



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Monday, June 3, 2013

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. May 20, 2013 Special Session; May 20, 2013 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 the Vermillion Area Arts Council on or about June 13, 2013 at 202 Washington Street.
- c. Transfer of a retail on-sale liquor license to Augustus Management, LLC for Howler's Bar and Grill at 912 N. Dakota Street from Secure Success, LLC operating Pro's Sports Bar.
- d. Issuance of a retail on-off malt beverage with South Dakota Farm Wine license for Augustus Management, LLC for Cherry Street Grille at 1122 E. Cherry Street.

7. Old Business

8. New Business

- a. Amendment #1 to Erickson Addition covenants and deed restrictions for Lots 2-5 Block 6; Lots 4-8 Block 7; and Outlot B, Block 6 (Riverbend Business Park).
- b. Request to close Kidder Street from Noon on July 24, 2013 to 2 am. On July 25, 2013 for a Make-a-Wish event at the Old Lumber Company 15 Court Street.
- c. Permit for consumption of alcohol on Kidder Street between Market Street and Austin Street on July 25, 2013 for Old Lumber Company, Inc.

9. Bid Openings

- a. Baler Procurement and Installation Project.
- b. Replacement of the Traffic Signal Pole at North University and East Cherry Streets.
- c. 2013 Miscellaneous Concrete Project.
- d. 2013 Stump Grinding Project.
- e. Fuel quotes.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a public hearing date of June 17, 2013 for a special daily malt beverage and wine license for the Clay County Agricultural Fair Association, Inc. on or about August 9 and 10, 2013 at the Clay County Fairgrounds.

13. Adjourn

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

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

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

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

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

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

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

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

Vermillion City Council's Values and Vision

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





Special Meeting Agenda
City Council
12:00 p.m. (noon) Special Meeting
Monday, June 3, 2013
Prentis Park Swimming Pool
Prentis Park – 111 N Plum Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Briefing on the June 3, 2013 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
3. **Informational Session –Tour of the Prentis Park pool facility – Jim Goblirsch.**
4. **Informational Session – Tour of Vermillion River hike/bike path – Jim Goblirsch.**

Note: The City Council will not be reviewing future plans for either item #3 or #4 but reviewing the existing facilities to prepare for discussion at future meetings.

5. **Adjourn**

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

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

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

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Unapproved Minutes
Council Special Session
May 20, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 20, 2013 at 12:00 noon at the Roger Kozak Community Room in the Edith B. Siegrist Vermillion Public Library.

1. Roll Call

Present: Collier-Wise (arrived at 12:03 p.m.), Davies, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Information Session Presentation of DENR Drinking Water Excellence awards

Mayor Powell reported that he was notified that the South Dakota Department of Environment and Natural Resources has recognized the City of Vermillion Public Water System and the system's operation specialists with the Secretary's Award for Drinking Water Excellence. The award is for outstanding water system operations and environmental compliance with State drinking water standards for 12 consecutive years. Mayor Powell presented the award to Randy Isaacson, Superintendent and Plant/Distribution Operators Tom Kruse, Alan Clark, Wade Mount, Curt Haakinson, Dale Husby and Shane Griese. The Mayor and Council members expressed their appreciation for the members of the Water Department.

Alderman Collier-Wise arrived 12:03 p.m.

Mayor Powell inquired if the members wanted to adjust the agenda to do the briefing on the Council meeting and then adjourn for the library tour. Everyone agreed to the agenda adjustment.

3. Briefing on the May 20, 2013 City Council Regular Meeting

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

4. Adjourn

131-13

Alderman Osborne moved to adjourn the Council special session at 12:08 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

The public library staff provided a tour of the renovated and expanded library facility.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

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 20, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, May 20, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. Minutes of May 6, 2013 Special Session and May 6, 2013 Regular Session

132-13

Alderman Zimmerman moved approval of the May 6, 2013 special session and May 6, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

133-13

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

5. Visitors to be Heard

Barbara Yelverton, 205 E Lewis, reported that she has heard rumors that the bike/pedestrian path along the Vermillion River, which has been damaged due to erosion, will be routed away from the river. She noted that in the planning for the bike/pedestrian path a citizen committee worked with the City to develop the route. She stated that cities with rivers have bike/pedestrian paths along them to allow residents to access nature along the river. She suggested that a committee be established to work on these issues.

Alderman Grayson noted that the City Council toured the expanded/renovated Edith B. Siegrist Vermillion Public Library and reminded citizens of the ribbon cutting on June 1st at 2:00 p.m. Citizens were encouraged to stop in and see their public library.

6. Public Hearings

A. Special permit to exceed permissible sound levels by no more than 50% for Beta Theta Pi at 429 N Plum Street on August 27, 2013 between 6:00 p.m. and 9:55 p.m. for a concert

Mike Carlson, Finance Officer, reported that a special permit to exceed permissible sound levels by no more than 50% was received from Beta Theta Pi for a concert on Tuesday, August 27, 2013 from 6:00 p.m. to 9:55 p.m. The application, diagram of the event and notice of hearing are included in the packet. Jarad Kunzman, representing the organization, reported on the activities planned. Discussion followed on the request.

134-13

Alderman Grayson moved approval of the special permit to exceed permissible sound levels by no more than 50% for Beta Theta Pi at 429 N Plum on Tuesday, August 27, 2013 from 6:00 p.m. to 9:55 p.m. for a concert. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1300 - Amending Chapter 34 Urban and Rural Service Districts Appendix A to remove platted property from the rural service district

Mike Carlson, Finance Officer, stated that this was second reading of the ordinance to remove the platted property from the rural service district as included in appendix A of that section of the ordinance. Mike reported that by ordinance the City created rural and urban service districts in 1996. The Rural District consists of lands listed in appendix A that are rural in character, are used or usable for agriculture and are not developed. There was a four acre lot recently platted east of Madison Street that needs to be removed from the Rural Service District. Mike noted that in reviewing appendix A with the Director of Equalization there is property included in the legal that needs to be removed from the rural service district to agree with the county. A map of the properties included in Appendix A is included in the packet. For taxing purposes, only the four acre lot just platted on Madison will be moved to the urban district. Discussion followed.

135-13

Second reading of title to Ordinance No xx, entitled AN ORDINANCE AMENDING xx for the City of Vermillion, South Dakota.

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

Resolution

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No 1300 entitled An Ordinance Amending Chapter 34 Urban and Rural Service Districts Appendix A to remove platted property from the rural service district, of the City of Vermillion, South Dakota was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 6th day of May, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 20th day of May, 2013 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

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

ORDINANCE NO. 1300

AN ORDINANCE AMENDING CHAPTER 34 TAXATION, URBAN AND RURAL SERVICE DISTRICTS, AMENDING SECTION 34 APPENDIX A OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO REMOVE PLATTED PROPERTY FROM THE RURAL SERVICE DISTRICT

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 34, Appendix A is amended and it is hereby ordained by authority of the same as follows:

APPENDIX A: LANDS INCLUDED IN THE RURAL SERVICE DISTRICT

The following land is classified agricultural land:

Description A:

The E 16 RDS of NW ¼, SE ¼ and W 58 RDS of NE ¼, SE ¼ Exc Block 1, Washington Square Addition and Lots 1 - 13 Block 1, Meisenholder East Addition and Lot 1 Block 1, Madison Park Addition, NE ¼ SW ¼ SE ¼ EXC. E 33' and Mehlhaf Addn, Section 18-92-51 (street address 401 N Norbeck)

Description B:

The W ½, SE ¼, SE ¼ and the East 331 of the SW ¼, SE ¼ Exc Lot 5 Block 1 and Lot 1 Block 2, Mehlhaf Addition and Lot 1 through 3 Block 1, Barari Addition and Outlot C, Barari Addition, Section 18-92-51 (street address 1400 E Main)

Description C:

The E ½, SE ¼, SE 1/4, Exc Lots 1 through 4 Block 4, French Addition, Section 18-92-51 (street address 1700 E Main)

Description D:

The S ½ of the SW 1/4, except Lot H-2 thereof, Section 17, Township 92 North, Range 51 West of the 5th P.M., Clay County, South Dakota.

Dated at Vermillion, South Dakota this 20th day of May, 2013

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

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

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

8. New Business

A. Final Plat of Bliss Third Addition to the City of Vermillion

Jose Dominguez, City Engineer, reported that a plat was received for a 55.8 acre tract of land from the owner, Vermillion Chamber and

Development Company. The land is located on the west side of Stanford Street and north of West Main Street. Jose noted that the land being platted is within the Joint Jurisdictional Area and final plats within this area are required by State statute and City ordinance to be presented to the County Planning Commission for recommendation and report. Jose reported that the preliminary plat requirement was waived due to the fact that the owner has petitioned to annex the property and, once annexed, the owner is planning on further developing the land. The proposed plat meets all the requirements set within the City's Zoning and Subdivision ordinance except for the 8 foot utility easement that will be required on future plats. The Clay County Planning Commission reviewed the plat at their May 13th meeting and recommended approval with the condition that the land be annexed into the City.

Steve Howe, Executive Director of the VCDC, reported in April 2012 that a group of community leaders met to discuss the future of the community with the number one concern being the lack of housing. Following the discussion, the VCDC and City contracted for a Talent Attractions Strategy and Workforce Housing Solutions study that was issued in October 2012 that recommended that an entity be identified to serve as a land developer to ensure that housing sites are available in the community. The VCDC contacted landowners about developing or selling their property to be developed for housing sites. Steve stated in April 2013 that the VCDC was pleased to announce it had acquired a 55 plus acre parcel to develop for community housing. Steve stated that on the agenda tonight is the plat followed by the annexation. The VCDC will be working on the design for the infrastructure that will come back to the City Council in a preliminary plat and there has been discussion about using Tax Increment Financing to assist with the site improvements. Steve requested approval of the plat and the annexation being the next item on the agenda. Discussion followed with Steve answering questions of the City Council on the project.

136-13

After reading the same once, Alderman Grayson moved approval of the following plat contingent upon the land being annexed into the city:

Resolution

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Plat of Tract 1 Bliss Third Addition to the City of Vermillion, Clay County, South Dakota.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County

Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the City of Vermillion, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

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

B. Resolution for Annexation of Bliss Third Addition to the City of Vermillion

Jose Dominguez, City Engineer, reported that a petition to annex contiguous territory was received from the Vermillion Area Chamber of Commerce and Development Company for Tract 1, Bliss Third Addition to the City of Vermillion being the plat just approved. Jose provided a map showing the area that will be annexed. The land will enter City limits zoned NRC (Natural Resource Conservation) which is the most restrictive classification and allows farming operations within the City. Rezoning of the property will follow at a later meeting. Jose stated that the owner plans to develop the property for residential housing sites.

137-13

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

RESOLUTION ANNEXING CERTAIN CONTIGUOUS TERRITORY TO THE
CITY OF VERMILLION,
CLAY COUNTY, SOUTH DAKOTA

WHEREAS, there has been presented to the Governing Body of the City of Vermillion, and filed with the City Finance Officer, a petition to annex contiguous territory into the corporate limits of the City of Vermillion; and

WHEREAS, said petition was signed by the owners of Tract 1, Bliss Third Addition to the City of Vermillion, Clay County, South Dakota, and

represent that there are no registered voters residing within the boundaries of the territory to be annexed; and

WHEREAS, in 1964 the City Council annexed a portion along the north and east of what is now known as Tract 1, Bliss Third Addition to the City of Vermillion; and

WHEREAS, such annexation is provided for in SDCL 9-4-1 upon resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vermillion that the following territory be described as:

TRACT 1, BLISS THIRD ADDITION TO THE CITY OF VERMILLION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA (with the exception of the land previously annexed by the City of Vermillion in 1964).

is hereby included within the corporate limits of the City of Vermillion and the boundary of the City of Vermillion is hereby extended to include such territory.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

C. Authorization to Notify Electric Cooperative of Intent to Serve Annexed Area (Tract 1, Bliss Third Addition)

Jason Anderson, Assistant City Engineer, reported that the purpose of this authorization is to notify Clay Union Electric Corporation of the City's intent to provide the electric service to the portion of the annexed Bliss Third Addition currently in the Clay Union service territory. This follows the two previous items where the property was platted and annexed. There is a portion of the annexed property along the north side that is currently in the Clay Union service territory

and this notification as provided by State statute will establish the time for which the City will be responsible for lost revenue payments. Jason noted that the City is not aware of any Clay Union customers in the annexed area. The lost revenue payments are due for a maximum of seven years during the next eleven years. The lost revenue payments are 25% of the monthly billing. The City has previously elected to provide electric service to annexed areas. Discussion followed.

138-13

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

NOTICE OF INTENT TO PURCHASE
ELECTRIC UTILITY PROPERTIES
IN ANNEXED AREAS

TO CLAY UNION ELECTRIC CORPORATION, A RURAL ELECTRIC COOPERATIVE,
VERMILLION, SOUTH DAKOTA:

Pursuant to SDCL 49-34A-49, the City of Vermillion (the City), a municipal corporation, which operates an electrical utility, hereby notifies Clay Union Electric Corporation (Clay Union), a rural electric cooperative, that the City intends to exercise its statutorily conferred rights to serve electrical energy to customers in areas, which are hereinafter more particularly described and which were annexed to the City on the date hereinafter mentioned, to-wit:

TRACT 1, BLISS THIRD ADDITION, CLAY COUNTY, SOUTH DAKOTA
(with exception to the land currently within City electric
territory, as shown on attached map.)

Annexed on May 20, 2013.

The above described area is currently in the Clay Union service area. Said service areas are also described graphically on maps of the City of Vermillion, copies of which are attached hereto and served herewith.

The City further notifies Clay Union that the City is not aware of any Clay Union distribution properties being located within the hereinabove described property. The City offers to pay, as compensation for service rights, an annual amount equal to the sum of twenty-five (25%) percent of the gross revenues received from power sales to consumers of electric power within the annexed area. The obligation of the City to compensate Clay Union for service rights shall continue for eleven (11) years from the date of the offer to purchase by the City. During the eleven (11) year period, compensation for service rights to any one customer location within the annexed area shall be paid by the City for

a period of seven (7) years, or until the expiration of the eleven (11) year period, whichever is less. Gross revenues received shall be determined by applying the rate in effect by the City at the time of purchase.

In the event the City and Clay Union are unable to agree as to the amount to be paid, the City will apply to the Public Utilities Commission of the State of South Dakota, requesting the Commission, after notice and hearing, to determine the amount of the payment in accordance with SDCL 49-34A-50.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

D. Resolution to approve a Project Plan for TIF #5 (VCDC project to construct an office building at the SW corner of Princeton and Bower Streets)

John Prescott, City Manager, reported that following the recommendation of the Planning Commission the City Council approved the boundaries of Tax Increment District Number 5 on April 15, 2013. John explained the process of tax increment districts. John noted the location of the TIF District is the southwest corner of the intersection of Princeton Street and Bower Street. The Vermillion Area Chamber of Commerce and Development Company is the owner of the lot and is planning on constructing a 30,000 square foot office building, parking lot and other improvements to the property that will house Eagle Creek Software. John reported that State statute requires a Project Plan be prepared for each TIF District. The attached plan was reviewed by the Planning Commission who recommended the approval. John stated that the City will also need to enter into a Developers Agreement with the VCDC to outline the payment of the tax increment. Discussion followed noting that this may be the only tax increment district remaining at the end

of this year as one district was ended earlier this year and the other two may be ended later this year.

139-13

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

RESOLUTION
ADOPTING PROJECT PLAN FOR TAX INCREMENTAL
DISTRICT NUMBER FIVE
VERMILLION AREA CHAMBER OF COMMERCE AND DEVELOPMENT COMPANY
RIVERBEND BUSINESS PARK BUILDING

WHEREAS, the City Council and Planning Commission of the City of Vermillion, South Dakota (the "City") in pursuing economic development efforts has here to fore created Tax Incremental District Number Five; and

WHEREAS, this Tax Incremental District was created on April 15, 2013 to aid business expansion and relocation into the City of Vermillion; and

WHEREAS, the City of Vermillion's Planning Commission has considered and approved the Project Plan for Tax Incremental District Number Five; and

WHEREAS, the Project Plan for Tax Incremental District Number Five is hereby found to be feasible and in conformity with the City's Master Plan.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Vermillion that the Project Plan for Tax Incremental District Number Five is hereby approved.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Ward. Discussion followed and the question of the adoption of the Resolution was presented for a vote of

the Governing Body. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

E. Resolution to authorize the purchase of a Police Car utilizing the 2013 State of South Dakota bid

Jason Anderson, Assistant City Engineer, reported that the 2013 Budget included the replacement of the 2010 police patrol car. Jason noted that Ford is no longer making the Crown Victoria police cars and the Police Department conducted an analysis of the Ford Interceptor and Chevy Caprice. The report concluded that the officers are much more comfortable with the greater interior space that is provided by the Caprice. The State of SD awards an annual contract for 2013 vehicles with the police package Chevrolet Caprice awarded to Billion Auto of Sioux Falls. Billion Auto has agreed to sell the City a 2013 Chevy Caprice police vehicle for the base bid price of \$26,845 plus \$1,527 of additional options. Jason recommended awarding the purchase of the Chevy Caprice Police Car from Billion Auto of Sioux Falls for the State contract price of \$26,845 plus \$1,527 in additional options. Discussion followed.

140-13

Alderman Zimmerman moved approval of awarding the purchase of a Chevy Caprice Police Car from Billion Auto of Sioux Falls for the State contract price of \$26,845 plus \$1,527 in additional options. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Report on the work of the HVAC Committee

John Prescott, City Manager, reported at the February 19th City Council meeting that several rental property owners and managers raised questions about the requirement that each unit on the rental registry have a separate HVAC system. John noted that in August 2011 the City Council had adopted by ordinance the property maintenance code for rental properties. John stated that the committee charge was presented to the City Council on March 4th and committee members were identified and asked to participate. John reported that the committee met on April 16th and again on May 7th. John stated that, upon inquiry of the International Code Council, it was noted that air cannot be shared between rental units. John reported that the sharing of air between rental units is a health and safety issue along with fire safety issue and, as such, cannot be granted a variance. John reported that rental units with HVAC issues represent 119 of 2,661 registered rental units located in 34 structures of 926 registered structures. The committee reported the need for City staff to work directly with the owners

and/or managers of the 34 structures that have HVAC issues. John stated that the committee recognized the need to extend the current deadline of August 1, 2014 by up to one year if application is made by February 1, 2014. John reviewed the extension application noting the need to complete this application in advance of the deadline to show that the owner/manager is addressing this issue. Discussion followed on the extension form noting the need to include language that this agreement is binding on successors or assignees and that the owner will notify buyers of the existence of this agreement.

141-13

Alderman Davies moved approval of the acceptance of the HVAC Committee report noting the need to include the discussed language into the extension agreement. Alderman Grayson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

G. Fireworks public display permit for July 4, 2013 by the Vermillion Chamber of Commerce

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

142-13

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

H. Fireworks public display permit for June 15, 2013 by Laura Hollingsworth

Mike Carlson, Finance Officer, reported that a Fireworks Public Display Permit was received from James Taylor on behalf of Laura Hollingsworth for a fireworks public display. The request is for a display on June 15, 2013 in the field northwest of Bunyan's as part of activities planned for the Hollingsworth golf tournament. Mike reported that the application along with the Fire Department's required site plan is included in the packet.

143-13

Alderman Davies moved approval of the Fireworks Public Display Permit for Laura Hollingsworth for June 15, 2013 display northwest of the corner of West Main and Stanford Street to start at approximately 10:00 p.m. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. 2013 Chip Seal Project

Jose Dominguez, City Engineer, reported that quotes were received for this year's City chip project on May 14, 2013. Two quotes were received and the low quote was from Topkote for \$39,124.82. Jose reviewed the streets that will receive the chip seal maintenance this year and answered questions of the City Council.

Bidders: Topkote: \$39,124.82; The Road Guy Const. Inc: \$41,480.18

144-13

Alderman Zimmerman moved approval of the low quote of Topkote of \$39,124.82 for the chip seal project for 2013. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that Heartland Humane Society, Cedar County Vet Service and the City are teaming up for a cat spay/neutering event on May 21st and 22nd in the Suburban Estates Mobile Home Park on East Duke Street. Notices were provided to the property owners and if you have a cat in that area that you do not want to participate in the program please keep it the house on those two days. The Heartland Humane Society has received a grant to cover the cost of this event.

B. John stated that the City Council will be making two appointments to the Library Board and one to the Vermillion Housing Authority in June. He asked interested citizens to complete the Expression of Interest form available at City Hall or the city website.

C. John noted that it was reported earlier that the Library dedication is June 1st at 2:00 p.m.

D. John reported that grass clippings should not be discharged into the street when mowing as they impact the stormwater discharged into the river.

E. John reported that garage sale signs should not be attached to traffic control devices such as stop signs or traffic signals. John also encouraged citizens to remove garage sale signs after the event.

F. John reported that the proposed 2014 budget will be presented to the City Council at the August 5th meeting. Following the presentation, the City Council typically schedules budget sessions the following week (August 12-16) to review the proposed budget. John stated that he would be sending out information requesting Council members to review their calendars to see what days work best for budget hearings this August.

G. John reported on the Mosquito Control Program noting that a public meeting was held by staff last week.

H. John noted concerning the bike path issues raised under Visitors To Be Heard that the Engineering Department is working with the Parks and Recreation Department to identify options for the damaged bike path which will be brought to the City Council in the future.

PAYROLL ADDITIONS AND CHANGES

General: Ted Cherry \$7.50/hr; Service Garage: Jordan Boots \$8.50/hr; Engineering: Jason Anderson \$22.75/hr, Todd Nordyke \$17.69/hr; Police: Jordan Helming \$20.16/hr; Street: Adam Praska \$8.75/hr, Rich Walker \$9.50/hr; Recreation: Brittney Bakke \$7.75/hr, Ryan Baedke \$17.51/hr, Jacob Ford \$7.75/hr, Erica Frenz \$7.75/hr, Nick Heitkamp \$7.75/hr, Bill Lane \$7.75/hr, Heather Petrino \$7.75/hr; Pool: Kevin Callahan \$8.50/hr, Alex DeJong \$8.50/hr, Thomas Harrison \$9.75/hr, Katie Herrera \$8.50/hr, Austin Krier \$7.75/hr, Jacob Krier \$7.75/hr, Alexa Mockler \$8.50/hr, Josie Nordberg \$8.75/hr, Abby Ouellette \$8.75/hr, Brittany Paulsen \$8.25/hr, Heather Petrino \$8.00/hr, Sarah Soles \$7.75/hr, Nathan Svendsen \$7.75/hr; Parks: Lexi Regnerus \$8.00/hr, Aaron Baedke \$18.58/hr; Communications: Derek Ronning \$14.56/hr; Golf Clubhouse: Kelsey Aldrich \$7.25/hr

11. Invoices Payable

145-13

Alderman Davies moved approval of the following invoices:

| | | |
|--------------------------|-----------------------|----------|
| BANNER ASSOCIATES, INC | PROFESSIONAL SERVICES | 3,153.30 |
| BROADCASTER PRESS | ADVERTISING | 1,710.33 |
| BRUNICKS SERVICE INC | FUEL | 6,068.16 |
| BUREAU OF ADMINISTRATION | TELEPHONE | 256.68 |
| CANON FINANCIAL SERVICES | COPIER LEASE | 196.27 |
| CENTURYLINK | TELEPHONE | 1,485.99 |

| | | |
|----------------------------|--------------------------|-----------|
| CITY OF VERMILLION | LANDFILL VOUCHERS | 396.00 |
| CLAY-UNION ELECTRIC CORP | ELECTRICITY | 629.99 |
| DEPT OF REVENUE | ALCOHOL BEVERAGE LICENSE | 350.00 |
| DEPT. ENVIR NATL RESOURCES | LANDFILL OPERATIONS FEE | 3,071.85 |
| DUST TEX | SUPPLIES | 24.80 |
| FOREMAN MEDIA | COUNCIL MTGS | 100.00 |
| GCSAA | MEMBERSHIP DUES | 365.00 |
| GREGG PETERS | MANAGERS FEE | 5,375.00 |
| HAROLD K SCHOLZ CO | SUBSTATION RELAY UPGRADE | 15,900.92 |
| LOREN FISCHER DISPOSAL | HAUL CARDBOARD | 140.00 |
| MART AUTO BODY | TOWING AUCTION VEHICLES | 900.00 |
| MATHESON TRI-GAS, INC | OXYGEN | 198.12 |
| MIDAMERICAN | GAS USAGE | 4,432.35 |
| MIDCONTINENT COMMUNICATION | CABLE/INTERNET SERVICE | 118.55 |
| RESERVE ACCOUNT | POSTAGE FOR METER | 350.00 |
| SPRINT | CELL PHONES | 1,280.68 |
| STERN OIL CO. | FUEL | 13,820.42 |
| STURDEVANTS AUTO PARTS | PARTS | 10.98 |
| THE EQUALIZER | ADVERTISING | 1,376.20 |
| UNITED PARCEL SERVICE | SHIPPING | 219.40 |
| US POSTMASTER | POSTAGE FOR UTIL BILLS | 1,000.00 |
| WAHLTEK | EQUIPMENT MAINTENANCE | 2,255.00 |

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

12. Consensus Agenda

A. Set a public hearing date of June 3, 2013 for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about June 13, 2013 at 202 Washington Street

B. Set a public hearing date of June 3, 2013 for transfer of retail on sale liquor license to Augustus Management, LLC for Howler's Bar & Grill at 912 N. Dakota Street transfer from Secure Success, LLC operating Pro's Sports Bar

C. Set a public hearing date of June 3, 2013 for issuance of retail on-off sale malt beverage with SD Farm Wine license for Augustus Management, LLC for Cherry Street Grill at 1122 E. Cherry

D. Set a public hearing date of June 3, 2013 for malt beverage license renewals

E. Set a bid opening date of May 30, 2013 for the Replacement of the Traffic Signal Pole at North University and East Cherry Streets

F. Set a bid opening date of June 6, 2013 for Landfill Leachate System

146-13

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

13. Adjourn

147-13

Alderman Osborne moved to adjourn the Council Meeting at 8:07 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 20th day of May, 2013.

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 3, 2013
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 June 1, 2012 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 convicted of a violation of any law, rule, regulation, or ordinance relevant to alcoholic beverage control. 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 eight businesses that failed a compliance check(s) during the last year, which are:

Gup Fei Zheng for Asian Buffet (December 7, 2012)
Old Lumber Company, Inc. for Old Lumber Company (December 7, 2012)
Jose Gonzalez for Mi Familia Mexican Restaurant (March 21, 2012)
NPC International, Inc. for Pizza Hut (August 3, 2012);
Bonnie Rowland for Raziels (December 7, 2012);
Prairie River, Inc. for R Pizza (August 3, 2012);
Dwight Iverson for Cherry Pit Stop (August 17, 2012)

Freedom Valu Centers, Inc for Erickson Freedom Valu Ctr (August 17, 2012)

The Management Plans were handed out at the May 20th meeting. If additional copies are needed, please let me know.

Discussion: The City Council has the ability to renew a license on basically two 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 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 3rd day of June, 2013 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, 2013 until June 30, 2014, 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;
Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101;
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 Pump N Pak 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;
Varsity Pub, LLC for The Varsity at 113 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;

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:

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 17th day of May, 2013.

Michael D. Carlson, Finance Officer

Publish: May 24, 2013

Published once at the approximate cost of _____.

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



To: Vermillion City Council

Date: 05/24/13

From: Matthew Betzen
Chief of Police

Subject: Alcohol License Renewals/July 1, 2013 to June 30, 2014

In the last half of 2012 and first half of 2013, the Vermillion Police Department conducted 40 compliance checks. Of those 25 of the checks were successful, and in 15 the business failed. Two 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. The downtown area (Main Street) has a large number of alcohol related investigations that are not necessary attributed to any specific license holder. For example there were approximately 160 alcohol related investigations (Open container, urinating in public, assaults, domestics, damage to property, noise complaints and other disorderly events) on Main Street between Dakota and High during the last reporting period (July 1, 2012 – May 23, 2013).

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

Gup Fei Zheng for Asian Buffet at 404 Bower Street

- On 12/07/12, the Asian Buffet failed a compliance check. On 3/21/13, they passed a compliance check
- There were no other alcohol involved incidents at the Asian Buffet.

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

- On 9/20/12, Bunyan's passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- On 12/07/12, Café Brule passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at Carey's during this reporting period.
- There were two alcohol related assaults and an alcohol related medical call during the reporting period, management cooperated with police investigative efforts.

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

- On 12/07/12, Chae's passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- On 03/27/12, The Charcoal Lounge passed a compliance check.
- Officers contacted underage persons drinking in the Charcoal Lounge on two occasions, two alcohol involved fights were investigated, and two other disorderly events were also investigated. Management cooperated with all police investigations.

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

- On 08/17/12, Coyote Convenience passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- On 08/03/12, Little Italy's failed a compliance check. On 12/7/12, they passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at the Main Street Pub in this reporting cycle.
- Two assaults and a drunken disturbance were investigated at this location; management cooperated with police investigative efforts.

Maya Janes, Inc. for Maya Janes, 9 West Main Street

- On 09/20/12, Maya Janes passed a compliance check.
- Officers investigated one trespass situation, a medical call for a highly intoxicated individual, two assault situations, and an illegal drug possession/use at Maya Janes. The bar manager was arrested for illegal drug possession.

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

- On 8/3/12, Mexico Viejo passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- On 12/07/12, The Old Lumber Co failed a compliance check. On 3/27/13, they passed a compliance check.
- Officers investigated one assault situation and one event involving drinking after legal hours. Management cooperated with police investigative efforts.

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Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101

- On 3/21/13, Mi Familia failed a compliance check.
- There were no other alcohol involved incidents reported at this location.

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

- On 8/3/12, Pizza Hut failed a compliance check. On 12/7/12, they passed a compliance check.
- There were no other alcohol involved incidents reported at this location.

Sunset Oil, Inc. for Pump N Pak at 629 Stanford

- On 8/17/12, Pump N Pak failed a compliance check. On 12/7/12, they passed a compliance check.
- There was one driving under the Influence case initiated by a call from the management.

Pump N Stuff of Vermillion, Inc. for Pump N Stuff at 203 E Main St

- No compliance checks occurred at this location during the reporting period.
- There were no alcohol involved incidents reported at this location.

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

- On 08/03/12 and 12/07/12, Raziell's failed two compliance checks. On 3/21/13, Raziell's passed a compliance check.
- Officers investigated one fight/trespass complaint and two medical calls where alcohol was a factor. Management cooperated with police investigative efforts.

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

- On 12/7/12, Red's Steakhouse passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- On 8/3/12, R Pizza failed a compliance check. On 3/27/13, R Pizza passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- On 12/7/12, Silk Road Café passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at this location during this reporting period.
- There were no alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at this location during this reporting period.
- There were no alcohol involved incidents reported at this location.

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

- On 03/27/13, the Varsity passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at this location during this reporting period.
- There were no alcohol involved incidents reported at this location.

Valiant Vineyard, Inc for Valiant Vineyard at 1500 West Main

- No compliance checks were conducted at this location during this reporting period.
- There were no alcohol involved incidents reported at this location.

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

- On 08/17/12, The Cherry Pit Stop failed a compliance check. On 12/7/12, they passed a compliance check.
- There were no alcohol involved incidents reported at this location.

Re-issuance of Package (Off Sale) Malt Beverage

Dwight Iverson for Cherry Pit Stop at 23 East Cherry Street

- On 08/17/12, The Cherry Pit Stop failed a compliance check. On 12/7/12, they passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- On 08/17/12, The Freedom Center failed a compliance check. On 12/7/12, they passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- On 8/17/12, HyVee passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at this location during this reporting period.
- There were no alcohol involved incidents reported at this location.

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

- No compliance checks were conducted at this location during this reporting period.

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- Officers arrested one minor who was found drinking on the premises; management cooperated with officers' investigative efforts.

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

- On 08/17/12, Wal-Mart passed a compliance check.
- There were no alcohol involved incidents reported at this location.

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

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

- No compliance checks were conducted at this location during this reporting period.
- There were no alcohol involved incidents reported at this location.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 3, 2013

Subject: Special Daily Malt Beverage License for the Vermillion Area Arts Council on or about June 13, 2013 at 202 Washington Street.

Presenter: Mike Carlson

Background: The Vermillion Area Arts Council has submitted an application for a special daily malt beverage and wine license for their facility at 202 Washington Street on June 13, 2013. The permit is in conjunction with a concert by David Davis & the Warrior River Boys on that date.

Our city ordinance on special daily licenses reads as follows:

112.18 SPECIAL LICENSES FOR SALES OF MALT BEVERAGES AND/OR WINE.

The City Council may recommend to the State Department of Revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. 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. The fee for such license shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

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

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

6. Public Hearing; item b

wine dealer's 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. The local governing body may establish rules to regulate and restrict the operation of the special license.

Discussion: The notice of public hearing is attached, along with the Police Chief's memo. The routine Police Department records check of the parties involved, with the special daily license, revealed no alcohol related violations or felony convictions in reference to this application. City staff is not aware of any problems with previous special daily licenses granted to the Vermillion Area Arts Council. Susan Heggstad, President of VAAC, has indicated that she will be attending the Council meeting.

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

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage license 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 3rd day of June, 2013 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:

Vermillion Area Arts Council on or about June 13, 2013 at 202 Washington Street.

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

Dated at Vermillion, South Dakota this 17th day of May, 2013.

Michael D. Carlson, Finance Officer

Publish: May 24, 2013

Published once at the approximate cost of _____.



City of Vermillion

Police Department

15 Washington Street • Vermillion, SD 57069

Matthew Betzen

Chief of Police

Phone: (605) 677-7070

Fax: (605) 677-7166

www.vermillionpd.org

MEMORANDUM

To: Mike Carlson

Date: 05/10/13

From: Matthew Betzen
Chief of Police



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

I have reviewed the application for a Special Daily License (On-Sale) Malt Beverage and Wine License prepared by the Vermillion Area Arts Council for their Bluegrass concert on June 13, 2013 at 202 Washington Street.

The Vermillion Area Arts Council has applied for similar events that have not resulted in police involvement. Their board members have no known criminal history. I have no negative information to share that would impact this application.

FOR IMMEDIATE RELEASE

April 3, 2013

Nationally acclaimed Bluegrass recording artists David Davis and the Warrior River Boys to perform in Vermillion

The Vermillion Area Arts Council, in cooperation with The East River & Missouri Valley Bluegrass Music Association are pleased to announce that Bluegrass recording artists **David Davis & The Warrior River Boys** will be performing in concert on Thursday, June 13, 2013 at The Washington Street Arts Center, 202 North Washington Street at 7 pm. Advanced tickets for this performance are available for \$10 through the Arts Council and the Bluegrass Association. Tickets at the door will be \$12.



About: David Davis & The Warrior River Boys

Carrying on an Alabama family tradition, David Davis and the Warrior River Boys offer audiences a rare glimpse at the role of frontman in American music. In Chicago Blues, it was Muddy Waters and the legendary Howl'in Wolf. In Bluegrass Music, it was Bill Monroe. Rather than operating under trendy "hit" oriented schemes, frontman/mandolinist David Davis simply nurtures his roots with integrity, tonal depth and prose.

A featured favorite band for several years on WAMU-FM radio from American University in Washington DC. David Davis and the Warrior River Boys produced a couple of **Rounder** label projects in the early 90's. They also recorded heavily on

WAMU DJ Ray Davis's **Wango** label throughout the decade and into the early 2000's. These legendary Ray Davis "Basement Tapes" have garnered a cult following over the years, many of the sides resurfacing on the **Time Life** label. David and the band snapped rave reviews with their self-titled 2004 release on **Rebel Records**. **USA TODAY** wrote of the band: "*Sure-fire picking and train-whistle harmonies*" Indeed, the "White Album" was a turning point for the band; **Sing Out Magazine** declared Davis "*An excellent instrumentalist in the Monroe style of mandolin,*" and that "*Davis is among the most emotive, capable, and underappreciated singers in Bluegrass.*" Their highly acclaimed **Rebel** release from 2006, "**Troubled Times**" and 2009's "**Two Dimes and A Nickel**" continued to take the listener deeper into WRB soul and were testaments to DDWRB's musical evolution.

After nearly thirty years of continual touring and recording, David and the band have received many laurels, both individually and collectively. The band has been featured in national Bluegrass media **Bluegrass Unlimited** magazine and **Bluegrass Today**, the daily electronic e-magazine. A 2010 inductee into the Alabama Bluegrass Music Hall of Fame, David is widely recognized as one of the foremost Bill Monroe-style mandolin practitioners in the genre. As a band, David Davis and the Warrior River Boys continue to be at the forefront of defining Traditional music to today's audiences.

MEDIA INQUIRIES MAY BE DIRECTED AS FOLLOWS

- To arrange a print, radio or television interview with David Davis, contact Randall Franks at rfrankscatoosa@gmail.com

FOR TICKETS AND GENERAL INFORMATION

- For advanced ticket purchases, contact the **Vermillion Area Arts Council** at vaacboard@yahoo.com / ~~603-624-9279~~
- **The East River & Missouri Valley Bluegrass Music Association** at jbecoyote@yahoo.com / 877-621-4118 (Toll Free)

Prepared by: Jon B. Hittle 877-621-4118
jbecoyote@yahoo.com

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 3, 2013

Subject: Transfer of retail on-sale liquor license to Augustus Management, LLC. for the Howler's Bar & Grill at 912 N. Dakota Street from Secure Success, LLC operating Pro's Sports Bar

Presenter: Mike Carlson

Background: An application for the transfer of the retail on-sale liquor license from Secure Success, LLC to Augustus Management, LLC. for Howler's Bar & Grill, at 912 N. Dakota Street was received. A copy of the notice that was published for the license transfer is included in the packet.

The application lists Jonathan Robertson as owning 100% of the corporate stock.

Discussion: The City Council has the ability to transfer a license on basically two criteria: suitable person and suitable location. As to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. Jonathan Robertson is the sole owner of the stock in the corporation and has been issued a malt beverage license at Cherry Street Grille so a background check was not requested.

With respect to the location criteria, this license has previously been approved for the location. A recent western 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.

A management plan was handed out at the May 20th meeting as Cherry Street Grille, with a license issued to Jonathan Robertson, failed a compliance check on September 20, 2012. If an additional copy of the management plan is needed, please let me know.

112.20 SUITABLE PERSON.

(A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or

renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.

- (B) A DISQUALIFYING CRIMINAL RECORD for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.
- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

§ 112.21 SUITABLE LOCATION.

- (A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:
 - (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
 - (2) Zoning restrictions, and
 - (3) Neighborhood characteristics.
- (B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of

police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.
- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

Financial Consideration: The transfer fee is \$150 for the license that is retained entirely by the City. The liquor license period is January 1 to December 31, 2013.

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 transfer of the retail on sale liquor licenses. If a motion is made to deny, 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 3rd day of June, 2013 at the hour of 7:00 P.M. at City Hall Council Chambers will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Transfer of Retail On Sale Liquor License until December 31, 2013:
Augustus Management, LLC for Howler's Bar & Grill at 912 N. Dakota Street transfer from Secure Success, LLC operating Pro's Sports Bar.

Retail On-off Sale Malt Beverage with SD Farm Wine until June 30, 2013:
Augustus Management, LLC for Cherry Street Grill at 1122 E. Cherry Street.

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

Dated at Vermillion, South Dakota this 17th day of May, 2013

Michael D. Carlson, Finance Officer

Publish: May 24, 2013

Published once at the approximate cost of _____.



City of Vermillion

Police Department

15 Washington Street • Vermillion, SD 57069

Matthew Betzen
Chief of Police

Phone: (605) 677-7070
Fax: (605) 677-7166
www.vermillionpd.org

MEMORANDUM

To: Mike Carlson

Date: 05/10/13

From: Matthew Betzen
Chief of Police

Subject: Transfer of Liquor License from Secure Success (Pros Bar) to Augustus Management LLC (Howler's Bar and Grill); And Cherry Street Grill to Augustus Management, LLC (no name change).

I have reviewed the application to transfer the retail On Sale liquor license from Secure Success, LLC/Pro's Bar to Augustus Management, LLC/Howler's Bar and Grill until December 31, 2013; And on the same application to move ownership of the Cherry Street Grill to Augustus Management, LLC-with a On-Off Sale Malt Beverage with SD Farm Wine until June 30, 2013.

The applicant of record, Jonathan Robertson, is a long term member of the community. The Vermillion Police Records do not show any felony or misdemeanor convictions for Mr. Robertson. Records show that Pros has no notable adverse police contacts in the last two years. Cherry Street Grill has failed one of compliance check in September of 2012 and passed a compliance check in December of 2012

I have no additional information that would adversely reflect on this application.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: June 3, 2013

Subject: Retail on-off sale Malt Beverage with SD Farm Wine license for Augustus Management, LLC. for Cherry Street Grille at 1122 East Cherry Street

Presenter: Mike Carlson

Background: An application for a retail on-off sale malt beverage with SD Farm Wine license for Augustus Management, LLC. for Cherry Street Grille, at 1122 East Cherry Street was received. A copy of the notice that was published for the license is included in the packet.

The application lists Jonathan Robertson as owning 100% of the corporate stock.

Jon Robertson recently transferred the Cherry Street Grille business from his name to the corporate name. Since it was close to the license renewal time, he elected not to transfer the malt beverage license and to stop selling malt beverage and SD Farm Wine until the new license would be effective on July 1, 2013.

Discussion: The City Council has the ability to issue a license on basically two criteria: suitable person and suitable location. As to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. Jonathan Robertson is the sole owner of the stock in the corporation and has been issued a malt beverage license at Cherry Street Grille so a background check was not requested.

With respect to the location criteria, this license has been previously approved for this location. 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.

A management plan was handed out at the May 20th meeting as Cherry Street Grille, with a license issued to Jonathan Robertson, failed a compliance check on September 20, 2012. If a copy of the management plan is needed, please let me know.

112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.
- (B) A DISQUALIFYING CRIMINAL RECORD for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.
- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

§ 112.21 SUITABLE LOCATION.

- (A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:
- (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
 - (2) Zoning restrictions, and
 - (3) Neighborhood characteristics.

- (B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.
- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

Financial Consideration: The license fee is \$325. Half of the license fee is retained by the City and the other half is for the State. The malt beverage license period is July 1 to June 30.

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 issuance of the retail on-off sale malt beverage and SD Farm Wine licenses. If a motion is made to deny, the reason needs to be included in the motion.

Council Agenda Memo

From: John Prescott, City Manager
Meeting: June 3, 2013
Subject: Amendment #1 to Erickson Addition covenants
Presenter: John Prescott

Background: The City established covenants for portions of Erickson Addition in 2008. The 2008 covenants are for the General Business zoned lots abutting the west side of Princeton Street and the lots south of Bower Street. In 2010, the City transferred ownership of all City owned land in Erickson Addition to the Vermillion Chamber of Commerce and Development Company. The VCDC will market the property to potential buyers. The VCDC will submit to the City any sale proceeds minus selling expenses.

Discussion: As noted, the covenants only cover the general business zoned lots and the lots south of Bower Street. In order to better market the property north of Bower that is not covered by the existing covenants and to have a common set of expectations, the VCDC would like to extend the covenants to Outlot B of Block 6. Outlot B is bordered by the northern-most high pressure natural gas line, the Princeton Street General Business zoned lots, Bower Street and Carr Street.

The covenants also propose a slight change and an extension of the metal / non-metal ratio. The proposed covenants offer the following approach:

Lots along Princeton Street (GB zoning) – no more than 25% metal

Lots not abutting Carr or Princeton Street – no more than 50% metal

Lots abutting Carr Street – minimum of 25% nonmetal

All property in Erickson Addition other than the lots abutting Princeton Street are zoned General Industrial. Developments in this type of zoning category typically are more metal or cement buildings. A 25% or 50% nonmetal requirement helps improve the area in relationship to the developments in General Business zoning.

A second change is related to the irrigation requirements. Landscaping would be required throughout Erickson Addition. The change is to only require irrigated landscaping in the General Business zoned lots on the east side of Erickson Addition and in lot in Outlot B which does not abut Carr Street.

Other changes are to reflect the change in ownership and that Lot 3 of Block 7 was combined with Lots 1 and 2 to create Lot 8 Block 7 (VCDC building where Eagle Creek will be located).

The proposed amendment to the covenants was developed by a committee of VCDC Board members. The full VCDC Board reviewed the covenants and recommended approval at their May 30 Board meeting.

A map is attached which indicates the different development standards the VCDC and City are working to develop with the update to the covenants. As the actual lots along Carr Street are not yet all platted, the boundaries of the development standards between Bower and Highway 50 do not reflect current lot lines.

Financial Consideration: None other than recording fees.

Conclusion/Recommendations: Administration recommends the City Council concur with the VCDC Board recommendation and adopt amendment #1 to the Erickson Addition covenants.



| | | | |
|-----------------------------|-------|--------------|----------|
| ERICKSON ADDITION COVENANTS | | 1.0 | |
| CITY OF VERMILLION, SD | 57069 | NOT TO SCALE | MAY 2013 |



Prepared by:
City of Vermillion
25 Center Street
Vermillion, SD 57069
605-677-7050

**ERICKSON ADDITION TO THE CITY OF VERMILLION, SOUTH DAKOTA
LOTS 2-5 BLOCK 6 & LOTS 4-8 BLOCK 7 AND OUTLOT B BLOCK 6
DECLARATIONS OF RESTRICTIONS AND COVENANTS
AMENDMENT #1**

The owner of Lots 2, 3, 4, 5, Block 6; Lots 4, 5, 6, 7, 8, Block 7; and Outlot B, Block 6, in concurrence with the Vermillion City Council, per the record of Declarations of Restrictions and Covenants of Lots 2-5, Block 6 and Lots 4-8, Block 7, do hereby amend section 1, 3, and 8 of the Declarations of Restrictions and Covenants for Lots 2, 3, 4, 5, Block 6; Lots 4, 5, 6, 7, 8, Block 7 and Outlot B, Block 6, Erickson Addition established by the Vermillion City Council on June 16, 2008 and filed with the Clay County Register of Deeds on June 20, 2008.

Amended Section 1 shall read:

1. **THE VERMILLION CHAMBER OF COMMERCE**, current fee owners, as a result of a land transfer from the City of Vermillion of the following described real estate, namely Lots 2-5, Block 6; Lots 4-8, Block 7 and Outlot B, Block 6, all in Erickson Addition to the City of Vermillion, Clay County, South Dakota, make the following declarations as to limitations, restrictions, and uses to which the lots constituting said addition may be put, hereby specifying that said declarations shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and all persons claiming under it, and for the benefit of and limitations upon all future owners of real estate in said addition, this declaration of restrictions being designed for the purpose of keeping said addition desirable, uniform and suitable in architectural design and use as herein specified.

Lots 2-5 Block 6 and Lot 8, Block 7, Erickson Addition to the City of Vermillion, City Council, Vermillion Chamber of Commerce, South Dakota are Zoned GB, General Business and Lots 4-7, Block 7, and Outlot B, Block 6, Erickson Addition to the City of Vermillion, Clay County, South Dakota are zoned GI, General Industrial.

Amended Section 3 shall read:

3. **LAND USE AND BUILDING TYPE.** Commercial building is constructed in accordance with City Zoning Ordinance. For Lots 2-5, Block 6, and Lot 8, Block 7, all sides of a building facing a street must be finished in the same design scheme and texture with not more than 25% being metal. For lots 4, and 5, and Block 7, and any Lot in Outlot B, Block 6, excluding the west 300 feet, all sides of a building facing a street must be finished in the same design scheme and texture with not more than 50% being metal. For Lots 6 and 7, Block 7 and the west 300 feet of Outlot B, Block 6, all sides of a building facing a street must be finished in the same design scheme and texture with not more than 75% being metal.

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF CLAY)

On this the 4th day of June, 2013, before me, the undersigned officer, personally appeared John E. (Jack) Powell, who acknowledged himself to be the Mayor of the CITY OF VERMILLION, and that he as such Mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as Mayor.

John E. (Jack) Powell, Mayor

Notary Public- South Dakota

Comm. Expires: _____

(SEAL)

Council Agenda Memo

From: John Prescott, City Manager

Meeting: May 20, 2013

Subject: Street Closure Request – Kidder Street from Market Street to Court Street on July 24 and 25, 2013 for Old Lumber Company and Make-A-Wish

Presenter: John Prescott

Background: Chad Grunewaldt with the Old Lumber Company is planning a special event to raise funds for Make-A-Wish. To facilitate the event, he submitted a request to close a portion of Kidder Street from Noon on July 24, 2013 to 2:00 a.m. for the parking of motorcycles and a beer garden. For a donation, participants can ride their motorcycle through the Old Lumber Company. The motorcycles would be parked on the closed portion of Kidder Street. The permit to consume alcohol on the closed portion of Kidder Street is the next agenda item.

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

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

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

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the City Council approve the closure of Kidder Street from Court Street to Market Street on July 24 and 25, 2013, for a Make-A-Wish event at the Old Lumber Company.

Request to Close Public Street

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

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

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

Organization Requesting Old Lumber Company Grill and Bar

Contact Person Chad Grunwaldt Phone 605-280-3570

Contact Person Address P.O. 568

Event Make-A-Wish Event Date(s) of Event July 24th

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

Street Kidder St from Market St to Court St
24th 25th

Street Closing Times Noon to 2 a.m.

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

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

garbage cans would be out and taken down the night of event, they would also be placed at the exits.

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

Signature of applicant  date 5-28-13

Council Agenda Memo

From: Mike Carlson

Meeting: June 3, 2013

Subject: Permit for Consumption on portion of Kidder Street on July 25, 2013 for Old Lumber Company, Inc

Presenter: Mike Carlson

Background: Chad Grunewaldt plans to host an event for Make-A-Wish at the Old Lumber Company, Inc. on July 24th. As noted with the previous agenda item, the plan is to close Kidder Street from Market Street to Court Street to park motorcycles and serve as a beer garden for Old Lumber company patrons.

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

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

The event will include a motorcycle ride through the Old Lumber Company with the street closing to provide for the parking of the motorcycles. Anticipating that event and bar patrons will want to view the motorcycles, Chad requested a permit to allow the consumption but not the sale of alcohol on a public street.

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

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

- Require a Release and Indemnification to hold the City harmless from claims.
- Certificate of insurance naming the City as an additional insured for the event.
- Require the applicant identify and utilize a fenced area where alcoholic beverages may be consumed but not sold, as well as a plan to monitor the entrances and exits from this area to ensure that those under the age of 21 are allowed. The applicant will need to coordinate the fencing and security plan with the Police Department in advance of the event.
- Require a plan for the cleanup and disposal of materials after the event.
- The hours consumption will be allowed will need to be stated. The statute provided the permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. The street closing is from noon on July 24th to 2:00 a.m. on July 25th. Will need to ask Chad the time he wants to allow consumption as the area will need to be monitored during all hours consumption is allowed.

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

Financial Consideration: None

Conclusion/Recommendations: Administration would recommend approval of the special permit contingent upon the Old Lumber Company, Inc. complying with the conditions listed above as adjusted by the City Council.

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: June 3, 2013
Subject: Baler Procurement and Installation Project
Presenter: Jose Dominguez

Background: The Landfill baler building and all of the bailing equipment were lost during a fire on October 22, 2012. Due to the loss the City has been in the process of purchasing new bailing equipment. This equipment consists of a baler and a conveyor.

The City and the insurance carrier agreed on a replacement cost of \$953,000 for a new baler and a new conveyor. This amount also includes the installation cost.

Bids were opened May 21, 2013. The City sent requests for bids to five vendors. From this, the City only received three bids from two vendors. The low bid was from IBC for the amount of \$906,830.71. The other two bids from RSC were for \$1,039,071 and \$1,029,671. The bids mentioned above include the base bid, which is the baler and conveyor, and the three alternates. The alternates are #1 of a wire tie system, #2 for recommended spare part inventory and #3 for a maintenance service agreement.

Discussion: The specifications for the equipment were written in such a way as to eliminate as much as possible the chance of acquiring new equipment that was not proven in the field. One of the ways that this was done was by having equipment from acceptable manufacturers. The City compiled a list of five acceptable bailers and two acceptable conveyors. If a vendor wanted to propose equipment from a different manufacturer, the vendor would have had to contact the City, or Consultant, for prior approval.

The low bid received had an approved bailer, an IBC; however, the conveyor, a KWS, was not on the approved list. The vendor never received an approval to utilize the conveyor in the bid. Furthermore, the conveyor is from a less well-known manufacturer and does not meet critical items of the required specifications (e.g. no rail on the return rack and the belt side wing is part of the chain and not welded to the pan).

Both of the other two bids included a Harris bailer. However, the bailer was either paired with a Mayfran or a Hustler conveyor. The bailer and both of the conveyors are in the

6. Bid Openings; item a

approved list and they also meet all of the critical specifications. Additionally, the proposed conveyors are from well know manufacturers (the previous conveyor at the landfill was a Mayfran purchased in 2003).

Financial Consideration: This project was not budgeted for in 2013 as the fire had not yet taken place. The money collected from the insurance company will be used to cover the cost of the project. The acquisition of the baler will be adjusted for during this year's budget revision process in September. At this point it is estimated that the budget will have to be revised by \$41,999 in addition to the \$953,000 from the insurance company.

Conclusion/Recommendations: Administration recommends purchasing a Harris bailer with a Hustler conveyor with bid alternate no. 3 from Recovery Systems Co. Inc., for the amount of \$994,999.00.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 3, 2013

Subject: Replacement of the Traffic Signal Pole at North University and East Cherry Streets

Presenter: Jose Dominguez

Background: On the night of January 28, 2013 a semi-truck struck the traffic signal pole at the northwest corner of East Cherry and North University Street. The truck damaged the traffic signal pole, three signal heads and the pedestrian push button pole. Soon after the accident the DOT and the signal pole manufacturer, Millerbernd Manufacturing Company, were contacted to see if the damage to the pole was significant enough to merit replacement. Both of the entities contacted responded by saying that the pole should be replaced since it was damaged enough to minimize its structural integrity.

The trucker's insurance carrier, Manitoba Public Insurance, was contacted regarding the accident. After several conversations, the insurance company to reimburse the City based upon estimates \$40,564.85 for the replacement of the damaged items. A check for this amount has already been received by the City. In addition to this contract the City Electric Department incurred \$2,031.50 of costs to the signal, a replacement pole has been ordered for \$3,610 and \$5,065. of other repair parts have been received.

Bids were opened May 30, 2013. One bid was received. The bid was from Muth Electric, for the amount of \$22,245.00.

Discussion: Request for bids were sent to six contractors already prequalified by the DOT to do signal type work for the State. Although the engineer's estimate for the proposed work was less than \$50,000 the decision to request bids as opposed to quotes was due to the fact that the proposed work would take place later in the year. Scheduling later in the year typically tends to raise the cost of projects.

Financial Consideration: This project was not budgeted for in 2013. The money collected from the insurance company will be used to cover the cost of the project. The budget will be adjusted during this revision process in September.

9. Bid Opening; item b

Conclusion/Recommendations: Administration recommends awarding the project to Muth Electric for the amount of \$22,245.00.

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: June 3, 2013
Subject: 2013 Miscellaneous Concrete Project
Presenter: Jose Dominguez

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

Bids were opened May 29, 2012. The City send request for bids to six contractors. From those request to bid, the City only received two bids. The low bid was from Martinson Construction for the amount of \$50,723.21. The high bid was for \$51,318.47.

Discussion: Bidding is required by State law when the cost of the project is estimated to exceed \$50,000. This project was estimated to cost \$53,500, which is more than the bid limit.

Financial Consideration: \$50,000 was budgeted for this project. The detectable warning panels required by ADA at handicap ramps are also purchased from this line item. The additional amount required to pay for project will be added during budget revision time.

Conclusion/Recommendations: Administration recommends awarding the project to Martinson Construction for the amount of \$50,723.21.

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: June 3, 2013

Subject: 2013 Stump Grinding Project

Presenter: Jose Dominguez

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 24, 2013 for stump grinding services. Four requests for quotes were sent out, and two were returned to the City. The low quote was from Gary's Tree Service for the amount of \$4,377.50. The high quote was for \$5,285.00.

Discussion: Quote specifications were sent to four 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 2013 Budget. The funds come from the street maintenance.

Conclusion/Recommendations: Administration recommends awarding the project to Gary's Tree Service for the amount of \$4,377.50

CITY OF VERMILLION
 INVOICES PAYALBE-JUNE 3, 2013

| | | |
|---|------------------------|-----------|
| 1 A & B BUSINESS, INC | MAINTENANCE | 526.85 |
| 2 A-OX WELDING SUPPLY CO | SUPPLIES | 714.72 |
| 3 ADAPCO, INC | SUPPLIES | 1,707.12 |
| 4 ADVANCED WEIGHING SYSTEMS | ANNUAL SUPPORT | 1,550.00 |
| 5 ALLEGIANT EMERGENCY SERVICE | REPAIRS | 1,766.20 |
| 6 AMERICAN BOOK RETURNS | BOOK DROP BOX | 4,201.00 |
| 7 APEX EQUIPMENT, LLC | REPAIRS | 359.23 |
| 8 APPEARA | SUPPLIES | 139.69 |
| 9 AQUA-PURE INC | CHEMICALS | 4,180.00 |
| 10 ARAMARK UNIFORM SERVICES | UNIFORM CLEANING | 194.18 |
| 11 ARGUS LEADER MEDIA #1085 | SUBSCRIPTION | 48.00 |
| 12 AUDIO GO | BOOKS | 80.00 |
| 13 AWE DIGITAL LEARNING SOLUTIONS | EARLY LITERACY STATION | 2,771.00 |
| 14 AWWA | MEMBERSHIP DUES | 170.00 |
| 15 BAKER & TAYLOR BOOKS | BOOKS | 1,397.96 |
| 16 BARKLEY ASPHALT | ASPHALT | 297.07 |
| 17 BARNES DISTRIBUTION | SUPPLIES | 191.43 |
| 18 BIRSCHBACH EQPT & SUPPLY | PARTS | 5,784.40 |
| 19 BILLION AUTO | REPAIRS | 1,463.27 |
| 20 BLACKBURN MANUFACTURING CO | SUPPLIES | 157.56 |
| 21 BOMGAARS | BATTERY | 99.99 |
| 22 BORDER STATES ELEC SUPPLY | SUPPLIES | 1,396.50 |
| 23 BOUND TREE MEDICAL, LLC | SUPPLIES | 1,376.08 |
| 24 BROADCASTER PRESS | ADVERTISING | 42.00 |
| 25 BROWN TRAFFIC PRODUCTS | SUPPLIES | 616.50 |
| 26 BRUNICKS SERVICE INC | PROPANE | 38.00 |
| 27 BSN SPORTS INC | SUPPLIES | 118.49 |
| 28 BUSHNELL OUTDOOR PRODUCTS | MERCHANDISE | 1,489.16 |
| 29 BUTLER MACHINERY CO. | PARTS/REPAIRS | 4,484.31 |
| 30 CALLAWAY GOLF | MERCHANIDSE | 271.81 |
| 31 CAMPBELL SUPPLY | SUPPLIES | 3,150.01 |
| 32 CANNON TECHNOLOGIES, INC | SUPPLIES | 2,499.36 |
| 33 CASK & CORK | MERCHANDISE | 632.38 |
| 34 CBCINNOVIS, INC | TESTING | 13.40 |
| 35 CENTURY BUSINESS LEASING, | COPIER LEASE | 138.25 |
| 36 CENTURYLINK | TELEPHONE | 737.86 |
| 37 CHESTERMAN CO | SUPPLIES | 1,464.29 |
| 38 CITY DIRECTORIES | BOOKS | 405.00 |
| 39 CITY OF VERMILLION | POSTAGE/COPIES | 1,428.97 |
| 40 CITY OF VERMILLION | UTILITY BILLS | 35,236.86 |
| 41 CLAY CO REGISTER OF DEED | FILING FEE | 30.00 |
| 42 CLAY COUNTY DIRECTOR OF EQUALIZATION | PICTOMETRY | 4,161.22 |
| 43 CLAY RURAL WATER SYSTEM | WATER USAGE | 42.20 |
| 44 CLIMATE SYSTEMS, INC | MAINTENANCE | 1,450.00 |
| 45 CLUBHOUSE HOTEL & SUITES | LODGING | 268.00 |
| 46 COFFEE KING, INC | SUPPLIES | 57.75 |

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| 47 COLONIAL LIFE ACC INS. | INSURANCE | 2,856.72 |
| 48 CONCRETE MATERIALS | CONCRETE | 806.00 |
| 49 CONSTRUCTED CONCEPTS | REPAIRS | 51.00 |
| 50 CULLIGAN WATER | BOTTLED WATER | 78.00 |
| 51 D-P TOOLS | SUPPLIES | 24.75 |
| 52 DAKOTA BEVERAGE | MERCHANDISE | 11,344.05 |
| 53 DAKOTA PC WAREHOUSE | PROJECTOR/SUPPLIES | 1,069.94 |
| 54 DAKOTA RIGGERS & TOOL SUPPLY | SUPPLIES | 1,756.00 |
| 55 DANKO EMERGENCY EQUIPMENT | SUPPLIES | 1,106.35 |
| 56 DAVIS PHARMACY | CAMERAS | 1,839.96 |
| 57 DELTA DENTAL PLAN | INSURANCE | 5,828.76 |
| 58 DEMCO | SUPPLIES | 1,936.19 |
| 59 DENNIS MARTENS | MAINTENANCE | 833.34 |
| 60 DEPT OF REVENUE | TESTING | 195.00 |
| 61 DGR ENGINEERING | PROFESSIONAL SERVICES | 11,018.00 |
| 62 DIAMOND VOGEL PAINTS | SUPPLIES | 49.88 |
| 63 DIANE'S GREENHOUSE | PLANTS | 471.33 |
| 64 DIVERSIFIED INSPECTIONS | INSPECTIONS | 1,092.00 |
| 65 DUST TEX | SUPPLIES | 66.98 |
| 66 E.A SWEEN COMPANY | SUPPLIES | 150.46 |
| 67 EAGLES | ADVERTISING-CONVENTION BOOK | 30.00 |
| 68 EARTHGRAINS BAKING CO'S IN | SUPPLIES | 177.27 |
| 69 ECHO ELECTRIC SUPPLY | SUPPLIES | 1,600.30 |
| 70 EDC EDUCATIONAL SERVICES | BOOKS | 266.49 |
| 71 ELECTRONIC ENGINEERING | SUPPLIES | 317.50 |
| 72 EMBROIDERY & SCREEN WORKS | EMBROIDERY | 116.60 |
| 73 ENVIRONMENTAL PRODUCTS | PARTS | 91.48 |
| 74 ERIC BIRKELAND | MEALS REIMBURSEMENT | 40.00 |
| 75 EZ-LINER INDUSTRIES | PARTS | 302.36 |
| 76 FARMER BROTHERS CO. | SUPPLIES | 40.67 |
| 77 FAST AUTO GLASS | WINDSHIELD | 250.00 |
| 78 FASTENAL COMPANY | SUPPLIES | 647.26 |
| 79 FEDEX. | SHIPPING | 23.22 |
| 80 FOREMAN MEDIA | COUNCIL MTG | 100.00 |
| 81 GALE | BOOKS | 638.77 |
| 82 GAYLORD BROS INC | SUPPLIES | 96.69 |
| 83 GEMPLERS INC | SUPPLIES | 70.90 |
| 84 GENERAL TRAFFIC CONTROLS | SUPPLIES | 87.81 |
| 85 GENTLE TOUCH CARPET CARE | CARPET CLEANING | 40.11 |
| 86 GOVERNMENT FINANCE OFFICERS ASSOC | ANNUAL REPORT | 435.00 |
| 87 GRAHAM TIRE CO. | TIRES | 206.90 |
| 88 GRAINGER | PARTS | 93.35 |
| 89 GRAYBAR ELECTRIC | SUPPLIES | 50.52 |
| 90 GRAYMONT CAPITAL INC | SUPPLIES | 7,525.25 |
| 91 GREGG PETERS | FREIGHT | 1,384.50 |
| 92 GREGG PETERS | RENT | 937.50 |
| 93 GUARANTEE OIL CO INC | SUPPLIES | 60.54 |
| 94 GUARANTEE ROOFING & SIDING | REPAIRS | 500.00 |
| 95 GUILDCRAFT, INC | SUPPLIES | 109.11 |

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| 96 HACH CO | SUPPLIES | 892.00 |
| 97 HANSEN LOCKSMITHING | KEYS | 35.00 |
| 98 HAROLD K SCHOLZ CO | SUPPLIES | 600.00 |
| 99 HARTINGTON TREE LLC | TREE | 250.00 |
| 100 HATCH FURNITURE & FLOORING | GLIDER/OTTOMAN | 552.00 |
| 101 HAUFF MID-AMERICA SPORTS | LIFEGUARD SUITS | 504.50 |
| 102 HAWKINS INC | CHEMICALS | 4,593.98 |
| 103 HD SUPPLY WATERWORKS | SUPPLIES | 1,038.06 |
| 104 HDR ENGINEERING, INC | PROFESSIONAL SERVICES | 84,324.14 |
| 105 HEARTLAND AG-BUSINESS GROUP | BOOKS | 33.00 |
| 106 HEIMAN, INC. | SUPPLIES | 1,907.25 |
| 107 HELGET SAFETY SUPPLY, INC | SAFETY EQUIPMENT | 511.62 |
| 108 HELMS & ASSOCIATES | AIRPORT TAXIWAY | 2,016.19 |
| 109 HENDERSONS ULTIMATE CAR WASH | CAR WASH CARD | 50.00 |
| 110 HERREN-SCHEMPP BUILDING | SUPPLIES | 735.81 |
| 111 HILLYARD FLOOR CARE SUPPLY | SUPPLIES | 114.10 |
| 112 HY VEE FOOD STORE | SUPPLIES | 299.07 |
| 113 INDEPENDENCE WASTE | PORTABLE TOILET RENTAL | 1,460.45 |
| 114 INGRAM | BOOKS | 3,170.84 |
| 115 INTERNATIONAL PUBLIC MGMT | TESTING MATERIALS | 402.50 |
| 116 INTERSTATE BATTERIES | BATTERIES | 367.80 |
| 117 JACKS UNIFORM & EQPT | UNIFORM | 1,007.25 |
| 118 JEFF GILBERTSON | WATER HEATER/WIRING REBATE | 305.00 |
| 119 JESSICA WADE | HEALTH CLUB REIMBURSEMENT | 175.00 |
| 120 JIM BALLEWEG | MEALS REIMBURSEMENT | 40.00 |
| 121 JOHN A CONKLING DIST. | MERCHANDISE | 7,002.40 |
| 122 JOHN C. PRESCOTT | MEALS REIMBURSEMENT | 22.00 |
| 123 JOHN WALKER | SAFETY BOOTS REIMBURSEMENT | 100.00 |
| 124 JOHNSON BROTHERS FAMOUS BRANDS | MERCHANDISE | 20,924.64 |
| 125 JOHNSON CONTROLS | SERVICE AGREEMENT | 1,473.14 |
| 126 JOHNSON ELECTRIC | INSTALL LOAD MGMT | 300.00 |
| 127 JONES FOOD CENTER | SUPPLIES | 775.80 |
| 128 JONES LIBRARY SALES, INC | SHELVING | 32,796.55 |
| 129 K-LOG INC | DESKS | 413.26 |
| 130 KALINS INDOOR COMFORT | REPAIRS | 432.61 |
| 131 KARSTEN MFG CORP | MERCHANDISE | 1,134.48 |
| 132 KEY CONTRACTING, INC | MANHOLE COATING | 38,264.00 |
| 133 KNIFE RIVER MIDWEST, LLC | SUPPLIES | 454.35 |
| 134 KNOLOGY | 911 CIRCUIT | 1,365.50 |
| 135 LARRY'S HTG & COOLING, INC | REPAIRS | 450.19 |
| 136 LAWSON PRODUCTS INC | SUPPLIES | 238.64 |
| 137 LAYNES WORLD | MERITORIOUS SERVICE AWARD | 57.03 |
| 138 LEISURE LAWN CARE | PARTS | 62.50 |
| 139 LESSMAN ELEC. SUPPLY CO | SUPPLIES | 1,820.00 |
| 140 LINCOLN MUTUAL LIFE | INSURANCE | 449.00 |
| 141 LOCATORS AND SUPPLIES, INC | SUPPLIES | 195.76 |
| 142 LP GILL, INC | TIRE DISPOSAL | 484.00 |
| 143 MALLOY ELECTRIC | PARTS | 244.86 |
| 144 MARKS MACHINERY | PARTS | 307.78 |

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| 145 MART AUTO BODY | TOWING | 75.00 |
| 146 MATHESON TRI-GAS, INC | OXYGEN | 44.04 |
| 147 MCCULLOCH LAW OFFICE | PROFESSIONAL SERVICES | 1,320.00 |
| 148 MEAD LUMBER | SUPPLIES | 180.81 |
| 149 MEDICAL WASTE TRANSPORT | HAUL MEDICAL WASTE | 189.21 |
| 150 MENARDS | SUPPLIES | 114.97 |
| 151 MERRICK INDUSTRIES | REPAIRS | 1,874.35 |
| 152 MIDWEST ALARM CO | ALARM MONITORING | 63.00 |
| 153 MIDWEST BUILDING MAINTENANCE | MAT SVC | 375.70 |
| 154 MIDWEST READY MIX & EQUIPMENT | FAST TRACK | 623.00 |
| 155 MIDWEST TURF & IRRIGATION | PARTS | 691.31 |
| 156 MILLER LOADERS | SUPPLIES | 658.60 |
| 157 MISSOURI RIVER ENERGY SERVICE | REGISTRATION | 200.00 |
| 158 MISSOURI VALLEY MAINTENANCE | REPAIRS | 1,024.00 |
| 159 MOORE WELDING & MFG | REPAIRS | 2,973.00 |
| 160 MORSES FARM MARKET | PLANTS | 19.25 |
| 161 MOTION PICTURE LICENSING C | LICENSE | 164.37 |
| 162 MOVIE LICENSING USA | LICENSE RENEWAL | 325.00 |
| 163 N B GOLF LLC | GOLF CAR/BEVERAGE UNIT RENTAL | 3,879.11 |
| 164 NATL BUSINESS FURNITURE | CHAIRS | 2,322.00 |
| 165 NATL PEN CORPORATION | SUPPLIES | 293.40 |
| 166 NETSYS+ | REPAIRS | 425.87 |
| 167 NEW YORK LIFE | INSURANCE | 94.02 |
| 168 NORTH CENTRAL RENTAL & LEASING | RENTAL | 353.37 |
| 169 NORTHLAND | SUPPLIES | 388.00 |
| 170 OFFICE OF WEIGHTS & MEASURES | TESTING | 151.00 |
| 171 PAUL CONWAY SHIELDS | FIRE DEPT SHIELDS | 198.40 |
| 172 PAULS PLUMBING | REPAIRS | 515.31 |
| 173 PCC, INC | APRIL COMMISSION | 1,947.38 |
| 174 PGA OF AMERICA | MEMBERSHIP | 1,042.00 |
| 175 PNC EQUIPMENT FINANCE | DEFIBRILLATOR LEASE | 741.27 |
| 176 POMPS TIRE SERVICE, INC. | TIRES | 182.00 |
| 177 PRESTO-X-COMPANY | INSPECTION/TREATMENT | 47.71 |
| 178 PRINT SOURCE | PRINTING | 1,718.65 |
| 179 PUMP N PAK | POLICE FUEL | 1,952.30 |
| 180 QUEEN CITY WHOLESALE | MERCHANDISE | 871.09 |
| 181 QUILL | SUPPLIES | 1,270.46 |
| 182 RACOM CORPORATION | MAINTENANCE CONTRACT | 386.75 |
| 183 RANDOM HOUSE, INC | BOOKS | 75.00 |
| 184 RANDY VOSS | PROFESSIONAL SERVICES | 623.40 |
| 185 RASMUSSEN MOTORS, INC | REPAIRS | 543.58 |
| 186 RECORDED BOOKS, INC | BOOKS | 1,226.70 |
| 187 RECREATION SUPPLY CO. | SUPPLIES | 122.00 |
| 188 REINHART FOODSERVICE, LLC | SUPPLIES | 1,313.02 |
| 189 RELIABLE TOWING & ROADSIDE | TOWING | 80.00 |
| 190 REPUBLIC NATIONAL DIST | MERCHANDISE | 18,044.31 |
| 191 RESCO | SUPPLIES | 688.88 |
| 192 RIVERSIDE HYDRAULICS & LAB | REPAIRS | 80.00 |
| 193 ROOSTER'S HARLEY DAVIDSON | REPAIRS | 170.95 |

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| 194 ROSEWOOD GREENHOUSE | PLANTS | 760.26 |
| 195 SD GOVERNMENTAL FINANCE OFFICERS ASSOC | REGISTRATION | 150.00 |
| 196 SD PUBLIC ASSURANCE ALLIANCE | PROPERTY COVERAGE | 460.00 |
| 197 SD RETIREMENT SYSTEM | CONTRIBUTIONS | 47,029.71 |
| 198 SECURITY SHREDDING SERVICE | SHREDDING CONTAINERS | 35.00 |
| 199 SHI INTERNATIONAL CORP. | SOFTWARE | 378.92 |
| 200 SIOUX FALLS TWO WAY RADIO | REPAIRS | 123.49 |
| 201 SIOUX VALLEY ENVIRONMENTAL | CALIBRATION | 150.00 |
| 202 SIOUXLAND SCALE SERVICE | REPAIRS | 2,008.14 |
| 203 SKARSHAUG TESTING LAB. | TESTING | 446.33 |
| 204 SOOLAND BOBCAT | PARTS | 153.69 |
| 205 SPECIAL T'S AND MORE | UNIFORM T-SHIRTS | 86.75 |
| 206 SPRINT | CAR CHARGERS | 29.97 |
| 207 STAN HOUSTON EQPT CO | SUPPLIES | 213.40 |
| 208 STANLEY SECURITY SOLUTIONS | LOCKS | 753.30 |
| 209 STEFFEN | PARTS | 657.48 |
| 210 STEWART OIL-TIRE CO | REPAIRS | 210.95 |
| 211 STRACHAN SALES, INC | REPAIRS | 235.00 |
| 212 STURDEVANTS AUTO PARTS | PARTS | 1,358.89 |
| 213 TAYLOR MADE | MERCHANDISE | 843.13 |
| 214 TESSMAN SEED COMPANY | LANDSCAPING | 509.48 |
| 215 THATCHER COMPANY | SODA ASH | 13,675.20 |
| 216 THE EQUALIZER | ADVERTISING | 73.75 |
| 217 THE NEW SIOUX CITY IRON CO | PARTS | 160.79 |
| 218 THE OBSERVER | SUBSCRIPTION | 30.00 |
| 219 THE WALKING BILLBOARD | UNIFORMS | 1,530.70 |
| 220 TITAN ACCESS ACCOUNT | PARTS | 82.77 |
| 221 TITLEIST DRAWER CS | MERCHANDISE | 4,066.68 |
| 222 TODDS ELECTRIC SERVICE | INSTALL LOAD MGMT | 25.00 |
| 223 TONI'S WINDOWS ETC | BLINDS | 2,037.00 |
| 224 TRI TECH SALES | PARTS | 104.08 |
| 225 TRUE FABRICATIONS | SUPPLIES | 83.84 |
| 226 TRUE VALUE | SUPPLIES | 406.31 |
| 227 TURNER PLUMBING | PARTS | 6.18 |
| 228 TYLER TECHNOLOGIES | MAINTENANCE | 3,891.66 |
| 229 UNITED LABORTORIES | SUPPLIES | 138.45 |
| 230 UNITED WAY | CONTRIBUTIONS | 365.20 |
| 231 UPSTART | SUPPLIES | 178.14 |
| 232 VERIZON WIRELESS | POLICE COMMUNICATIONS | 212.07 |
| 233 VERMILLION ACE HARDWARE | SUPPLIES | 1,793.83 |
| 234 VERMILLION NOW! | REIMBURSEMENT | 20,745.66 |
| 235 VESSCO, INC | REPAIRS | 9,371.36 |
| 236 VISA/FIRST BANK & TRUST | FUEL/LODGING/SUPPLIES | 11,734.89 |
| 237 VOLANTE | ADVERTISING | 86.25 |
| 238 WALKER CONSTRUCTION | CONCRETE WORK | 1,128.38 |
| 239 WALMART | SUPPLIES | 2,172.95 |
| 240 WALT'S HOMESTYLE FOODS | SUPPLIES | 85.00 |
| 241 WESCO DISTRIBUTION | SUPPLIES | 1,964.58 |
| 242 WESTERN OFFICE TECHNOLOGIES | SUPPLIES | 100.00 |

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| 243 WILLIAMS & CO. | 2012 AUDIT | 18,500.00 |
| 244 YANKTON JANITORIAL SUPPLY | SUPPLIES | 679.73 |
| 245 ZIMCO SUPPLY CO | SUPPLIES | 3,465.00 |
| 246 ZUERCHER TECHNOLOGIES | TELEPHONES/REPAIRS | 1,890.00 |
| | GRAND TOTAL | 573,359.81 |

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

Date: 17 May 13

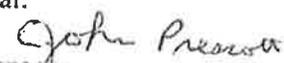
1. Name of organization/group US Veterans Motorcycle Club
Contact person: Name: Jeffrey A Heier Jr (605) 660-8484
2. Date(s) that tickets/chances will be sold: from 27May13 to 07Sep13
Cost of tickets/chances: \$5/chance or 5 chances for \$20
3. Date(s) of drawing(s): 07 Sep 13
4. Can anyone purchase tickets? Yes
5. Will the prize winner(s) be selected at random? Yes X No
6. Description and approximate value of top prize: 16ft canoe \$1500

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

The US Veterans MC would like to sell chances to win a 16' canoe in order to raise funds to support local and state veterans. The canoe to be raffled can be viewed at The Old Lumber Company. Chances will be sold from May 27th to September 7th and the drawing will take place at The Old Lumber Company in Vermillion on September 7th. Chances will be sold at The Old Lumber Company and The Eagles. Chances can also be purchased from members of the US Veterans MC.


Applicant's Signature

Approval:


City Manager

5-28-13
Date



Modern Dairy Bus Tour

Learn how dairy development can help grow your county's economic climate. Tour modern dairies along with Lucas Lentsch, SD Secretary of Ag, and other community leaders to learn more about dairy development on Wednesday, June 12. Transportation and lunch will be provided by Agropur. Come and See what it would look like in your county!

Your Invited to Tour Modern Dairies

Wednesday, June 12

- 9:00am Pick up in Vermillion, SD, The Coffee Cup
- 9:45am Pick up in Beresford, SD, Truck Town Cafe
- 4:45pm Return to Beresford, SD
- 5:30pm Return to Vermillion, SD

Please RSVP by Friday, June 7, 5:00pm

Deeann Bylsma Ph: 712-439-6780 ext. 104
or e-mail deeann.bylsma@agropur.com.

For more information please contact:

Roger Martens, Dairy Development Specialist, ph. 605-520-5443 or e-mail rdrmartens@landolakes.com

Deb Wehde, Field Specialist, ph. 712-578-8877 or e-mail deb.wehde@agropur.com

Tim Czmowski, General Manager, ph. 712-439-6780 ext.102 or e-mail tim.czmowski@agropur.com

Travel Agenda

- A. 11:30am Drive by Global Dairy, Estelline, SD
- B. 12:00pm Tour Drumgoon Dairy, Lake Norden, SD
- C. 1:30pm Drive by Northern Sky Dairy, Brookings, SD
- D. 2:00pm Drive Through Prairie Gold Dairy, Elkton, SD
- E. 3:15pm Tour Moody County Dairy, Garretson, SD



Come Grow With Us!