on the board is Alderman Osborne.

Neither Cyndy Chaney nor Janet Hoff has expressed interest in serving another term on the Library Board. Daniel Burniston, Sharon Donahue, Brenda Fergen, Diane Leja and Jo Nesmith have expressed an interest in serving. A copy of the completed Expression of Interest form for each individual is included with the packet. The openings were advertised in the Equalize, Broadcaster, City website and during City Council meetings.

**Financial Consideration:** With the exception of the City Council representative, each member of the Library Board is paid \$15 per meeting.

**Conclusion/Recommendations:** Administration recommends appointing two individuals to fill the open seats on the Library Board.



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

Board/Commission on which you are interested in serving: Library Board of Trustees

Title: Mr.

Name: Daniel J Burniston

Home Address: 218 E National St, Vermillion, SD 57069

Email Address: d\_j\_b\_1980@hotmail.com

Phone #: 605-658-0177

Number of years you have lived in/around Vermillion: 1.5 years

Occupation: Librarian Employer: USD University Libraries

Business Address: 414 E Clark St, Vermillion, SD 57069

Prior elected or appointed offices held (if any): N/A

Present and past community volunteer activities: Volunteer for Frank Saris Public Library June 2011 to Dec 2011

Why are you interested in serving on this Board/Commission: Opportunity to use my library experience to benefit the community and help maintain and improve public library services. The public library is an essential and important part of the community providing programs and services that benefit a large and diverse part of the local population.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I have three years experience working in both public and academic libraries, including positions as a department manager in an academic library and a Library Director for a public library. I am a member of the American Library Association, the Mountain Plains Library Association and the South Dakota Library Association.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? I believe that the library should strive to provide excellent service that is friendly, positive and helpful at all times. The library should continue to improve upon its services and programs, and constantly review how they can be improved upon and added to in order to better serve the community.

Daniel J Burniston 5-13-2014  
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: Library

Title: Ms.

Name: Diane E. Leja

Home Address: 26 S Yale St. Vermillion, SD 57069

Email Address: diamondgirl527@yahoo.com

Phone #: 605-675-9077

Number of years you have lived in/around Vermillion: 25

Occupation: Retired Employer: \_\_\_\_\_

Business Address: \_\_\_\_\_

Prior elected or appointed offices held (if any): \_\_\_\_\_

Present and past community volunteer activities: Clay County Historical Society, OLLI instructor

Why are you interested in serving on this Board/Commission: I have recently retired and now have the time to serve my community in new ways.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I worked for 7 years as a library aide at Vermillion Middle School, and then 10 years at the I.D. Weeks Library at USD. Libraries have always been an important part of my life. This would be a library experience from an entirely different perspective.

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 how the e-book collection could be expanded, and to help get the word out to those folks with tablets who have no idea how to use Overdrive.

Diane Leja  
Signature

5-19-14  
Date

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



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

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

Title: Dr.

Name: Jo Nesmith

Home Address: 322 Canby St

Email Address: josie4jo@yahoo.com

Phone #: 605 658 0323

Number of years you have lived in/around Vermillion: 4

Occupation: online instructor Employer: SDSU

Business Address: \_\_\_\_\_

Prior elected or appointed offices held (if any): Board Member: Children's Theatre Company of SD; Treasurer of Vermillion PTA.

Present and past community volunteer activities: PTA (Vermillion); multiple others in Brookings. CV available upon request.

Why are you interested in serving on this Board/Commission: I am passionate about the library + its services and feel I could contribute purposefully to the board.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? utilize, along with my family, multiple services of this library. I have lived + utilized libraries in other states.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? Continued support of excellence at the library

Signature: [Handwritten Signature] Date: 5/14/14

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

## *Council Agenda Memo*

**From:** Jose Dominguez, P.E.

**Meeting:** June 2, 2014

**Subject:** Resolution to remove parking along a portion of Bower Street west of Princeton Street

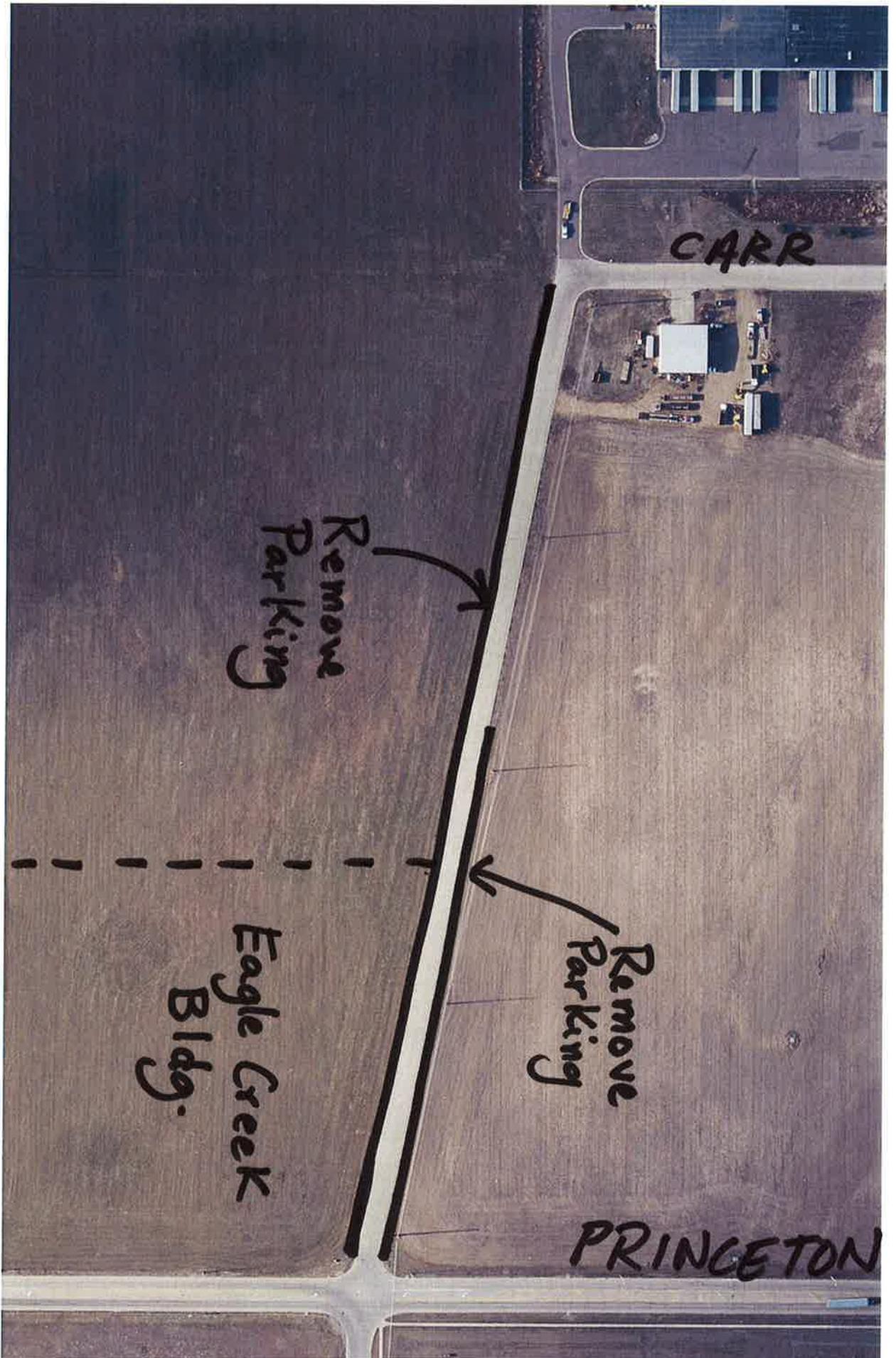
**Presenter:** Jose Dominguez

**Background:** During construction of the Vermillion Technology Center (locally known as the Eagle Creek building) the property owner expressed concern with vehicles and trucks parking in front of the building and by the intersection. The owner was concerned that the parked vehicles might pose a danger with the increased traffic once the building is in use.

**Discussion:** Currently parking is allowed on both sides of Bower Street. Additionally, although technically not allowed the City has allowed overnight parking by truck drivers on this street. This area is zoned general industrial and general business and as such will be attracting retail business to the area. The developments will generate both vehicular and truck traffic. However, the developments (similar to the Vermillion Technology Center) will have to provide for off-street parking, which makes the parking on the street a non-issue since it will not be used by the employees or customers. The Vermillion Technology Center property is zoned General Business.

**Financial Consideration:** The City will only incur the costs of placing seven (7) signs along Bower Street. The signs will either be placed on posts or on the existing street lights on the south side of Bower Street. The City will also incur the cost to publish the resolution to make this change.

**Conclusion/Recommendations:** Administration recommends the adoption of the resolution removing parking along a portion of Bower Street west of Princeton Street.



CARR

Remove  
Parking

Remove  
Parking

Eagle Creek  
Bldg.

PRINCETON

**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 2<sup>nd</sup> 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

Approved: June 2, 2014  
Publish: June 13, 2014  
Effective: July 14, 2014

## *Council Agenda Memo*

**From:** Jose Dominguez, P.E.

**Meeting:** June 2, 2014

**Subject:** Resolution to remove parking along a portion of Jefferson Street north of East Cherry Street

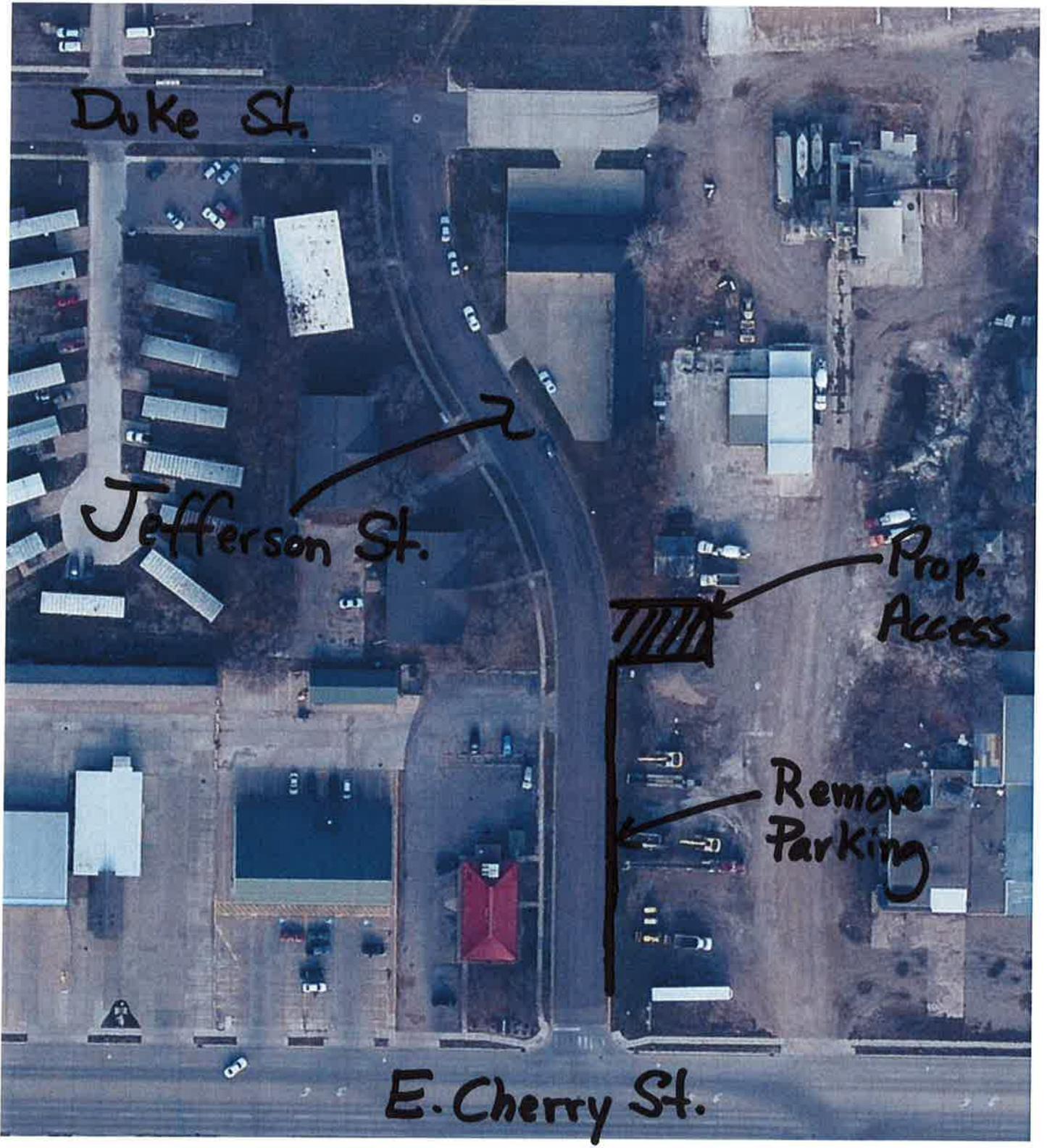
**Presenter:** Jose Dominguez

**Background:** Standard Ready Mix is in the process of relocating their access point from East Cherry Street to Jefferson Street. Due to the amount of truck traffic expected they have requested that the parking be removed from East Cherry Street to the proposed access to the property. They are concerned that vehicles parked between along this stretch will pose a safety issue when trucks are turning into Jefferson Street from East Cherry Street (particularly a west bound truck turning north).

**Discussion:** Currently parking is allowed on the east side of Jefferson Street from Duke to East Cherry Street. This area is zoned general business with a sliver of general industrial having access off Jefferson Street. Additionally, this stretch of Jefferson Street is also classified as a truck route.

**Financial Consideration:** The City will only incur the costs of placing three (3) signs along Jefferson Street. The signs will either be placed on posts or on the existing street lights. The City will also incur the cost to publish the resolution to make this change.

**Conclusion/Recommendations:** Administration recommends the adoption of the resolution removing parking along a portion of Jefferson Street between East Cherry and East Duke Street.



Duke St.

Jefferson St.

E. Cherry St.

Prop. Access

Remove Parking

**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 2<sup>nd</sup> 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

Approved: June 2, 2014  
Publish: June 13, 2014  
Effective: July 14, 2014

## *Council Agenda Memo*

**From:** Jason Anderson, Asst. City Engineer

**Meeting:** June 2, 2014

**Subject:** Engineering Services Agreement for the WWTP Process Boiler Project

**Presenter:** Jason Anderson

**Background:** At the July 1, 2013 City Council Noon session, City staff presented the City Council with a request to put in motion a plan to install a backup boiler in the digester building of the Wastewater Treatment Plant. Due to the complexity and scope of the project, City Staff hired Banner Associates to complete the project design. At the April 21, 2014 meeting, the City Council awarded the WWTP Process Boiler Improvements project to Hander, Inc. of Sioux Falls, SD for the amount of \$232,197.

**Discussion:** Since the time of award, City staff has been negotiating a contract for project inspection services with Banner Associates. After a few discussions, City staff and Banner have come to an agreement of expectations for construction inspection and project administration. The proposed agreement totals \$23,709; \$3,835 of this figure represents additional design costs resulting from changes in the project scope. Included in the City Council packet is a copy of the letter agreement.

To keep inspection costs as low as possible, City Engineering Department and Wastewater Department staff will handle most of the construction inspection duties. By handling most of the day-to-day inspection duties, staff hopes to keep the cost below the provided estimate of \$19,874. Staff will keep Banner Associates up to date with project progress and involve Banner only when necessary. Banner Associates and their mechanical/electrical engineering firm will be involved with final inspection.

**Financial Consideration:** The engineering agreement is for a total of \$23,709. A portion of this cost (\$3,835) reflects design overruns. The estimated cost for project inspection services is \$19,874. If this agreement is approved, the wastewater revised budget will be adjusted to reflect this amount.

**Conclusion/Recommendations:** Administration recommends approval of the professional services contract with Banner Associates for the WWTP Process Boiler Improvements project.

# BANNER

Engineering | Architecture | Surveying

Banner Associates, Inc. | 409 22nd Ave So | PO Box 298

Brookings, South Dakota 57006

Tel | 605.692.6342 Fax | 605.692.5714

Toll Free | 1.855.323.6342

[www.bannerassociates.com](http://www.bannerassociates.com)

May 22, 2014

Mr. Jason Anderson, Asst. City Engineer  
City of Vermillion  
25 Center Street  
Vermillion, SD 57069

Re: Vermillion WWTF – Process Boiler Improvements  
Amendment for Construction Phase Services

Dear Jason:

As you are aware, the Vermillion WWTF-Process Boiler Improvements Project bid April 15, 2014, and the project is moving into the Construction Phase. The Phase I Process Boiler Improvements project provides a second boiler to the anaerobic digestion facilities at the Vermillion WWTF, and includes the fuel piping, hot/cold water piping, recirculation pumps, SCADA, and electrical service needs related to the boiler installation. Banner Associates, Inc. (Banner) is pleased to provide our amendment to the original contract for Design and Bidding Phase Services of the Vermillion WWTF Phase I Process Boiler Improvements between the City of Vermillion (City) and Banner dated July 11, 2013. The amendment will provide Construction Phase Services for the project and cover the costs of additional work that occurred during the Design Phase.

While the Substantial Project Completion date is October 15, 2014, it is anticipated that the bulk of the construction will occur over an 8-week period due to the smaller nature of the project, and that the Contractor will likely fit the work in as their schedule allows. If this is not the case, the Construction Phase services amendment may need to be modified.

The following tasks have been identified for the amendment:

**Task 1) Preconstruction, Progress, and Final Completion Meeting:** Task 1 includes the Preconstruction meeting, monthly Progress Meetings, and a Final Completion meeting. Meeting attendees would include the Contractor, WWTF Staff, Banner Associates staff, Subcontractors, and potentially suppliers and the gas utility company. Banner will provide the agenda and meeting minutes to attendees. As part of this task, Banner will also provide copies of Plans and Specifications and other Contract Documents to the Contractor required for proper execution of the work.

- The purpose of the **Preconstruction Meeting** will be to identify the expectations for the project, communication methods, the project schedule, the process for payment, submittal procedures, record drawings, and other tasks related directly to the project.

- **Progress Meetings** are planned to be held monthly and assume a two month construction period. As a result, the planned hours include time for two Progress Meetings. Each meeting will review project status, equipment procurement/submittal status, ability to meet the completion date, and address questions.
- A **Final Completion Meeting** is also planned to review substantial completion, prepare a final punch list with Owner input, and discuss the record drawings and O&M manuals.

**Task 2) Resident Project Representative:** The City will be providing resident project representative services and prepare the field reports documenting each site visit and the work completed/conditions during the site visit. The City will also take photos during construction to document critical areas and progress of the work. Banner staff will be available on an on-call basis to provide the following:

1. On-site observations of the work in progress when requested by the City to determine that the Project is proceeding in accordance with the Contract Documents and answer questions from the Contractor in understanding the intent of the Contract Documents. The estimate of work allows for 2 hours per week during the anticipated 8 week construction period.
2. Banner will be available via phone to assist the City with questions from the Contractor in understanding the intent of the Contract Documents. The estimate of work allows for 1 hour per week during the anticipated 8 week construction period for this work.
3. The Engineer is not responsible for construction means, methods, techniques, sequences, or procedures or for the safety precautions or programs, or for the Contractor(s') failure to perform the construction work in accordance with the Contract Documents.

**Task 3) Submittal Review:** Review Contractor submittals for application, compliance, and acceptability with the Contract Documents, and correspond with the Contractor on either acceptance of the submittal, changes required, or rejection. Deliver O&M manuals provided by the Contractor to the City.

**Task 4) Contractor Communication, Change Orders, Requests for Information, and Pay Requests:** Banner will complete the following:

- Communicate with the Contractor as needed to answer questions, discuss schedule, obtain status updates, coordinate site visits, and relay communication from the City and WWTF staff. The estimate of work allows for up to 8 hours for this work.
- Prepare construction change orders when required during the progress of construction. The estimate of work allows for up to 4 hours for this work.
- Prepare written documentation or drawings to address Contractor Requests for Information or to clarify the intention of the Contract Drawings, when necessary. The estimate of work allows for up to 4 hours for this work.

- Forward monthly and final estimates for payment from the Contractor for the project to the City for approval and payment. Limited review of the pay request will be provided. The City will verify if the percent complete and stored materials amounts requested are accurate.
- Maintain orderly files for correspondence, shop drawings, and sample submissions, reproduction or original contract documents including all addenda, change orders, field orders, additional drawings issued subsequent to the execution of the contract, clarifications and interpretations of the contract documents, progress reports and other project related documents.

**Task 5) Final Completion and Record Drawings:** Conduct a final inspection to verify punchlist items have been addressed and to determine if the Project has been completed essentially in accordance with the Contract Documents and if the Contractor has fulfilled their obligations. Provide Construction Plans of Record for the completed work. This includes three (3) sets of drawings, as well as one AutoCAD copy and one PDF electronic file on CD of the Construction Plans of Record.

**Task 6) Mechanical and Electrical Engineering Sub-consultant:** We propose to use Premier Engineering (PE Group) from Parker, South Dakota to provide the mechanical/electrical engineering services necessary for the Construction Phase Services. PE Group was involved with the Design and Bidding Phase, and has familiarity with the Vermillion WWTF through involvement with previous phases of work. For the Construction Phase Services, PE Group will perform the following:

- Participate in one of the Progress Meetings to review the progress of the work and complete a site visit to observe the work.
- Participate in the Final Completion Meeting to review the completed work and complete a site visit to assist in preparation of the punchlist
- Provide review of the mechanical and electrical shop drawings and O&M Manuals.
- Respond to questions from the resident project representative related to the mechanical and electrical equipment.

**Task 7) Additional Design Work:** During the Design Phase of the project the following additional work was completed.

- The existing boiler was experiencing excessive starts and stops. To resolve the issue, an additional temperature probe and minor piping modifications were needed. This required additional specifications, controls modifications, and an additional plan sheet to show the lower level piping in the Contract Documents (Sheet 13.1). (18.0 hours of work - \$1,840)
- The waste gas line that conveys methane from the lower level of the digester building to the waste gas burner is corroded and in need of replacement. Its replacement was

added to the plans and required additional specifications, additional notes on Sheet 13.1, and an additional plan sheet (Sheet 2.1) to show the civil site plan at the wastewater plant. (19.5 hours of work - \$1,995)

**Items Not Included in this Amendment:**

- Update of WWTF Operation and Maintenance Manual to reflect the new boiler.
- Construction staking and survey
- Testing Costs

We have provided an estimate of the number of hours and the cost of services for each Task.

<b>Task</b>	<b>No. of Hours</b>	<b>Estimated Fee</b>
1	21	\$ 2,378
2	25	\$ 3,179
3	24	\$ 2,799
4	21	\$ 2,273
5	21	\$ 2,036
6		\$ 7,209
7		\$ 3,835
<b>Total</b>		<b>\$ 23,709</b>

This estimate of the cost of services is based on the description of the work presented above. We would be happy to discuss our approach to this phase of the project and provide additional or modified descriptions of proposed work if it differs from your expectations.

Banner proposes to provide these engineering services based on an hourly rate contract with no maximum. We estimate the cost for this work to be \$19,874 and will request authorization to charge above this amount from the City of Vermillion. We also request payment of \$3,835 for the additional work related to the boiler controls and waste gas burner. This hereby amends the original contract by increasing the limiting fee from \$31,500 to \$55,209. These costs include anticipated expenses such as mileage, meals, and copying costs. We have attached a copy of our Schedule of Labor Rates and Expenses dated January, 2014.

Please do not hesitate to contact us should you need any additional information from us. Thank you for this opportunity to present this proposal to you. Should this agreement meet your approval, please sign below and return a copy to us.

Sincerely,

David Odens, PE  
President  
Banner Associates, Inc.

Dennis Rebelein, PE  
Project Manager  
Banner Associates, Inc.

**ACKNOWLEDGMENT OF ACCEPTANCE**

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2014

By: \_\_\_\_\_

Title: \_\_\_\_\_

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** June 2, 2014

**Subject:** Set date and time for special meeting to canvass June 3 City Election results

**Presenter:** Mike Carlson

**Background:** State law requires the canvass of the election results by the Governing Body within seven (7) days of the election.

9-13-24. Return and canvass of votes. The election returns shall be reported as soon as possible to the finance officer, and within seven days of the election, the governing body shall canvass the election returns, declare the result, and enter the result on its journal.

**Discussion:** The June 3 City election is combined with the Primary election. The City will need to canvass the city election results within seven days of the election. The County Commission will be canvassing the Primary election results at their meeting on Thursday, June 5, as they have three (3) days to canvass the primary results. A special meeting will be required as the next regular City Council meeting is outside the seven (7) days. The canvassing of the election results should not take more than ten minutes. Possible dates and times would be as follows:

Thursday, June 5 at 5:00 p.m. or evening

Friday, June 6 at noon, 5:00 p.m. or later

Monday, June 9 at noon, 5:00 p.m. or later

Please check your availability so a special meeting can be set.

**Financial Consideration:** None.

**Conclusion/Recommendations:** A special meeting date and time will need to be set to canvass the city election results.

## *Council Agenda Memo*

**From:** Andrew Colvin, Assistant City Manager  
**Meeting:** June 2, 2014  
**Subject:** Report of Labor and Finance Committee on Personnel Manual Revision  
**Presenter:** Andrew Colvin

**Background:** The City of Vermillion Labor and Finance Committee met on May 14 and May 28, 2014 to review a draft of the revised personnel manual for City employees. The City's personnel manual has not had a major revision in several years. Small amendments have been made over the years to account for changes in state law, collective bargaining agreements and other issues. The last amendment was in 2002 and addressed smoking in public facilities due to a change in state law.

The minutes of the Labor and Finance Committee are attached.

**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 other topics. In 2013 the South Dakota Municipal League provided a draft personnel policy manual to member cities. The draft was written by attorneys representing the South Dakota Public Assurance Alliance, who is the City's liability insurance carrier. The League found that many cities were not currently using a personnel manual, or the manuals they were utilizing were outdated. The draft manual was provided free of charge. City staff took the draft and made modifications for the City's purposes. The City Attorney has also reviewed the draft of the personnel manual.

**Financial Consideration:** None at this time.

**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. As the City Council cannot act on a report of a committee at the same meeting the report is received, the City Council will need to accept the report and request the manual for consideration at the June 16 meeting.

City of Vermillion  
Labor and Finance Committee  
Wednesday, May 14, 2014  
9:30 a.m. City Hall first floor conference room

The meeting of the City of Vermillion Labor and Finance Committee was held on Wednesday, May 14, 2014 at 9:30 a.m. at city hall first floor conference room.

Present: Davies Chairman, Collier-Wise, Ward, Willson

Also Present: John Prescott, Andy Colvin, Mike Carlson

Andy Colvin, Assistant to the City Manager, reported that the current personnel manual has not had a major revision in several years. Andy noted that the current manual is outdated in some areas and does not address some issues to the degree it should. Andy noted that the South Dakota Municipal League provided a draft personnel policy manual to member cities. The manual was written by attorneys representing the South Dakota Public Assurance Alliance who is the City's liability insurance carrier. Andy handed out a draft of the personnel manual and reviewed some of the significant policies and changes included in the revised manual. Andy stated he would request another meeting after the committee members have had time to review the manual. Discussion followed on the manual and process. The consensus of the committee was to be provided a copy of the current manual, memo listing changes from the current manual and summary of items included in the new policy manual not in the current manual.

The Committee scheduled the next meeting at 8:30 on May 28<sup>th</sup> at city hall.

Ward moved to adjourn the committee meeting at 9:45 a.m. Collier-Wise seconded the motion. Motion carried 4 to 0. Chairman Davies declared the meeting adjourned.

City of Vermillion  
Labor and Finance Committee  
Wednesday, May 28, 2014  
8:30 a.m. City Hall first floor conference room

The meeting of the City of Vermillion Labor and Finance Committee was held on Wednesday, May 28, 2014 at 8:30 a.m. at city hall first floor conference room.

Present: Davies Chairman, Collier-Wise, Willson  
Absent: Ward

Also Present: John Prescott, Andy Colvin, Mike Carlson

Andy Colvin, Assistant to the City Manager, reported that the current personnel manual with the cross-references to the draft manual was sent out a few days following the last meeting. The committee reviewed the individual member comments regarding the proposed manual for changes to be incorporated into the manual. Discussion followed on the proposed changes. The consensus of the committee was to make the changes discussed to the proposed personnel manual and report to the City Council on the personnel manual revisions at the June 2 council meeting.

Collier-Wise moved to adjourn the committee meeting at 9:41 a.m. Willson seconded the motion. Motion carried 3 to 0. Chairman Davies declared the meeting adjourned.

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** June 2, 2014  
**Subject:** 4<sup>th</sup> of July Public Fireworks Display Permit  
**Presenter:** Mike Carlson

**Background:** The Vermillion Chamber and Development Company (VCDC) is requesting City Council approval for a fireworks display to be held on the 4<sup>th</sup> of July, 2014. The display is planned to begin at about 10:00 p.m. and would be discharged from the field south of Polaris and west of Carr Street. Tom Taylor and James Taylor will be conducting the show. Tom Taylor has indicated that he is providing the insurance as he has done for his other displays. This permit request is similar to previous years. A copy of the permit application, site plan and diagram is attached.

**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.

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:** The City provides \$3,500 in BBB Sales Tax funding to the VCDC to assist in funding the cost of the fireworks display.

**Conclusion/Recommendations:** Administration recommends that the City Council authorize the Mayor to sign the Fireworks Public Display permit for the Vermillion Chamber of Commerce and Development Company to be held on the 4<sup>th</sup> of July, 2014 in the field south of Polaris and west of Carr Street.

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

Name of Applicant Vermillion Chamber of Commerce Phone 605-624-5571

Address 116 Market Street City Vermillion State SD Zip 57069

PERSONS ACTUALLY IN CHARGE OF FIRING THE DISPLAY:

Name James Taylor Address 25 Prentis Ave City Vermillion State SD Zip 57069

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

Date of Display 7/4/14 Time of Day 10:00

Exact Location of Display In the field North of Cherry St., east of Stanford St. and South of Polaris

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 29 day of May, 20 14 [Signature]  
Signature of Applicant

Subscribed and sworn to (or affirmed)  
Before me this 29 day of May, 20 14  
[Signature]  
Notary Public

My Commission Expires 7-5, 20 17

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 7/4/14 Rain date 7/5/14 Display time (am/pm) 10:00PM Length of display 25-35 mins

Exact location of display (for example, park, ball field, office complex, etc) In field north of Cherry St., east of Stanford St., and South of Polaris

Fire official  Phone 5/29/14

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 Vermillion Chamber of Commerce \_\_\_\_\_

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 \_\_\_\_\_

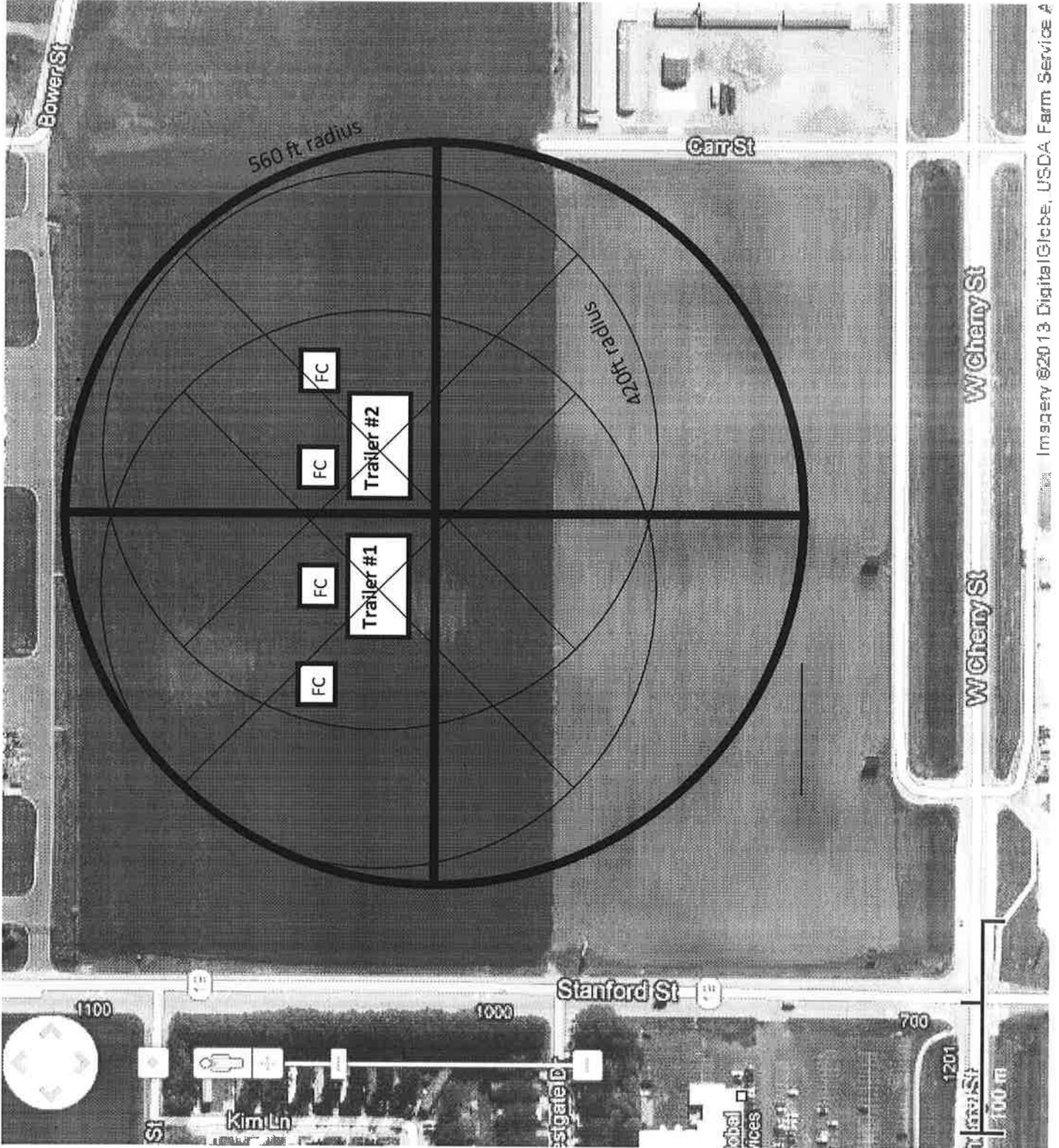
Pager \_\_\_\_\_

# City of Vermillion,

July 4, 2014

10:00 PM

- Trailer # 1 & Trailer # 2 will have mortars in sizes between 2" to 6"
- In between Trailer # 1 & Trailer # 2 will be 8" mortars
- FC—Finale cakes:
- Finale cakes will range from 25shot 1.25" cakes to 16 shot 3" Fan Cakes.



## *Council Agenda Memo*

**From:** Jason Anderson, Asst. City Engineer

**Meeting:** June 2, 2014

**Subject:** Sale of Surplus Turf Sweeper

**Presenter:** Jason Anderson

**Background:** The 2000 Goosen Versa Vac turf sweeper was included for replacement in the Equipment Replacement Fund for 2014. The used equipment was declared surplus and appraised for \$6,000 at the January 20, 2014 City Council meeting. No bids were received at the February 25, 2014 bid opening. The unit was reappraised for \$3,850 at the May 5, 2014 Council meeting and a bid opening was set for May 28, 2014.

**Discussion:** No bids were received at the May 28 bid opening. At the time Staff set the bid opening, a Toro distributor had expressed interest in the unit. They were willing to offer the City \$3,500 for the surplus turf sweeper. Contact was made with the dealer, and they are still potentially interested in the unit.

The turf sweeper can be a difficult piece of equipment to sell as it is a niche item. Staff recommends that we continue to explore options for sale at the appraised price. Staff can sell the unit to any interested party for 90% of the appraisal price, or \$3,465. Until we locate a buyer for the surplus unit, we will delay the purchase of a new turf sweeper.

**Financial Consideration:** All future revenue from the sale of the surplus turf sweeper will go to the equipment replacement fund. Once a buyer is found, the purchaser and amount of the sale will be included in a future council packet.

**Conclusion/Recommendations:** Staff will continue to market the 2000 Goosen turf sweeper. No action is needed at this time.

## *Council Agenda Memo*

**From:** Christopher Lubbers, City Engineer Intern

**Meeting:** June 2, 2014

**Subject:** 2014 Stump Grinding Project

**Presenter:** Christopher Lubbers

**Background:** During the winter months City crews remove diseased trees in the public right-of-way and trees that are causing property damage. After the trees are cut the City hires a private contractor to remove the stumps. Once the stumps are removed, City crews return to remove the wood chips and fill out the holes with soil and grass seed.

Quotes were opened May 28, 2014 for stump grinding services. Three requests for quotes were sent out, and two were returned to the City. The low quote was from Hartington Tree, LLC for the amount of \$2,913.00. The high quote was for \$3,027.50.

**Discussion:** Quote specifications were sent to three potential bidders in the area. Bidding is required by State law when the cost of the project exceeds \$50,000. This project was estimated to cost less than the bid limit so quotes were requested.

**Financial Consideration:** This project was budgeted for 2014 Budget. The funds come from the street maintenance budget.

**Conclusion/Recommendations:** Administration recommends awarding the project to Hartington Tree, LLC for the amount of \$2,913.00.

## CONTRACT FOR SERVICES

Entered into this 2nd day of June, 2014, between the City of Vermillion and Hartington Tree, LLC, hereinafter called the Provider, for the purpose of setting forth the terms and conditions under which certain services are to be purchased by the City from the Provider.

1. Contractor shall furnish labor, tools, material, and equipment necessary for the removal of tree stumps for the City of Vermillion. The tree stumps listed below shall be removed by July 31<sup>st</sup>, 2014.

Location	Size of Stump	Under 15"	15"-30"	30"-60"	Over 60"	Notes
1519 Crestview Dr.	34"			1		
1318 Crestview Dr.	17"		1			
905 Crestview Dr.	18"		1			
514 Sharpe	37"			1		Along Bulow
53 Plum	60"			1		Trailer court off of Adams
725 E. Clark St.	60"			1		Along Plum St.
338 N. Plum St.	22"		1			
414 N. Plum St.	58"			1		
24 N. Plum St.	44"			1		
220 S. Pine St.	39"			1		
234 S. Pine St.	26"		1			
205 N. Pine St.	51"			1		
704 Canby St.	50"			1		Along Pine St.
620 E. Main St.	75"				1	
214 Linden St.	80"				1	
222 N. University St.	46",63"			1	1	Along E. Clark St.
103 N. Harvard St.	55"			1		Along National St.
205 N. Harvard St.	50"			1		Along Cedar St.
115 Church St.	35"			1		
203 Court St.	61"				1	Corner tree along Bloomingdale
22 Bloomingdale	36"			1		
Bloomingdale	56"			1		At water tower
206 Elm St.	100"				1	
308 Elm St.	36"			1		
432 Cottage St.	58"			1		
202 Prospect St.	29"		1			
205 Prospect St.	46",7"	1		1		
623 Cottage St. and Cherry St.	55"			1		Along Cottage St.
203 W. Dartmouth	64"				1	
905 W. Clark St.	85"				1	Second tree to North along Carr
317 W. Main St.	33"			1		
728 W. Cedar	36", 56"			2		
1009 W. Chestnut	67"				1	
1846 Constance	27"		1			
1532 Crestview Dr.	24",22"		2			

114 High	36",24"		1	1		
943 Eastgate	67"				1	
603 S. Norbeck	26"		1			
200 Elm St.	16"		1			
1407 E. Cherry	36", 48"				2	Along Norbeck St.
Total:			1	11	25	9

2. Provider shall provide the following services to the City:

Stump removal

3. The rates shall be valid for a duration of six (6) months and shall expire on November 1, 2014 unless extended by the mutual agreement of the parties. Provider shall be paid at the following rate for such services:

\$24.00 for each stump removal under 15" in diameter, \$34.00 for each stump removal 15" through 30" in diameter, \$52.00 for each stump removal 30" through 60" in diameter, and \$135.00 for each sump removal over 60".

4. Provider and the City agree that no employer-employee relationship arise from their contract and that the Provider shall at all times be an independent contractor with the right to control the method of providing such services, consistent with all applicable laws and ordinances.

5. Provider shall provide all the equipment and materials necessary for the performance of such duties except for the following:

Street Department will pick up wood chips and backfill with black dirt.

6. Provider agree to perform all the services in a timely and professional manner and to promptly submit invoices for such services to the City and acknowledges that approval for payment of such service must be made by the City Council before payment can be disbursed.

7. Provider agrees to provide the City with a certificate of insurance prior to commencing work.

Dated \_\_\_\_\_ BY \_\_\_\_\_  
Hartington Tree, LLC

Dated \_\_\_\_\_ BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer

CITY OF VERMILLION  
 INVOICES PAYABLE-JUNE 2,2014

1 UNIVERSITY CLEANERS	SUPPLIES	20.00
2 ADAPCO, INC	SUPPLIES	5,194.24
3 ADVANCED WEIGHING SYSTEMS, INC	ANNUAL SUPPORT	1,595.00
4 AMERICAN FENCE COMPANY, INC	REPAIRS	1,455.54
5 AMERICAN PATRIOT PICTURES	LIBRARY MATERIALS	19.99
6 AMSAN	SUPPLIES	70.20
7 APPEARA	SUPPLIES	118.08
8 ARAMARK	UNIFORM SHIRTS	72.72
9 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	239.35
10 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
11 AUTOMATIC BUILDING CONTROLS	ANNUAL INSPECTION	504.00
12 BAKER & TAYLOR BOOKS	BOOKS	1,434.35
13 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	24,168.50
14 BARKLEY ASPHALT	ASPHALT	823.05
15 BARRY BRATTEN	SAFETY GLASSES REIMBURSEMENT	109.60
16 BIRSCHBACH EQPT & SUPPLY	SUPPLIES	740.25
17 BILLION AUTO	REPAIRS	1,952.05
18 BLACKSTONE AUDIO INC	BOOKS	150.00
19 BOMGAARS	SUPPLIES	834.89
20 BORDER STATES ELEC SUPPLY	PARTS	477.12
21 BOUND TREE MEDICAL, LLC	SUPPLIES	79.80
22 BROADCASTER PRESS	ADVERTISING	124.00
23 BROCK WHITE CO	REPAIR MATERIALS	7,380.23
24 BROWN TRAFFIC PRODUCTS	SUPPLIES	431.00
25 BRYAN ROCK PRODUCTS, INC	SUPPLIES	1,409.47
26 BURNS & MCDONNELL	PROFESSIONAL SERVICES	5,000.00
27 BUTLER MACHINERY CO.	PARTS	1,656.02
28 CALLAWAY GOLF	MERCHANDISE	290.97
29 CAMPBELL SUPPLY	SUPPLIES	1,002.16
30 CANFIELD BUSINESS INTERIOR	FURNITURE	381.00
31 CANNON TECHNOLOGIES, INC	SUPPLIES	17,032.32
32 CASK & CORK	MERCHANDISE	953.67
33 CENTRAL SERVICE CENTER	REPAIRS	228.50
34 CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
35 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	79.88
36 CENTURYLINK	TELEPHONE	741.81
37 CHESTERMAN CO	MERCHANDISE	779.19
38 CITY DIRECTORIES	ADVERTISING	405.00
39 CITY OF SIOUX FALLS	LIFEGUARD AWARENESS WORKSHOP	25.00
40 CITY OF VERMILLION	POSTAGE/COPIES	1,096.02
41 CITY OF VERMILLION	UTILITY BILLS	37,844.96
42 CLAY RURAL WATER SYSTEM	WATER USAGE/PARTS	404.65
43 CLUBHOUSE HOTEL & SUITES	LODGING	436.00

44	COFFEE KING, INC	SUPPLIES	115.50
45	COLONIAL LIFE ACC INS.	INSURANCE	2,918.96
46	CORTRUST BANK	TIF #6 BOND PAYMENT	1,010.33
47	COYOTE CONVENIENCE	FUEL	26.69
48	COYOTE RENTALS	WATER HEATER REBATE	170.00
49	CROP PRODUCTION SERVICES	SUPPLIES	140.79
50	CRYSTAL BRADY	MEALS REIMBURSEMENT	118.00
51	DAKOTA BEVERAGE	MERCHANDISE	14,399.18
52	DAKOTA HOSPITAL FOUNDATION	TIF #6 BOND PAYMENT	1,010.33
53	DAKOTA PC WAREHOUSE	REPAIRS/COMPUTER	717.94
54	DAKOTA SUPPLY GROUP	SUPPLIES	823.63
55	DANIELS RESIDENTIAL INC	BALER BUILDING	131,910.00
56	DANKO EMERGENCY EQUIPMENT	PARTS	487.54
57	DELTA DENTAL PLAN	INSURANCE	6,505.68
58	DENNIS MARTENS	MAINTENANCE	833.34
59	DEPT OF REVENUE	TESTING	494.00
60	DGR ENGINEERING	PROFESSIONAL SERVICES	7,025.26
61	DUST TEX	MATS	80.00
62	E.A SWEEN COMPANY	SUPPLIES	368.02
63	EARTHGRAINS BAKING CO'S INC	SUPPLIES	243.88
64	ECHO ELECTRIC SUPPLY	PARTS	1,323.70
65	ELLIOTT EQUIPMENT CO	PARTS	20.00
66	EMERGENCY SERVICES MARKETING	SUBSCRIPTION FEE	800.00
67	ENERGY LABORATORIES	TESTING	1,220.00
68	EZ-LINER INDUSTRIES	REPAIRS	68.55
69	FARMER BROTHERS CO.	SUPPLIES	130.92
70	FIRST BANK & TRUST	TIF # 6 BOND PAYMENT	1,010.33
71	FIRST DAKOTA NATIONAL BANK	TIF #6 BOND PAYMENT	1,010.33
72	FOOT-JOY	MERCHANDISE	770.30
73	FOREMAN MEDIA	APRIL/MAY COUNCIL MTGS	150.00
74	GALE	BOOKS	134.25
75	GEOTEK ENGINEERING	TESTING	3,144.00
76	GRAINGER	PARTS	162.10
77	GRAYBAR ELECTRIC	PARTS	69.82
78	GRAYMONT CAPITAL INC	CHEMICALS	7,440.85
79	GREGG PETERS	FREIGHT	2,154.75
80	GREGG PETERS	RENT	937.50
81	HARLAND TECHNOLOGY SERVICE	RIBBONS	107.77
82	HAUFF MID-AMERICA SPORTS	LIFEGUARD SUITS/SUPPLIES	510.57
83	HD SUPPLY WATERWORKS	SUPPLIES	2,934.43
84	HDR ENGINEERING, INC	PROFESSIONAL SERVICES	33,726.88
85	HEWLETT-PACKARD COMPANY	COMPUTERS/MONITORS	3,007.00
86	HIGH PERFORMANCE COATINGS	REPAIRS	400.00
87	HIGHWAY IMPROVEMENT, INC	PARTS	1,275.00
88	HILLYARD FLOOR CARE SUPPLY	SUPPLIES	111.10
89	HY VEE FOOD STORE	SUPPLIES	378.99
90	IN CONTROL, INC	REPAIRS	148.82

91 INDEPENDENCE WASTE	WASTE HAULING	1,017.00
92 INGRAM	BOOKS	4,078.57
93 JACKS UNIFORM & EQPT	UNIFORM	1,991.70
94 JIM BALLEWEG	MEALS/SAFETY BOOTS REIMBURSEMENT	131.00
95 JOHN A CONKLING DIST.	MERCHANDISE	7,697.70
96 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	37,951.86
97 JOHNSON CONTROLS	REPAIRS	2,606.01
98 JOHNSON ELECTRIC	INSTALL CONTROLLERS	800.00
99 JOHNSON FEED, INC	REPAIRS	400.94
100 JOHNSTONE SUPPLY	SUPPLIES	455.50
101 JONES FOOD CENTER	SUPPLIES	625.32
102 JONES LIBRARY SALES, INC	LIBRARY FURNITURE	286.50
103 JOYCE MOORE	MILEAGE REIMBURSEMENT	47.36
104 KALINS INDOOR COMFORT	REPAIRS	286.02
105 KARSTEN MFG CORP	MERCHANDISE	274.98
106 KRAMES STAYWELL, LLC	SUPPLIES	49.02
107 LAYNES WORLD	BANNERS	229.57
108 LEARNING OPPORTUNITIES, INC	BOOKS	61.97
109 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	2,892.98
110 LEISURE LAWN CARE	TREATMENT	35.75
111 LINCOLN REPUBLIC INSURANCE	INSURANCE	469.50
112 LOCATORS AND SUPPLIES, INC	SUPPLIES	1,460.39
113 LP GILL, INC	TIRE DISPOSAL	531.00
114 LSC ENVIRONMENTAL PRODUCTS	EQUIPMENT RENTAL	2,200.00
115 LUKE TROWBRIDGE	MEALS REIMBURSEMENT	118.00
116 MAGUIRE IRON, INC	WATER STORAGE IMPROVEMENTS	19,924.19
117 MAINLAND ENGRAVING LLC	MEDALS	51.75
118 MALLOY ELECTRIC	PARTS	16.82
119 MARK FOLEY	MEALS REIMBURSEMENT	21.00
120 MART AUTO BODY	TOWING	1,075.00
121 MATTHEW BETZEN	MEALS REIMBURSEMENT	57.00
122 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	936.00
123 MEAD LUMBER	SUPPLIES	65.82
124 MICHAEL HEINE	MEALS REIMBURSEMENT	31.00
125 MICRO MARKETING LLC	BOOKS	79.98
126 MIDWEST ALARM CO	ALARM MONITORING	141.75
127 MIDWEST BUILDING MAINTENANCE	MAT SVC	278.70
128 MIDWEST TURF & IRRIGATION	MOWER/PARTS	30,428.14
129 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,225.00
130 MOVIE LICENSING USA	ANNUAL LICENSE	325.00
131 MSC INDUSTRIAL SUPPLY CO	PARTS	119.49
132 NCL OF WISCONSIN, INC	SUPPLIES	472.26
133 NETSYS+	PROFESSIONAL SERVICES	1,382.50
134 NEW YORK LIFE	INSURANCE	84.02
135 NORTHLAND	SUPPLIES	498.00
136 OFFICE OF WEIGHTS & MEASUREMENT	INSPECTION	254.00
137 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	400.00

138 PAUL BRUNICK	MEALS/MILEAGE REIMBURSEMENT	162.20
139 PCC, INC	COMMISSION	2,345.10
140 PGA OF AMERICA	MEMBERSHIP	1,032.00
141 PIONEERLAND LIBRARY SYSTEM	REPLACEMENT BOOK	40.00
142 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
143 POWERPHONE, INC	RECERTIFICATION	129.00
144 PRAIRIE BERRY WINERY	MERCHANDISE	1,011.75
145 PRECISION LAWN CARE	MOWING	455.00
146 PRESSING MATTERS	SUPPLIES	415.02
147 PRESTO-X-COMPANY	INSPECTION/TREATMENT	86.03
148 PRINT SOURCE	SUPPLIES	310.00
149 PROGRESSIVE BUSINESS PUB.	SUBSCRIPTION	299.00
150 PUMP N PAK	FUEL	105.25
151 QUADSTATES FINISHING SYSTEM	REPAIRS	349.77
152 QUALITY MOTORS	REPAIRS	56.98
153 QUALITY TELECOMMUNICATIONS	PROCESSOR UPGRADE	3,150.00
154 QUEEN CITY WHOLESALE	MERCHANDISE	330.18
155 QUILL	SUPPLIES	1,302.32
156 RACOM CORPORATION	MAINTENANCE CONTRACT	395.50
157 RANDOM HOUSE, INC	BOOKS	117.75
158 RASMUSSEN MOTORS, INC	REPAIRS	255.90
159 RECHNAGEL CONSTRUCTION, INC	ROCK/GRAVEL	1,413.70
160 RECORDED BOOKS, INC	BOOKS	845.50
161 RECOVERY SYSTEMS CO, INC	BALER/CONVEYOR PROGRESS PAYMENT	696,499.30
162 RECREATION SUPPLY CO.	CHEMICALS	832.80
163 REINHART FOODSERVICE, LLC	SUPPLIES	1,492.79
164 REPUBLIC NATIONAL DIST.	MERCHANDISE	25,554.51
165 RESCO	SUPPLIES	80.16
166 RIVERSIDE HYDRAULICS & LAB	PARTS	247.54
167 ROOSTER'S HARLEY DAVIDSON	PARTS	7.80
168 ROSEWOOD GREENHOUSE	PLANTS	509.64
169 RS HALSTEAD CORP	LEACHATE POND FINAL	100,635.42
170 RYAN HOUGH	MEALS REIMBURSEMENT	118.00
171 SANFORD CLINIC VERMILLION	TESTING	78.00
172 SANFORD HEALTH PLAN	PARTICIPATION FEES	69.00
173 SANITATION PRODUCTS	PARTS	1,507.75
174 SCHAEFFER MFG. CO	SUPPLIES	595.20
175 SCHWEITZER ENGINEERING LAB	SUPPLIES	700.00
176 SD DEPT OF PUBLIC SAFETY	LICENSE FEE	12.00
177 SD ELECTRICAL COMMISSION	LICENSE RENEWAL	300.00
178 SD FEDERAL PROPERTY AGENCY	GLOVES	59.87
179 SD PUBLIC ASSURANCE ALLIANCE	COVERAGE	188.00
180 SD RETIREMENT SYSTEM	CONTRIBUTIONS	50,257.16
181 SDN COMMUNICATIONS	PROFESSIONAL SERVICES	997.50
182 SECUREIT TACTICAL, INC	STORAGE CABINET	1,551.02
183 SERVALL TOWEL & LINEN	SHOP TOWELS	16.80
184 SIOUX FALLS TWO WAY RADIO	REPAIRS	790.10

185 SIOUXLAND HUMANE SOCIETY	FEES	37.00
186 SKARSHAUG TESTING LAB.	REPAIRS	599.72
187 SOUTHEAST JOB LINK, INC	REGISTRATION	237.00
188 STANDARD READY MIX CONCRETE	BLACK DIRT/CONCRETE	403.66
189 STANGER LITHO GRAPHICS	SUPPLIES	284.00
190 STEVES COMFORT SYSTEM	REPAIRS	432.09
191 STURDEVANTS AUTO PARTS	PARTS	1,462.16
192 SUN MOUNTAIN	MERCHANDISE	256.00
193 TASER INTERNATIONAL	SUPPLIES	500.00
194 THATCHER COMPANY	SODA ASH	13,574.88
195 THE WALKING BILLBOARD	UNIFORMS	582.00
196 TIM TAGGART	SAFETY BOOTS REIMBURSEMENT	100.00
197 TITAN ACCESS ACCOUNT	PARTS	180.42
198 TITLEIST DRAWER CS	MERCHANDISE	3,008.68
199 TODDS ELECTRIC SERVICE	PROFESSIONAL SERVICES	681.68
200 TOTAL FLOORING	CARPET REMNANT	50.00
201 TRAVIS VANBEEK	SAFETY BOOTS REIMBURSEMENT	100.00
202 TRI TECH SALES	PARTS	482.30
203 TRUE VALUE	SUPPLIES	312.22
204 TWIN CITY HARDWARE	CORES/KEYS	681.42
205 UNITED PARCEL SERVICE	SHIPPING	12.18
206 UNITED WAY	CONTRIBUTIONS	462.46
207 USD FOUNDATION	TIF #6 BOND PAYMENT	1,010.33
208 USD MARKETING & U RELATIONS	SUPPLIES	187.20
209 VERIZON WIRELESS	CELL PHONES	1,561.58
210 VERMILLION ACE HARDWARE	SUPPLIES	1,021.57
211 VERMILLION BOOSTER CLUB	ELECTRONIC SIGN	10,000.00
212 VERMILLION HOUSING AUTHORITY	REIMBURSEMENT	7,244.00
213 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	6,013.09
214 WAL-MART COMMUNITY	SUPPLIES	1,082.50
215 WALKER CONSTRUCTION	CONCRETE WORK	7,906.73
216 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	273.00
217 WESCO DISTRIBUTION, INC	SUPPLIES	3,556.72
218 WILLIAMS & CO.	2013 AUDIT	18,500.00
219 WOW! BUSINESS	911 CIRCUIT	1,365.50
220 YAMAHA GOLF & UTILITY	MAY GOLF CARS LEASE	3,772.97
221 YANKTON COMMUNITY LIBRARY	REPLACEMENT BOCK	10.95
222 YANKTON JANITORIAL SUPPLY	SUPPLIES	1,068.05
223 YANKTON WINNELSON CO	PARTS	59.54
224 ZEE MEDICAL SERVICE	SUPPLIES	99.14
225 ZUERCHER TECHNOLOGIES LLC	MAINTENANCE	1,831.54
226 DALE HUSBY	BRIGHT ENERGY REBATE	275.00
	GRAND TOTAL	1,464,788.78