



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Monday, March 18, 2013

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. March 4, 2013 Special Session; March 4, 2013 Regular Session; March 5, 2013 Special Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

6. Public Hearings

- a. First Reading of Ordinance 1298 - Amending section § 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units.

7. Old Business

8. New Business

- a. First Reading of Ordinance 1297 – Amending Chapter 70, General Traffic and Parking Regulations of the 2008 Revised Ordinances of the City of Vermillion, adding Section 70.057, prohibiting the use of electronic communication devices while operating a motor vehicle.
- b. Request to name portions of the Edith B. Siegrist Vermillion Public Library.
- c. Appointment to the Consolidated Board of Equalization.
- d. Resolution Dissolving Tax Increment District Number Three.

9. Bid Openings

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a bid opening date of April 10, 2013 for the Street Department pickup truck.

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, March 18th 2013
Large Conference Room
City Hall – 25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Educational Session – Draft of the Five Year Capital Improvement Plan – John Prescott.**
3. **Briefing on the March 18, 2013 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

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

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

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

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

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

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

Unapproved Minutes
Council Special Session
March 4, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 4, 2013 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: Davies, Zimmerman

John Prescott, City Manager, introduced Jim Goblirsch as the Parks & Recreation Director.

2. Educational Session - GIS Program - Jose Dominguez & Todd Nordyke

Alderman Ward arrived 12:02 pm.

Jose Dominguez, City Engineer, introduced Todd Nordyke, GIS Technician, who has been implementing the GIS program for the City. Jose noted that the GIS program will allow the City to compile data from the different City departments that can be overlaid onto the city map. The information is then available to all departments. Jose noted that the program started with locating the Water Department curb boxes and fire hydrants and will continue with other utility infrastructure. Todd reviewed the information already included on the city map and demonstrated how the information can be accessed. Todd provided examples of other city maps that show zoning districts, historical buildings, bike routes, city parks and more. Jose reported that the GIS program is a work in progress with the first goal to include all the utility information.

Jose and Todd answered questions of the City Council on the GIS program.

3. Educational Session - Distracted Driving/Texting Ban Discussion - Chief Matt Betzen

Matt Betzen, Police Chief, reported that he had hoped the State Legislature would have enacted a State legislation on distracted driving/texting ban. Matt provided information from the Center for Disease Control and Prevention on distracted driving. The report

noted that there are three main types of distraction: visual, manual and cognitive. The report noted that any of these distractions can endanger the driver and others, texting while driving is especially dangerous because it combines all three types of distraction. Matt noted that 39 states have some type of texting ban on all drivers, 5 other states have texting for younger drivers leaving 6 states including South Dakota that have not addressed this issue. Matt noted that four cities have adopted a local ordinance that is specific to texting (composing, reading or sending electronic messages). Matt handed out the ordinances from Sioux Falls, Brookings, Watertown and Huron noting that the first three are very similar. Matt reviewed the strengths and weaknesses of a local ordinance.

Matt stated that a distracted driving/texting ban is the right thing to do and suggested adoption of a standardized ordinance along with public education and signage.

Matt answered questions of the City Council on distracted driving/texting.

Mayor Powell noted the consensus of the members present was to have staff develop a distracted driving/texting ban ordinance for consideration at a future meeting.

4. Briefing on the March 4, 2013 City Council Regular Meeting Agenda

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

5. Adjourn

058-13

Alderman Osborne moved to adjourn the Council special session at 12:41 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of March, 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
March 4, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on March 4, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Davies, Zimmerman

2. Pledge of Allegiance

3. Minutes

A. February 19, 2013 Special Session; February 19, 2013 Regular Session

059-13

Alderman Willson moved approval of the February 19, 2013 special session minutes and the February 19, 2013 regular session minutes. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

060-13

Alderman Grayson moved approval of the agenda. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation Observing March 2013 as Developmental Disabilities Awareness Month

Alderman Meins read the proclamation for Developmental Disabilities Awareness Month that proclaimed March as "Developmental Disabilities

Awareness Month" in Vermillion. Mayor Powell presented the proclamation to Tiffany Glenn representing People First Vermillion. Tiffany thanked the City Council for the proclamation. Also present representing People First Vermillion were Ed Johnson, Erin Seep, Gerald Curliss and Robby Olson.

B. John Prescott, City Manager, introduced Jim Goblirsch as Parks & Recreation Director. Jim thanked the City Council stating that he is pleased to be selected to lead the Vermillion Parks & Recreation Department.

6. Public Hearings

A. Special daily malt beverage and wine license on or about March 16, 2013 for the Vermillion Area Arts Council at Washington Street

Mike Carlson, Finance Officer, reported that an application was received from the Vermillion Area Arts Council for a special daily malt beverage and wine license on or about March 16th at 202 Washington Street. The Police Chief's report and notice of hearing are included in the packet. Susan Heggstad, representing the Arts Council, is present to answer questions and invited the community to the event.

061-13

Alderman Grayson moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about March 16, 2013 at 202 Washington Street. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Resolution to modify the name of the Vermillion Public Library

John Prescott, City Manager, reported that the library expansion/renovation project is in the final months of construction. John noted that the funding for the \$2.4 million construction contract, architectural services and related construction costs has come from \$1.4 million of second penny sales tax money, a \$200,000 CDBG award, Library Board and a nearly \$1 million dollar gift from the late Edith B. Siegrist. The Library Foundation has also raised \$200,000 for the furnishings. John noted that the Library Board and Library Foundation have submitted a letter requesting modification of the library name to "Edith B. Siegrist Vermillion Public

Library". John noted that the naming request surfaced about the time the City Council's naming policy was being developed and adopted. John stated that the naming policy requires all naming requests to go to the Policies and Procedures Committee for review prior to a recommendation coming to the City Council for action. At the time the gift was made in 2011, the naming policy was not in place. Determining the name for the Library at this time will allow proper signage to be ordered and installed for a building dedication that is tentatively being planned for May 2013. It is also worth noting that Ms. Siegrist did not request the naming of the facility on her behalf. It was suggested as recognition for her sizable gift to the community which allowed the project to happen and as a reflection of her work as a librarian. John stated that the name change requested conforms to the guidelines included in the naming policy for City facilities. John stated that the resolution included is to designate the name of the library as the "Edith B. Siegrist Vermillion Public Library".

062-13

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

RESOLUTION DESIGNATING THE NAME OF
THE VERMILLION PUBLIC LIBRARY AS THE
EDITH B. SIEGRIST VERMILLION PUBLIC LIBRARY

WHEREAS, the Vermillion Library Board has been planning the expansion and renovation of the Vermillion Public Library for a number of years; and

WHEREAS, the expansion and renovation project designed by the Vermillion Library Board exceeded the funds available for the project and as such the project was put on hold pending securing adequate funding to proceed; and

WHEREAS, the generous contribution from Edith B. Siegrist bridged the funding gap to allow the construction and renovation project to proceed; and

WHEREAS, the Board of Trustees of the Vermillion Public Library Board and the Vermillion Public Library Foundation have requested the modification of the library name to recognize the gift made by Edith B. Siegrist; and

WHEREAS, the modification to the library name proposed by the two organizations meets with the content of the naming policy adopted by the City Council.

NOW THEREFORE BE IT RESOLVED, we, the Governing Body of the City of Vermillion, do hereby designate the name of the Vermillion Public Library building as the "EDITH B. SIEGRIST VERMILLION PUBLIC LIBRARY".

Dated at Vermillion, South Dakota this 4th day of March, 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 Grayson. Alderman Collier-Wise read the resolution. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Fireworks Permit for Dance Marathon

Mike Carlson, Finance Officer, reported that a fireworks public display permit was received from the Dance Marathon Committee for a public display on Saturday, March 23rd south of the high school between 9:45 p.m. and 10:15 p.m. James and Tom Taylor are in charge of the display and have met with the Fire Chief about the permit. Ashley Nelson, Dance Marathon Entertainment Committee Co-Chair, reported on the events planned for the 24 hour dance marathon at the high school which includes the fireworks display scheduled for 9:45 p.m. to 10:15 p.m. on March 23rd.

063-13

Alderman Ward moved approval of the fireworks public display permit for the Dance Marathon on March 23rd south of the high school between 9:45 p.m. and 10:15 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

C. Resolution authorizing the purchase of a motor grader

Jose Dominguez, City Engineer, reported that the replacement of the 1998 Cat 120H motor grader was included in the 2013 equipment replacement fund budget. The resolution is to purchase a larger machine being a Cat 140M2 motor grader from the Spink County bid for \$258,240 from Butler Machinery Company. Butler Machinery Company has agreed to honor the bid price for the City purchase. Jose reviewed the benefits of the larger machine and recommended that the difference in price be transferred to the equipment replacement fund from the Street Department to balance the fund. Jose noted that information on this purchase was previously presented to the City Council.

064-13

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

RESOLUTION
AUTHORIZING THE PURCHASE OF
A MOTOR GRADER

WHEREAS, SDCL 5-18-18 authorizes a governmental entity to purchase necessary supplies from the lowest responsible bidder of another governmental entity or State at the accepted bid price and the concurrence of said bidder, and;

WHEREAS, the City of Vermillion has reviewed and determined that the 2012 bid awarded by Spink County, South Dakota for a motor grader from Butler Machinery Company for the base bid of \$258,240 offers an advantageous price to the City for said item, and;

WHEREAS, the City has contacted Butler Machinery Company and they have agreed to allow the City to purchase a motor grader for the awarded price and terms as they have contracted with Spink County, South Dakota in October 2012.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase a 2013 Caterpillar 140M2 AWD motor grader from Butler Machinery Company of Sioux Falls, South Dakota at the above stated price and under the same terms as the Spink County, South Dakota 2012 bid to be delivered after April 2013.

Dated at Vermillion, South Dakota this 4th day of March, 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 Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Presentation of the 2012 Annual Financial Report

Mike Carlson, Finance Officer, reviewed the 2012 unaudited Financial Report for the City and answered questions of the City Council on the report. Mike noted that the City Council will need to acknowledge receipt of the report and a copy will be sent to the Department of Legislative Audit. The report will be audited by Williams & Company later this year.

065-13

Alderman Grayson moved to acknowledge receipt of the 2012 Annual Financial Report. Alderman Ward seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Brunick's Service on items 1 and 3 noting that the quotes on item 2 were a tie. Mayor Powell suggested that, as Brunick's Service was low on items 1 and 3, that the tie be awarded to Brunick's Service on item 2.

4,350 gal. unleaded 10% ethanol: Stern Oil \$3.36, Brunick's Service \$3.30; 1,500 gal. average cost of No. 1 and No. 2 diesel fuel-dyed: Stern Oil \$3.37, Brunick's Service \$3.37; 500 gal. average cost of No. 1 and No. 2 diesel fuel-clear: Stern Oil \$3.60, Brunick's Service \$3.57

066-13

Alderman Ward moved approval of the low quote of Brunick's Service on Item 1 and 3 and to award the tie on item 2 to Brunick's Service as they were low on the other two items. Alderman Grayson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported on the Joint Jurisdictional meeting with the Clay County Commission on Tuesday, March 5th at 6:00 p.m. in the City Council Chambers for consideration of an ordinance change to the minimum lot size.

B. John reported that the Municipal League District 3 meeting is in Dell Rapids on Wednesday, March 27th and asked interested Council members to let him know for registration.

C. John reported on the receipt of the following raffle notifications:

Delta Sigma Pi is selling \$5 tickets from February 27th to March 20th for a flat screen TV. The drawing is on March 21st with the proceeds utilized as part of the general fundraising efforts of the fraternity.

Fraternal Order of Eagles will be selling \$10 raffle tickets from March 11th to September 7th for a 2013 Polaris Sportsman 500 Quad. Proceeds will benefit charitable causes supported by the Eagles.

D. John reported that at last meeting feedback was received from rental property owners about the rental housing code as it applied to the HVAC systems. John stated that, in preparation for appointing a citizens committee to review this issue, he had developed a charge for the committee that he reviewed for the City Council. John noted that he had been in contact with Glynis Erickson who felt the main concern was the HVAC requirement but that he had provided in the charge the ability to address two other issues if the committee had time. John asked the City Council if the charge was acceptable then he would move forward with appointing a committee. Discussion followed with the consensus to move forward.

PAYROLL ADDITIONS AND CHANGES

Police: Bryan Beringer \$20.66/hr; Ambulance: Merritt Groh \$31.21/1st-\$17.69/2nd, Cody Jansen \$30.60/1st-\$17.34/2nd, Tyler Schimmel \$6.00/1st-\$6.00/2nd, Laura Wiemers \$30.00/1st-\$17.00/2nd; Parks & Rec: James Goblirsch \$29.21/hr; Landfill: Kyle Paulson \$15.25/hr

11. Invoices Payable

067-13

Alderman Grayson moved approval of the following invoice:

UNIVERSITY CLEANERS

PROFESSIONAL SERVICES

72.00

Alderman Willson seconded the motion. Alderman Meins requested to abstain. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

068-13

Alderman Grayson moved approval of the following invoices:

A & B BUSINESS, INC	MAINTENANCE CONTRACT	270.03
ANDY COLVIN	MEALS REIMBURSEMENT	23.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	244.25
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	47.40
ATCO INTERNATIONAL	SUPPLIES	250.95
AUDIO GO	BOOKS	120.00
AUSTIN ANDERSON	SAFETY BOOTS REIMBURSEMENT	100.00
AUTOMATIC BUILDING CONTROL	INSPECTION	167.00
BAKER & TAYLOR BOOKS	BOOKS	1,072.68
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	3,118.50
BARNES DISTRIBUTION	SUPPLIES	273.19
BATTERIES PLUS	BATTERY	30.95
BENCHMARK FOAM INC	PITCHING MOUND	1,880.00
BEST WESTERN RAMKOTA	LODGING	431.94
BEST WESTERN RAMKOTA HOTEL	LODGING	1,033.89
BETTER CONTAINERS MFG	SUPPLIES	253.34
BOBS SINCLAIR SERVICE	WASHER FLUID	6.00
BOMGAARS	SUPPLIES	490.93
BORDER STATES ELEC SUPPLY	PARTS	153.32
BOUND TREE MEDICAL, LLC	SUPPLIES	1,079.51
BROWN TRAFFIC PRODUCTS	REPAIRS	1,789.00
BRUNICK FURNITURE & FLOORING	CHAIRS	3,000.00
BUTLER MACHINERY CO.	PARTS	2,680.34
BW INSURANCE AGENCY, INC	NOTARY BOND	130.00
C&H DISTRIBUTORS, INC	ALUM DOCK BOARD	1,757.86
CAMPBELL SUPPLY	SUPPLIES	4,177.44
CANFIELD BUSINESS INTERIOR	TABLES	962.40
CASK & CORK	MERCHANDISE	397.10
CDW GOVERNMENT, INC	SUPPLIES	42.00
CENTER POINT LARGE PRINT	BOOKS	101.35
CENTRAL STATES WIRE PRODUCTS	SUPPLIES	1,729.00
CENTURY BUSINESS LEASING, INC	COPIERS LEASE	138.25
CENTURYLINK	TELEPHONE	737.11
CERTIFIED LABORATORIES	SUPPLIES	333.83

CHEMSEARCH	SUPPLIES	339.07
CITY OF VERMILLION	COPIES/POSTAGE/LANDFILL	3,743.24
CITY OF VERMILLION	UTILITY BILLS	37,608.93
CLAY RURAL WATER SYSTEM	WATER USAGE	37.10
COLONIAL LIFE ACC INS.	INSURANCE	2,924.19
CONTINENTAL RESEARCH CORP	SUPPLIES	1,453.59
CRYSTAL BRADY	GYM REIMBURSEMENT	170.31
CURT HAAKINSON	MEALS REIMBURSEMENT	52.00
CUSTOM UPHOLSTERY BY DIANNE	COVER CHAIRS/OTTOMAN	2,367.45
D-P TOOLS	SUPPLIES	162.94
DAKOTA BEVERAGE	MERCHANDISE	8,444.89
DAKOTA PC WAREHOUSE	SUPPLIES/REPAIRS	807.90
DAKOTA PUMP INC	PARTS	5,037.65
DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	390.00
DAKOTA SUPPLY GROUP	SUPPLIES	164.15
DANKO EMERGENCY EQUIPMENT	REPAIRS	3,126.37
DELTA DENTAL PLAN	INSURANCE	5,831.44
DEMCO	SUPPLIES	385.88
DENNIS MARTENS	MAINTENANCE	833.34
DGR ENGINEERING	PROFESSIONAL SERVICES	8,577.45
DORSEY & WHITNEY	BOND COUNSEL REFUNDING	10,000.00
DRIVERS LICENSE GUIDE CO	ID CHECKING GUIDE	61.85
DUST TEX	SUPPLIES	56.75
EARTHSPIRITS.NET, INC	POLICE BIKE	694.00
ECHO ELECTRIC SUPPLY	SUPPLIES	798.75
ELECTRONIC ENGINEERING	SUPPLIES	582.90
EMERGENCY MEDICAL PRODUCTS	SUPPLIES	430.00
FARMER BROTHERS CO.	SUPPLIES	81.34
FEDEX.	SHIPPING	11.47
FIREGUARD INC	TESTING	278.00
FOREMAN MEDIA	COUNCIL MTGS	120.00
FRED HAAR CO, INC	REPAIRS	439.00
GALE	BOOKS	126.35
GEAR FOR SPORTS	MERCHANDISE	154.34
GRAINGER	PARTS	253.25
GREG SIGNS	WINDOW LETTERING	193.00
GREGG PETERS	FREIGHT	1,641.25
GREGG PETERS	RENT	937.50
HD SUPPLY WATERWORKS	SUPPLIES	7,833.23
HEIMAN, INC.	BUNKER GEAR	16,296.80
HEINE ELECTRIC & IRRIGATION	REPAIRS	8,492.00
HELMS & ASSOCIATES	AIRPORT TAXIWAY	13,067.15
HENDERSONS ULTIMATE CAR WASH	CAR WASHES	100.00

HERREN-SCHEMPP BUILDING	SUPPLIES	145.95
HILLYARD FLOOR CARE SUPPLY	SUPPLIES	61.14
HY VEE FOOD STORE	SUPPLIES	147.23
INDEPENDENCE WASTE	WASTE HAULING	747.00
INDEPENDENT VIKING GLASS	REPAIRS	213.27
INGRAM	BOOKS	2,661.75
JACKS UNIFORM & EQPT	UNIFORM	2,881.39
JASON ANDERSON	MEALS REIMBURSEMENT	23.00
JIM BALLEWEG	SAFETY BOOTS REIMBURSEMENT	100.00
JOHN A CONKLING DIST.	MERCHANDISE	5,779.80
JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	19,037.92
JOHNSON CONTROLS	REPAIRS	1,334.93
JOHNSON FEED, INC	TIRES	655.78
JONES FOOD CENTER	SUPPLIES	722.81
JOSE DOMINGUEZ	MEALS REIMBURSEMENT	23.00
KARSTEN MFG CORP	MERCHANDISE	686.80
KNOLOGY	911 CIRCUIT	1,365.50
LAKE REGION CONTRACTING, INC	HAUL SNOW	240.00
LAKESIDE EQUIPMENT	SUPPLIES	93.00
LARGE PRINT OVERSTOCKS	BOOKS	47.51
LAWSON PRODUCTS INC	SUPPLIES	311.62
LAYNES WORLD	AWARDS	253.98
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	1,497.36
LESSMAN ELEC. SUPPLY CO	SUPPLIES	513.25
LEXINGTON CORP	FURNITURE	230.00
LINCOLN MUTUAL LIFE	INSURANCE	452.99
LOCATORS AND SUPPLIES, INC	SUPPLIES	570.26
LONGS PROPANE INC	PROPANE	3,837.24
MARK CLARK	MEALS REIMBURSEMENT	151.00
MARKS MACHINERY	PARTS	41.42
MART AUTO BODY	TOWING	1,050.00
MATHESON TRI-GAS, INC	SUPPLIES	2,667.94
MATT PARROTT & SONS CO.	SUPPLIES	600.20
MC2, INC	PARTS	7,702.29
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	656.45
MEAD LUMBER	SUPPLIES	913.30
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	169.24
MICRO MARKETING ASSOC	BOOKS	90.12
MIDWEST ALARM CO	ALARM MONITORING	135.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	537.25
MIDWEST READY MIX & EQUIP	EXCAVATOR RENT	700.00
MIDWEST TURF & IRRIGATION	PARTS/MOWERS	68,147.78
MIDWEST WHEEL COMPANIES	SUPPLIES	61.38

MISSOURI VALLEY MAINTENANCE	REPAIRS	961.90
MOORE WELDING & MFG	SUPPLIES	123.92
MOTION INDUSTRIES, INC	PARTS	914.41
NATHAN GOETTE	GYM REIMBURSEMENT	150.00
NATL FIRE PROTECTION ASSOC	SUBSCRIPTION	1,466.18
NCL OF WISCONSIN, INC	SUPPLIES	315.05
NETSYS+	PROFESSIONAL SERVICES	450.00
NEW YORK LIFE	INSURANCE	94.02
NORTH CENTRAL RENTAL & LEASING	EQUIP RENTAL	420.00
NORTHERN SAFETY CO. INC	SUPPLIES	105.21
OFFICE SYSTEMS CO	SUPPLIES	141.05
ORIENTAL TRADING CO	SUPPLIES	70.75
OVERHEAD DOOR OF YANKTON	REPAIRS	232.95
PARK GENEALOGICAL BOOKS	SUBSCRIPTION	25.00
PEARSON EDUCATION	SUPPLIES	328.68
PETE LIEN & SONS, INC	CHEMICALS	4,501.20
PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POMPS TIRE SERVICE, INC.	TIRES	16,420.00
PRECISION PAINTING	INTERIOR PAINTING	552.84
PRESSING MATTERS	SUPPLIES	464.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	95.26
PRINT SOURCE	SUPPLIES	98.00
PROGRESSIVE MEDICAL INTERNAT	BATTERIES	338.00
PUBLIC SAFETY GROUP	REGISTRATION ONLINE CLASS	338.00
PUMP N PAK	FUEL CHARGES	2,434.59
QUEEN CITY WHOLESALE	MERCHANDISE	277.13
QUILL	SUPPLIES	895.08
RACOM CORPORATION	MAINTENANCE CONTRACT	4,053.00
RANDOM HOUSE, INC	BOOKS	30.00
RANDY ISAACSON	MEALS REIMBURSEMENT	52.00
RASMUSSEN MOTORS, INC	PARTS	219.47
RECORDED BOOKS, INC	BOOKS	871.70
REPUBLIC NATIONAL DIST	MERCHANDISE	25,316.33
RESCO	ELECT DEPT SWITCH	32,357.00
ROBIN HOWER	MEALS REIMBURSEMENT	84.00
SANITATION PRODUCTS	PARTS	661.96
SD ENGINEERING SOCIETY	MEMBERSHIP DUES	115.00
SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	100.00
SD RETIREMENT SYSTEM	CONTRIBUTION	47,184.84
SERVALL TOWEL & LINEN	SHOP TOWELS	29.40
SERVICES UNLIMITED INC	REPAIRS	1,126.38
SIOUX FALLS TWO WAY RADIO	REPAIRS	229.94

STANLEY SECURITY SOLUTIONS	SUPPLIES	727.19
STEFFEN	PARTS	53.56
STERN OIL CO.	SUPPLIES	1,978.28
STUART C. IRBY CO.	SUPPLIES	133.86
STURDEVANTS AUTO PARTS	PARTS	1,487.57
TAYLOR MADE	MERCHANDISE	42.82
THATCHER COMPANY	SODA ASH	14,247.20
THE EQUALIZER	ADVERTISING	121.60
THE NEW SIOUX CITY IRON CO	SUPPLIES	177.74
THE WALKING BILLBOARD	T-SHIRTS & UNIFORMS	787.25
TITAN ACCESS ACCOUNT	PARTS	1,164.11
TODAYS DISTRIBUTOR	REPAIRS	1,020.00
TOM KRUSE	MEALS REIMBURSEMENT	52.00
TRI-B-TRIM SHOP	REPAIRS	465.00
TRUE VALUE	SUPPLIES	329.20
TYLER TECHNOLOGIES	SOFTWARE MAINTENANCE	18,873.93
ULTRAMAX	SUPPLIES	597.00
UNITED WAY	CONTRIBUTIONS	365.20
UPSTART	SUPPLIES	1,342.80
US POSTAL SERVICE	STAMPED ENVELOPES	553.90
VALIANT VINEYARDS	MERCHANDISE	55.00
VERIZON WIRELESS	POLICE COMMUNICATION	223.80
VERMEER HIGH PLAINS	LOCATOR PACKAGE	20,500.00
VERMILLION ACE HARDWARE	SUPPLIES	454.89
VERMILLION FORD	PARTS	860.02
VETERANS OF FOREIGN WARS	AMERICAN FLAG	32.00
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	7,397.30
WAL-MART COMMUNITY	SUPPLIES	735.17
WELFL CONSTRUCTION CO	LIBRARY EXP/REMODEL	90,365.00
WESCO DISTRIBUTION, INC	SUPPLIES	3,002.03
WH OVER MUSEUM	CONTRIBUTION	15,000.00
WILL'S DRYER & KILN, LLC	SUPPLIES	35.00
YANKTON COMMUNITY LIBRARY	BOOK REPLACEMENT	9.50
YANKTON JANITORIAL SUPPLY	SUPPLIES	289.55
ZEE MEDICAL SERVICE	SUPPLIES	250.70
ZUERCHER TECHNOLOGIES LLC	MAINTENANCE	2,425.00
MASABA INC	BRIGHT ENERGY REBATE	15,820.00

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

12. Consensus Agenda - None

13. Adjourn

069-13

Alderman Osborne moved to adjourn the Council Meeting at 7:40 p.m. Alderman Ward seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 4th day of March, 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 _____.

Unapproved Minutes
Council Special Session
March 5, 2013
Tuesday - 6:00 pm

The special joint session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, March 5, 2013 at 6:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Davies, Willson, Zimmerman

2. Pledge of Allegiance

3. Adoption of Agenda

070-13

Alderman Osborne moved approval of the agenda. Alderman Grayson seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

4. Public Hearings

A. Second reading of Ordinance No. 1296 - Amending Chapter 3, A-1: Agricultural District, Section 3.03, Lot and Yard Regulations of Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion

Mayor Powell stated that this was advertised as a joint City and County public hearing to consider the amendment to the Joint Zoning regulation and opened the hearing.

Cynthia Aden, County Zoning Officer, reported that the entities met in a joint session on December 11, 2012 to consider a zone change request from Mr. Jahn to rezone his property from A-1 to Rural Residential. This would allow Mr. Jahn to split his 2 acre lot into two one acre lots in order to construct a new home. At that time, the joint boards tabled action on the zone change request pending a report from the two Planning Commissions on a proposed amendment to change the minimum lot size within the A-1 district. The Joint Planning Commissions met on February 11, 2013 and forwarded a unanimous recommendation to amend the ordinance and reduce the minimum lot size within the A-1 district. Cynthia stated that the proposed amendment will reduce the minimum lot size within the A-1 district from the current 2 acres to 1 acre. This

will allow property owners to divide their land for small-scale residential uses. In Mr. Jahn's case, this would allow him to replat his land and apply for a conditional use permit to construct a new single-family dwelling. In order to avoid scattered development, the joint zoning ordinance already has provisions for density restrictions in the A-1 District, which is three building eligibilities per ¼ section. Discussion followed on the ordinance.

071-13

Second reading of title to Ordinance No 1296, entitled AN ORDINANCE AMENDING Chapter 3, A-1: Agricultural District, Section 3.03, Lot and Yard Regulations of Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion.

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1296 entitled an ordinance amending Chapter 3, A-1: Agricultural District, Section 3.03, Lot and Yard Regulations of Appendix A, 2012 Joint Zoning Regulations for Clay County and the City of Vermillion was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 19th day of February, 2013 and that the title was again read at this meeting, being a special called joint meeting of the Governing Body on this 5th day of March, 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. 1296

AN ORDINANCE OF THE CITY OF VERMILLION SD, AMENDING CHAPTER 3, A-1: AGRICULTURAL DISTRICT, SECTION 3.03, LOT AND YARD REGULATIONS OF APPENDIX A, 2012 JOINT ZONING REGULATIONS FOR CLAY COUNTY AND THE CITY OF VERMILLION.

BE IT ORDAINED BY THE CITY COUNCIL OF VERMILLION, SD that Section 3.03, of the Joint Zoning Regulations for the Joint Jurisdictional Area of Clay County and the City of Vermillion, is hereby amended to read as follows:

3.03 Lot and Yard Regulations

All measurements shall be taken from the lot line to the building line (see definitions). Where a side yard or rear yard is required, half of the required yard must be maintained as a landscaped area.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height
All Uses	1 acre	75 feet	30 feet	8 feet	25 feet	35 feet

Exceptions

#1 See Adjustments to Yard Regulations (Chapter 12) for specific exceptions.

Dated at Vermillion, South Dakota this 5th day of March, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

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

Motion carried 6 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

5. Adjourn

072-13

Alderman Osborne moved to adjourn the Council Meeting at 6:04 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of March, 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: Farrel Christiansen, Building Inspector

Meeting: March 18, 2013

Subject: First reading of Ordinance 1298 to amend the Country Side Planned Unit Development

Presenter: Andy Colvin, Assistant City Manager

Background: Earlier this winter the City was contacted by Dave Hertz the owner and developer of the Country Side Planned Development District. Mr. Hertz has received inquiries from interested parties in developing Lots 1, 2 & 3 Block 1 in Area B to construct multiple family dwellings. Area B is abutted on the west by Crawford Road, south by Burbank Road, north by Lincoln Way Apartments and east by single family homes on the west side of Brandon Drive. The current development plan for Country Side Planned Unit Development provides for single-family dwellings and duplexes as well as options such as convenience stores, drug stores, markets and retail stores in Area B. However, multiple family dwellings are not a permitted use for Area B. While discussing the limitations and ramifications of each use Mr. Hertz decided to ask the City to consider adding multi-family uses to the development. The Planning Commission considered the amendment on March 11, 2013

Discussion: The proposed ordinance would allow multiple family dwellings in Area B as a permitted use. Lot and yard regulations are proposed similar to those contained in the R-3 residential District. The proposed use is a more restrictive use than the commercial uses currently allowed and the existence of existing multiple family dwellings in the area make the addition seem compatible to the neighborhood. There has been a lot of interest in developing multi-family dwellings and the addition of these lots would allow for the continued expansion of this residential segment. The required notifications were posted and sent to property owners.

At the Planning Commission hearing a number of neighboring property owners expressed concern about adding multiple family uses to Area B. The primary concern centered on the allowable height of apartment complexes. Under the draft presented to the Planning Commission, a height of 45 feet was permitted, which is consistent with other R-3 uses within the City.

6. Public Hearings; item a

After considering public input, the Planning Commission forwarded a recommendation to approve the ordinance with a change to the maximum allowable height to reflect 35 feet. The property owners present the night of the Planning Commission seemed agreeable to the change. The ordinance before the City Council includes this change.

Financial Consideration: Costs would be incurred for the required publications once adopted.

Conclusion/Recommendations: As this is a public hearing, the Council is asked to take public comment and input. Administration would recommend approval of the first reading of Ordinance 1298.

ORDINANCE NO. 1298

An Ordinance amending section § 155.055 Countryside Planned Unit Development, subsection (B) Area B (1) permitted uses and (3) Lot and yard regulations, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota, permitting Multiple family Dwellings and establishing Lot and Yard regulations for dwellings with 3 to 8 units, dwellings with 9 to 12 units and dwellings with over 12 units.

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

That section § 155.055 Countryside Planned Unit Development District subsection (B) Area B be amended to read as follows:

(B) Area B. The purpose of this district is to provide for low impact business, medium-density manufactured homes and residential areas within planned unit developments. All city ordinances apply to the planned unit development except for those modified below.

(1) Permitted uses.

<i>Permitted Uses</i>	<i>Applicable Standards</i>
Single-family <u>detached</u> dwellings	§§ 155.070, 155.072, 155.076, 155.077
<u>Single family attached dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Duplex	§§ 155.070, 155.072, 155.076, 155.077
<u>Two-family attached dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
<u>Multiple family Dwellings</u>	<u>§§ 155.070, 155.072, 155.076, 155.077</u>
Convenience store	§§ 155.070, 155.072, 155.076, 155.077
Drug store	§§ 155.070, 155.072, 155.076, 155.077
Markets	§§ 155.070, 155.072, 155.076, 155.077
Retail stores	§§ 155.070, 155.072, 155.076, 155.077
Accessory Structures	§§ 155.071, 155.082(A) (see definition)

(3) Lot and yard regulations. All measurements shall be taken from the lot line to the building line at the closest point.

	<i>Lot Area</i>	<i>Lot Width</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Business Uses	10,000 square ft	100 Feet	<u>50 feet</u>	<u>65 feet</u>	30 25 feet	8 feet	12 25 feet	35 feet
Single family <u>Detached Dwellings</u>	6,000 square ft	50 feet	<u>50 feet</u>	<u>65 feet</u>	30 25 feet	8 feet	25 feet	35 feet
Duplex	10,000	100			30 feet	8 feet	25 feet	35 feet

	square feet	feet						
<u>Single family attached Dwellings</u>	<u>2,500 square ft</u>		<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>8 feet (0 on party wall)</u>	<u>25 feet</u>	<u>35 feet</u>
<u>Two family attached Dwellings</u>	<u>7,500 square ft</u>		<u>50 feet</u>	<u>75 feet</u>	<u>25 feet</u>	<u>8 feet</u>	<u>25 feet</u>	<u>35 feet</u>
<u>Multiple family 3 to 8 units</u>	<u>7,500 square ft</u>		<u>50 feet</u>	<u>60 feet</u>	<u>30 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>35 feet</u>
<u>Multiple family 9 to 12 units</u>	<u>17,000 square ft</u>		<u>50 feet</u>	<u>85 feet</u>	<u>30 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>35 feet</u>
<u>Multiple family over 12 units</u>	<u>25,000 square ft</u>		<u>50 feet</u>	<u>85 feet</u>	<u>30 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>35 feet</u>
Accessory building					Not Permitted	<u>6 4 feet</u>	<u>6 4 feet</u>	12 feet

Dated at Vermillion, South Dakota this 1st day of April, 2013

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

First Reading: March 18, 2013
Second Reading: April 1, 2013
Publication: April 12, 2013
Effective Date: May 2, 2013

Council Agenda Memo

From: John Prescott, City Manager
Meeting: March 18, 2013
Subject: First Reading of Ordinance No. 1297—Prohibiting Texting While Driving in the City of Vermillion
Presenter: John Prescott

Background: In January a Council member suggested having an educational session on a texting while driving ban. The session was scheduled for March as the State Legislature was considering texting while driving bans. The Legislature did not pass a texting while driving ban during the recent session. The state legislature did pass a ban on texting and driving for drivers under 16 years of age.

Several cities in South Dakota have implemented ordinances that ban texting and other behavior pertaining to distracted driving. Huron, Brookings, Watertown and Sioux Falls have implemented a ban on texting while driving in some form.

The City Council held an educational session on March 4, 2013 to gather information on implementing a texting ban within the City of Vermillion. Police Chief Matt Betzen presented information on the impact a ban would have on the community from an enforcement perspective.

Discussion: Staff prepared the proposed amendment that will ban the use of electronic communication devices while a person is operating a motor vehicle. The proposed ordinance is based on the version adopted by Sioux Falls, Brookings and Watertown. The proposed ordinance does include exceptions to the prohibition of the use of the devices. These exceptions are intended to promote the safety of the individual and to promote the performance of emergency services.

Financial Consideration: Any fees associated with this ordinance would be established at the second reading.

Conclusion/Recommendations: Administration recommends approval of the first reading of Ordinance No. 1297.

PROPOSED ORDINANCE NO. 1297

AN ORDINANCE AMENDING CHAPTER 70 GENERAL TRAFFIC AND PARKING REGULATIONS, ADDING SECTIONS 70.057 THROUGH 70.059 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO PROHIBIT TEXTING WHILE OPERATING OR IN PHYSICAL CONTROL OF A MOTOR VEHICLE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 70, Sections 70.057 through 70.059 be added and it is hereby ordained by authority of the same as follows:

Sec. 70.057. Definitions.

“Electronic communication device” means wireless or cellular phones, PDAs, Blackberries, smart phones, MP3 players, laptop or notebook computers utilizing VoIP (Voice-over internet Protocol) technology, wireless and cellular phones utilizing push-to-talk technology, and any other mobile communication device that uses shortwave analog or digital radio transmission between the device and a transmitter to permit wireless communications to and from the user of the device.

“Electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between two electronic communication devices. An electronic message includes, but is not limited to, email, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. An electronic message does not include the use of global positioning or navigation systems, or voice or other data transmitted as a result of making a phone call, or data transmitted automatically by a wireless communication device without the direction initiation by a person.

Sec. 70.058. Prohibition of use of electronic message.

No person may operate or be in actual physical control of a motor vehicle while using a handheld electronic communication device to compose, read, or send an electronic message when the vehicle is in motion or a part of traffic.

Sec. 70.059. Exceptions to prohibition of use of electronic communication devices and electronic message.

Section 70.058 shall not apply if the electronic communication device is being used:

- a) In the reasonable belief that a person’s life or safety is in immediate danger;
- or
- b) In an emergency vehicle while in the performance of official duties.

Dated at Vermillion, South Dakota this 1st day of April, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

First Reading: March 18, 2013

Second Reading: April 1, 2013

Published: April 12, 2013

Effective: May 2, 2013

Council Agenda Memo

From: John Prescott, City Manager

Meeting: March 18, 2013

Subject: Naming of portions of the Edith B. Siegrist Vermillion Public Library

Presenter: John Prescott

Background: The Vermillion Public Library is in the final month of construction of an addition and renovation project. Funding for the \$2.4 million construction contract, architectural services, and related construction costs has come from \$1.4 million of 2nd Penny Sales tax money, a \$200,000 CDBG award, Library Board funds and a nearly \$1 million gift from the late Edith B. Siegrist. The Library Foundation has also raised \$200,000 for furnishings.

Discussion: The Library Foundation has requested the naming of portions of the library for three different individuals or organizations. When the Library Foundation was raising funds for the Library, naming of certain portions of the building were discussed as part of the effort in some cases. Approval of the naming is requested at this time so that the appropriate signage can be ordered for the addition and renovation space.

The discussion about placing different names on portions of the Library during the fundraising effort arose prior to the City Council developing or adopting a naming policy. While Ms. Siegrist did not request the naming of the facility on her behalf, at least one of the donations in the action for Council consideration at this time made the contribution with the understanding that this would allow the name to be displayed. The following names are proposed for recognition in the Library:

Children's Area - Elaine E. Meyer

Fireplace - Judy and Jon Flanagin

Technology Center – 1st Bank and Trust of Vermillion

The naming policy includes four guidelines that are to be considered when the name for a facility is suggested. The guidelines include:

- Contribution of a minimum of 50% of the capital construction costs associated with developing the City facility, room or public space.
- Provision of a long term endowment for the continued maintenance and/or programming of the City facility, room or public space on a case by case basis.

- Land for the majority of the City facility, room or public space was deeded to the City.
- Reflect the priorities of the governing body to enhance the community.

The naming policy requires that a person be deceased for a City facility to be named after them. The naming policy also states that naming City facility, room, or public space with a company name will not be permitted. The absence of a naming policy allowed the Library Foundation to raise funds and agree to terms with donors that otherwise would not be allowed today.

The naming policy also states that the City facility has the full authority to name, rename or remove a name from a City facility, room, or a public space as they determine to be in the best interest of the community.

Financial Consideration: The construction contract includes an allowance for signage.

Conclusion/Recommendations: Administration recommends the City Council adopt the following names as requested since the donations were solicited or made prior to the enactment of a naming policy and in at least one case, the donor desired this type of recognition and contributed accordingly.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: March 18, 2013
Subject: Appointment to the Consolidated Board of Equalization
Presenter: Mike Carlson

Background: The County, City and School District have each adopted resolutions to consolidate the Board of Equalization within city limits. The Consolidated Board hears citizen appeals of real estate valuation within the city and is made up of the five County Commissioners, three City Council members and one School Board member. The County Auditor and Director of Equalization schedule the appointments for the consolidated board.

Prior to the consolidation, the City Council, along with one School Board member, comprised the local Board of Equalization that heard appeals. If the citizen did not agree with the finding of the local board, they would then appeal to the county board. If the Director of Equalization did not agree with the local board's decision, in such a case, he could change the valuation and the citizen would need to go to the county board to make their appeal again. The Consolidated Board makes it easier for the citizen as they only need to go before one board with their appeal.

Discussion: The City Council will need to appoint three members to serve as City representatives on the consolidated board; the remaining members will be designated as alternates to fill a vacancy if a member is unable to attend. Ruth Bremer, County Auditor, has set the first day of hearings as April 9, 2013 starting at 1:15 p.m. and, if needed, will meet again April 30, 2013.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends the City Council appoint three members to serve on the consolidated Board of Equalization with the remaining members being designated as alternates.

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: March 18, 2013
Subject: Resolution Dissolving Tax Incremental District Number Three
Presenter: Mike Carlson

Background: Tax Increment District number three was created in May 1996 to provide funding for the street and utility extensions for the Polaris building in the Erickson Business Park. The tax increment plan provided for the construction of Carr and Bower Streets, wetland mitigation, land acquisition, and utility extension, financed by the tax increment bond of \$1,500,000. The pledge for the bond was the tax increment and if that was not sufficient then electric fund revenues. The bond was retired in 2011 but during the life of the bond the electric fund had advanced \$246,417.46. During 2012 tax increment collections were \$138,023.18 leaving a balance of \$108,394.08 owing to the electric fund at the beginning of 2013. The tax levy for collection in 2013 is \$151,912.54 which is more than sufficient to repay the electric fund.

On Wednesday it was announced that Eagle Creek Software Services would be expanding into Vermillion and that the VCDC plans on constructing an office building at the corner of Princeton and Bower Streets to house this new business. The VCDC will be requesting the creation of a tax increment district for the property where Eagle Creek will be located to assist with some of the improvements to the property. As this property is located in the current tax increment district number three and the final payments will be made in 2013, it is recommended that tax increment district number three be dissolved so a portion may be considered for a new tax increment district.

Discussion: State law requires a resolution of the City Council to dissolve the district as follows in SDCL 11-9-46 (2):

11-9-46. Termination of tax incremental district. The existence of a tax incremental district shall terminate when:

- (1) Positive tax increments are no longer allocable to a district under § 11-9-25; or
- (2) The governing body, by resolution, dissolves the district, after payment or provision for payment of all project costs, grants, and all tax incremental bonds of the district.

Financial Consideration: By dissolving the tax increment district the property tax collections generated by the district will be spread to the school, county and city starting in 2014. Also the any remaining balance in the tax increment district after the electric fund is repaid will be disbursed to the other taxing entities.

Conclusion/Recommendations: Administration recommends adoption of the resolution to dissolve Tax Incremental District Number Three.

**RESOLUTION DISSOLVING TAX INCREMENTAL
DISTRICT NUMBER THREE**

WHEREAS, on May 6, 1996 the Vermillion City Council by Resolution created Tax Incremental District Number Three; and

WHEREAS, tax incremental district number three consisted of all lots in Blocks 3, 4, 6 & 7 in the Erickson Addition all in Clay County, South Dakota, and

WHEREAS, on June 3, 1996 the Vermillion City Council adopted the project plan for the tax incremental district number three that provided for street and utility extensions in the district and authorized the issuance of tax incremental bonds to finance the improvements, and

WHEREAS, to facilitate the issuance of the Tax Incremental Revenue Bonds the City Council pledged Electric Enterprise Funds should a deficiency exist in the tax increment receipts needed to repay the Series 1996A bonds that over the life of the bond issue advanced \$246,417, to be repaid from the next tax increment collections after the retirement of the Series 1996A bond, and;

WHEREAS, the City issued Tax Incremental Revenue Bond Series 1996A dated September 1, 1996 that were repaid July 1, 2011 and in 2012, \$138,023 was repaid to the electric fund, and

WHEREAS, the 2012 taxes levied for collection in 2013 for tax incremental district number three was \$151,912 which will repay the remaining balance owed to the electric fund thus liquidating all the debts of the district.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Vermillion that Tax Incremental District Number Three is hereby dissolved following the collection of the 2012 taxes payable in 2013.

BE IT FURTHER RESOLVED, that following the collection of the 2012 taxes payable in 2013 the City Council of the City of Vermillion authorizes the disbursement of any remaining funds in the district as provided in SDCL 11-9-45.

Dated at Vermillion, South Dakota this 18th day of March, 2013.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael Carlson, Finance Officer

Approved: March 18, 2013
Publish: March 29, 2013
Effective: April 19, 2013

CITY OF VERMILLION
 INVOICES PAYABLE-MARCH 18, 2013

1 ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,741.00
2 BROADCASTER PRESS	ADVERTISING	2,684.28
3 BUREAU OF ADMINISTRATION	TELEPHONE	258.90
4 CANON FINANCIAL SERVICES	COPIER LEASE	196.27
5 CENTURYLINK	TELEPHONE	1,485.99
6 CLAY-UNION ELECTRIC CORP	ELECTRICITY	925.15
7 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,357.53
8 DGR ENGINEERING	PROFESSIONAL SERVICES	5,150.00
9 DIVISION OF MOTOR VEHICLE	LICENSE PLATE	4.00
10 FOREMAN MEDIA	COUNCIL MTG	50.00
11 GREGG PETERS	MANAGERS FEE	5,375.00
12 KNOLOGY	DIALUP SERVICE	49.95
13 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
14 MATHESON TRI-GAS, INC	SUPPLIES	238.33
15 MIDAMERICAN	GAS USAGE	8,315.89
16 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	170.21
17 PCC, INC	AMBULANCE FEE	2,150.42
18 QUILL	SUPPLIES	45.88
19 RESERVE ACCOUNT	POSTAGE FOR METER	500.00
20 SD ENGINEERING SOCIETY	REGISTRATION	130.00
21 SD MUNICIPAL LEAGUE	REGISTRATION	80.00
22 SPRINT	CELL PHONE	1,281.55
23 STERN OIL CO.	FUEL	15,393.24
24 UNITED PARCEL SERVICE	SHIPPING	19.99
25 US POSTMASTER	POSTAGE FOR UTILITY BILLS	950.00
26 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	194.53
27 BINH LUU	BRIGHT ENERGY REBATE	50.00
28 GARY RASMUSSEN	BRIGHT ENERGY REBATE	175.00
29 BOB LUND	BRIGHT ENERGY REBATE	275.00
	GRAND TOTAL	\$51,388.11