

Unapproved Minutes
Council Special Session
May 16, 2011
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 16, 2011 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson, Meins, Willson, Zimmerman, Mayor Powell

Absent: Osborne, Ward

2. Educational Session - 2012 Stanford Street Reconstruction Project - José Dominguez, City Engineer

José Dominquez, City Engineer, reviewed what the typical street assessments would be on a City project noting that the assessments are for a 28 foot wide street with 9" of concrete. As this street is a Federal Aid Urban street project, there will be State participation in the construction costs and will include sidewalks and a bike path. José proposed a modified assessment for this project whereby the assessment to the property owners will be calculated between the maximum of 85% of the 9" concrete pavement cost and the minimum of 8% of the total project costs depending upon the actual bid amount. Using the modified assessment as proposed, only the property adjoining the street would be assessed. José noted that he wanted to inform the City Council on the proposed assessment process before he met with the property owners. Discussion followed on the proposed modified assessment for this project noting that it is a Federal Aid Urban project with the consensus for José to make the proposal to the property owners.

3. Educational Session - Sidewalk Survey - Jordan McQuillen, Intern

John Prescott, City Manager, introduced Jordan McQuillen, Intern to the City Manager. John noted that the City has been working on listing lots that do not have sidewalk for some time now and has developed criteria that has been used in the past to support the City Council asking property owners to install sidewalks. Jordan has reviewed the list and developed some policy questions for the City Council to consider in providing direction.

Jordan McQuillen, Intern, reviewed the current criteria used in preparing a list of lots that are missing sidewalks. Jordan reviewed pictures of examples of lots and the criteria that placed these lots on the list. Discussion followed on the list. Jordan stated that the policy questions were for which sidewalks the Council felt needed to be installed and how many they wanted to see installed. John Prescott stated that he would work with the City Engineer to determine which streets and areas of town had higher vehicle and pedestrian traffic that would warrant sidewalks for pedestrian safety for future Council review.

4. Briefing on the May 16, 2011 City Council Regular Meeting Agenda

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

Alderman French requested to leave at 12:42 p.m.

5. Adjourn

127-11

Alderman Willson moved to adjourn the Council special session at 12:59 p.m. Alderman Meins seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of May, 2011.

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 16, 2011
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 16, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Davies, French, Grayson, Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Pledge of Allegiance

3. Minutes

A. May 2, 2011 Special Session; May 2, 2011 Regular Session

128-11

Alderman Willson moved approval of the May 2, 2011 special session minutes and the May 2, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

129-11

Alderman French moved approval of the agenda with the addition of Item 13 - Executive Session for Personnel items. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

Alderman Grayson invited the community to the Clay County Historic Preservation Commission presentation on Wednesday, May 18th at 7:30 p.m. at the Public Library. Topic of the presentation is the Thompson Lumber Building. The Clay County Historic Preservation Commission will be celebrating Historic Preservation Month with morning and afternoon activities this Saturday, May 21st at the Austin Whittemore House.

6. Public Hearings

A. First Reading of Ordinance No. 1254 - Amending Sections 155.095, Conditional Use Permits and 155.100, Board of Adjustment of the 2008 Revised Ordinances of the City of Vermillion, South Dakota (Planning Commission approval of conditional use permits and recommendation on variances)

Andy Colvin, Assistant to the City Manager, reported that the current zoning ordinance was adopted in 2008. The proposed ordinance change came from a joint meeting of the City Council and the Planning Commission on the joint jurisdictional zoning area whereby the Planning Commission will serve as approving authority for conditional areas. At that meeting, both bodies discussed the possibility of having the Planning Commission approving conditional uses within the City limits. The City Council sent this issue to the Policy and Procedures Committee who met on March 18th and recommended the ordinance change. The ordinance amends the zoning regulation to designate the Planning Commission as the approving authority for conditional uses. The decision is final unless appealed to the City Council within five working days. The committee also expressed a desire to have the Planning Commission review and make recommendations on variance requests. The proposed ordinance provides that the authorizing official may forward variances to the Planning Commission on a policy basis instead of making it mandatory. Discussion followed.

130-11

Mayor Powell read the title to the above mentioned Ordinance and Alderman Davies moved adoption of the following Resolution:

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1254 entitled An Ordinance Amending Sections 155.095, Conditional Use Permits and 155.100, Board of Adjustment of the 2008 Revised Ordinances of the City of Vermillion, South Dakota (Planning Commission approval of conditional use permits and recommendation on variances)of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 16th day of May, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Grayson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted

in opposition to the motion. Mayor Powell declared the motion adopted.

7. Old Business

A. Second Reading of Ordinance No. 1252 - Amending Section 93.23, Dog Tag License Fee, Adjusting the Licensing Date

Andy Colvin, Assistant to the City Manager, reported that this is the second reading of an ordinance to change the license renewal for dog licenses from July 1st as contained in the current ordinance, to January 1st which has been the practice of staff and veterinarians issuing licenses. Discussion followed.

131-11

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. 1252 entitled An Ordinance Amending Section 93.23, Dog Tag License Fee, Adjusting the Licensing Date 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 2nd day of May, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16th day of May, 2011 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. 1252

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX, CHAPTER 93, TO AMEND SECTION 93.23 TO AMEND DATE FOR LICENSING.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Section 93.23 be amended as set forth herein below:

§ 93.23 DOG TAG LICENSE FEE.

(A) Every owner of a dog past 6 months of age and within the corporate limits of the city shall pay to the City Finance Officer an amount to be set by resolution for every dog in his or her possession or of which he or she is the owner; and upon proof of

required vaccination, he or she shall receive a license for the dog. This license fee shall be paid on or before the first day of January of each year; and the City Finance Officer shall, upon the payment of the license fee, give the owner a tag marked dog tag, and the year in which the license tax is payable. The owner shall attach the tag to the collar to be placed around the neck of the dog.

(B) Licensed veterinarians practicing within the corporate limits of the city may, upon approval by the City Finance Officer, sell dog tags in accordance with the provisions of this subchapter at the regular rate established by resolution of the Council. Veterinarians must keep a record of each tag sold and remand to the City Finance Officer the sum owed to the city as established by the resolution.

Dated at Vermillion, South Dakota this 16th day of May, 2011.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael 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: Davies-Y, French-Y, Grayson-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

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

B. Second Reading of Ordinance No. 1253 - Amending Chapter 96, Streets and Sidewalks, Regulating the Temporary Placement of Dumpsters and Portable Storage Units

Farrel Christensen, Building Official, reported that since the first reading he has received no comments and he has been working with the City Engineer on diagrams and drawings for reflectivity for dumpsters and portable storage units. John Prescott, City Manager, reviewed the minor changes since first reading that have been reviewed by the City Attorney. Discussion followed.

132-11

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. 1253 entitled An Ordinance Amending Chapter 96, Streets and Sidewalks, Regulating the Temporary Placement of Dumpsters and Portable Storage Units 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 2nd day of May, 2011 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16th day of May, 2011 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. 1253

AN ORDINANCE, AMENDING CHAPTER 96, STREETS AND SIDEWALKS, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, REGULATING THE PLACEMENT OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE UNITS WITHIN THE CITY OF VERMILLION

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Chapter 96 be amended to add the following:

§ 96.18 Temporary placement of dumpsters and portable storage units within City of Vermillion

(A) Purpose

It shall be illegal for any person to place one or more dumpsters or portable storage units in or upon any street or public grounds or upon private property without first having obtained a Permit. Unless specifically listed herein the provisions of Chapter 52: Garbage and Trash shall apply.

(B) Definitions

- (1) Dumpster- a container designed to receive, transport and dump waste.
- (2) Portable storage unit- A container designed or used for the storage of personal property which is typically

rented to owners or occupants of property for their temporary use and which is delivered and/or removed by truck.

(C) Permit.

- (1) Every person seeking to place one or more dumpsters or portable storage units in or upon a street or public grounds or upon private property shall first apply to the Building Official or designated representative for a Permit. No Permit shall be issued for placement of one or more dumpsters or portable storage units on a street or public grounds unless placement on private property is not reasonably feasible.
- (2) The application fee for a Permit allowing the temporary placement of dumpsters or portable storage units in or upon any street or public grounds or upon private property shall be set by resolution of the City Council. The fee for failing to obtain a permit prior to the placement of a dumpster or portable storage unit shall be set by resolution of the City Council. The application fee is waived for any Permit allowing the temporary placement of dumpsters or portable storage units upon private property.
- (3) Every provider applying for a Permit to place one or more dumpsters or every applicant apply for a Permit to place one or more portable storage units in or upon any street or public grounds or upon private property shall provide a bond in the amount of one thousand dollars (\$1,000.00) to cover the cost to repair any damage caused by the applicant's use of the street or public grounds for such purpose. No Permit shall be issued until such bond has been provided to the city. If the cost to repair any damage caused by the provider or applicant's use of the street or public grounds exceeds the value of such bond, such amount shall become a debt of the applicant, immediately due and owing to the city.
- (4) Application for a Permit must be submitted to the Building Official or designated representative at least three (3) workings days prior to the proposed placement of one or more dumpsters or portable storage units in or upon any street or public grounds or upon private property.

- (5) Each provider or applicant holder shall allow access to private property by the Building Official or designated representative, during reasonable hours of the day to verify compliance with the applicable provisions of this Section 96.18.
- (6) By applying for a Permit, each provider or applicant agrees to any and all provisions of this Section 96.18.

(D) Duration of Permits

- (1) Permits issued for placement on streets and/or public grounds shall be limited in duration as follows:

 Dumpsters - thirty (30) days,
 Portable storage units - fourteen (14) days.
- (2) Permits issued for placement on private property shall be limited in duration to forty five (45) days.
- (3) The duration of Permits may be extended for good cause shown at the discretion of the Building Official or designated representative.

(E) General restrictions and requirements

- (1) No dumpsters or portable storage units in or upon any street or public grounds or upon private property shall be filled beyond the top of such dumpster or portable storage facility.
- (2) Dumpsters or portable storage units in or upon any street or public grounds or upon private property units shall be emptied as soon as practical, or when full, and no mechanical, hydraulic or electrical loader, compactor, packer or conveyor in the residential districts may begin before 6:00 a.m. and in business districts shall not begin before 5:00 a.m. and in either district after 9:00 p.m. in conjunction therewith.
- (3) No dumpsters or portable storage units in or upon any street or public grounds or upon private property shall be filled by means of a chute, conveyor, belt, or other device, located in, above, on or across a street, or by dropping or throwing items in, above, on or across a street, unless the Permit authorizing placement of such dumpsters or portable storage units in or upon any street

or public grounds or upon private property specifically authorizes such method.

(4) During such times that dumpsters or portable storage units in or upon any street or public grounds or upon private property are not actively being filled or emptied with materials, all dumpsters and portable storage units shall be covered by tarpaulin or other secured material, as approved by Building Official or designated representative, to prevent debris from blowing out of the container.

(F) General placement; visibility

(1) Dumpsters or portable storage units in or upon any street or public grounds shall not be placed closer than forty (40) feet from any intersection. The Building Official or designated representative must approve the proposed location of any dumpsters or portable storage units in or upon any street or public grounds.

(2) A placard or decal shall be affixed to each dumpsters or portable storage units in or upon any street or public grounds or upon private property until such time as the dumpster or portable storage facility is removed. Such placard or decal shall have one or more warning signs of a contrasting color to identify that the container is dangerous, that children should be kept away, that playing in, on or about the dumpster or portable storage facility is prohibited.

(3) Dumpsters or portable storage units in or upon any street or public grounds shall be visible at night from all angles of traffic flow. Means to provide nighttime visibility include, but are not limited to, the use of reflecting tape at least two inches in width, reflectors, cones or other methods as approved by the Building Official or designated representative.

(4) When required by the City Engineer, additional traffic control devices meeting the latest MUTCD standards shall be placed on the street to warn traffic of obstacles on the street.

All required visibility devices and/or signage shall be provided by the applicant, owner, agent, contractor, employer, or permit holder.

(G) Emergency removal

In the event of an emergency, any dumpsters or portable storage units in or upon any street or public grounds or upon private property may be removed by the Building Official or designated representative, and/or police, fire, or public utility personnel. The city shall not be liable for any loss or damage caused by such emergency removal.

(H) Use restrictions

- (1) No hazardous material or organic waste shall be placed in a dumpster or portable storage facility.
- (2) It shall be the responsibility of the permit holder to maintain the dumpster or storage unit rodent, vermin and insect free.
- (3) Any person who violates the restrictions set forth herein may be held liable for such conduct, which liability is in addition to any other penalties or sanctions that may be imposed.

(I) Duty to Remove

It shall be the responsibility of the applicant, owner, agent, contractor, employer, or permit holder to remove the dumpster or portable storage unit prior to the expiration of the Permit, or when ordered to by authorized city personnel. The city or a designee shall have the right to enter upon any street, public grounds or upon private property or any lot or parcel of land for the purpose of removing any dumpster or portable storage unit remaining after the Permit has expired. All costs of removal, including an administrative fee to defray costs of enforcing this section, will be assessed to the applicant, owner, agent, contractor, employer, or permit holder, except those incurred for emergency removal.

(J) Penalty

Any person who violates the restrictions set forth in this section 96.18 may be subject to an administrative fee established by resolution of the City Council and removal costs incurred by the city, and shall be in addition to the required permit fees. Ordinance proceedings may also be

commenced with associated section 10.99 penalties, as well as other available legal or equitable remedies.

(K) Conflicts

Whenever there is a conflict between provisions of City of Vermillion's Code of Ordinances and this section 96.18, the most restrictive provision shall govern.

Dated at Vermillion, South Dakota this 16th day of May, 2011

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: Davies-Y, French-Y, Grayson-Y, Meins-Y, Osborne-Y, Powell-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

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. Request for Dakota Days Parade Route street closure

Leah Miller, representing USD Dakota Days Committee, requested the street closure for the Dakota Days Parade for the same route as last year. Leah noted that the parade will start one half hour later to keep the day flowing as the football game will start one hour later.

133-11

Alderman Grayson moved approval of the street closing request for the Dakota Days Parade on Saturday, October 8, 2011 for the route to remain the same as previous years consisting of closing Main Street from Walnut Street to High Street and Main Street from High Street to Plum Street from 8:00 am to 12:30, Plum Street from Main Street to Clark Street from 10:15 am to 12:30 pm and Franklin Street from Main Street to Clark Street from 9:30 to 12:30. Alderman French

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

B. Resolution setting a fee for a permit related to the placement of dumpsters and portable storage units on public property

John Prescott, City Manager, reported that Ordinance No. 1253, just adopted, requires the fee for permits to be set by resolution. The fee is \$25.00 for a permit on public property, no fee for placement on private property and the fee for failure to obtain a permit is \$50.00 plus the permit fee. The penalty is set at \$94.00 plus costs to correspond to other similar violations. Discussion followed.

134-11

After reading the same once, Alderman Zimmerman moved adoption of the following

RESOLUTION TO ESTABLISH FEES FOR
THE PLACEMENT OF TEMPORARY DUMPSTERS AND PORTABLE STORAGE UNITS

WHEREAS, Chapter 96, Section § 96.18(C)(2), of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish fees for the placement of temporary dumpsters and portable storage units; and

WHEREAS, Section § 96.18(J), provides for violation penalties for any person who places one or more dumpsters or portable storage units in or upon any street or public grounds or upon private property without first having obtained a permit

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City Council at 7:00 p.m. on the 16th day of May, 2011 that the fees and or penalties are established as follows:

1. Permit Fee - Section 96.18(C)(2)

The application fee for a Permit allowing the temporary placement of dumpsters or portable storage units on a street or public grounds shall be \$25.00.

The fee for failing to obtain a permit prior to the placement of a dumpster or portable storage unit shall be \$50.00, plus the cost of the permit.

2. Penalty Fee - Section 96.18 (J)

The penalty for failing to comply with the restrictions, requirements and responsibilities of

Section § 96.18(J) of the 2008 Revised Ordinances of the City of Vermillion shall be \$94.00 plus costs.

The City Manager may abate all or a portion of any fee or penalty for just cause. The issuance of a fee or penalty shall not be construed to be approval of any violation of any of the provisions of the code. Other fee orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

This resolution shall become effective upon the adoption of Ordinance No. 1253.

Dated at Vermillion, South Dakota this 16th day of May, 2011

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

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

C. Joint Law Enforcement Agreement between the City of Vermillion and the University of South Dakota

John Prescott, City Manager, reported that the City and USD have had an agreement since the mid 1990's whereby the USD Security Officers are provided police powers as deputies of the Vermillion Police Department. The last agreement adopted in 2004 was for five years and has been extended to allow time for some changes to the agreement to reflect the current operations. Chad Passick, Police Captain, reported that the agreement has been working to the benefit of both organizations. Discussion followed on the agreement.

135-11

Alderman Ward moved approval of the Joint Law Enforcement Agreement with the University of South Dakota as presented and authorized the Mayor to sign the agreement on behalf of the City. Alderman French

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

D. Resolution of Support for Missouri National Recreational River Visitors Center

John Prescott, City Manager, reported that Steve Howe, Executive Director of the VCDC, presented information at the May 2nd noon meeting on a Missouri River Visitors Center at Clay County Park. It was noted that the Clay County Park Board was in support of this project and that the Clay County Commission had adopted a resolution of support. At that meeting, the Council requested City staff to develop a resolution of support for this project that is before the Council tonight. John reported that Steve Howe is present to answer questions. Discussion followed with Steve answering questions of the City Council on the project and resolution.

136-11

Alderman Osborne moved approval of the Resolution of Support of the Missouri River Visitors Center at Clay County Park as presented. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Library Board appointments

Mayor Powell reported that two terms on the Library Board will be expiring at the end of May. The vacancies were advertised with expression of interest forms completed by Cyndy Chaney and Janet Hoff, the current board members, and he recommended the reappointment of the individuals for three year terms.

137-11

Alderman Zimmerman moved approval of the appointment of Cyndy Chaney and Janet Hoff to three year terms on the Vermillion Library Board. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Solid Waste bale bags

Harold Holoch, Utility Engineer, read the bids received and recommended the low bid of Accent Envirobale of \$3.80/bag for a truck load of 19,000 bags for a total of \$72,200.00. Discussion followed.

Inter-BULK \$4.17/bag, total \$79,230.00; Accent Envirobale \$3.80/bag, total \$72,200.00

138-11

Alderman Grayson moved approval of the low bid of Accent Envirobale of \$3.80/bag for 19,000 bags totaling \$72,200.00. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Vermillion Water Main Improvements

Harold Holoch, Utility Engineer, reported that bids were opened May 11th for water main improvements consisting of boring and installing 10" water main for Highway 50 crossing and boring and installing encasement pipe and 8" water main for the railroad crossing on Twelfth Street. The bid alternate to connect the new water main into the existing water main at both locations was included. The recommendation of Administration and Banner Associates is to award the low bid with the bid alternate to Prunty Construction in the amount of \$76,130.65. Harold noted that this would be funded from the 2011 water distribution budget. Discussion followed.

Prunty Construction \$76,130.65, First Rate Excavate \$79,557.00, Feimer Construction \$87,690.00, H & W Contracting, LLC \$101,177.50

139-11

Alderman Zimmerman moved approval of the low bid for the water main improvements of Prunty Construction on the base bid plus alternate for a total of \$76,130.65. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that City utility customers now have the option to have their utility bill sent via email. Please contact the Finance Office to get set up.

B. John reported that the swimming pool will open for the season on May 28th. Season passes will be on sale that day starting at noon.

C. John reported that the library summer reading program starts on June 2nd.

D. John reported that City offices will be closed on Monday May 30th for Memorial Day.

E. John reported that with the dog license ordinance there has been an inquiry about micro chip tagging of pets within the city. At present it is just a recommendation. It is also a good time to remind pet owners of the ordinance that requires them to clean up after their pets.

F. John reported on the rezoning matter noting that notices have been posted and published in the paper. The proposal was initiated by residents and covers an area roughly bordered by Main Street, Plum Street, Clark Street and the alley between Harvard Street and Dakota Street. The proposal is to rezone from the current R-2 (low to medium density) zoning to R-1 (low density) zoning. The Planning Commission hearing is scheduled for May 23rd at 5:30 pm and the City Council public hearing is scheduled for June 6th at 7:00 pm. John reported that single family attached dwellings (twin homes and duplexes), multiple dwellings up to 4 units, and fraternities and sororities are allowed in the R-2 district but not the R-1 district. The zoning ordinance provides that existing uses are grandfathered in but could not be rebuilt if significantly damaged.

PAYROLL ADDITIONS AND CHANGES

General Government: Jordan McQuillen \$7.50/hr; Engineering: William Schaffer \$8.00/hr; Street: Kent Holland \$8.50/hr, Michael Kadinger \$8.50/hr, Stephen Nelson \$8.50/hr, Rich Walker \$9.00/hr; Ambulance: Cody Jansen \$6.00-\$30.00/1st shift \$6.00-\$17.00/2nd shift, Michael Wager \$6.00-\$30.00/1st shift \$6.00-\$17.00/2nd shift; Recreation: Adam Ericsson \$8.50/hr, Kenna Wolter \$7.50/hr; Pool: Brooke Kemnitz \$8.25/hr, Alissa Olson \$7.75/hr; Parks: Justin Hargrave \$7.25/hr, Tim Ross \$7.25/hr, Grant Sjaarda \$7.25/hr; Mosquito Control: Tyler Williamson \$8.50/hr; Library: Rebecca Packard \$7.54/hr; Water: \$8.50/hr; Wastewater: Ryan Angelo \$8.75/hr, Nicholas Anglin \$8.25/hr; Landfill: Lacy End of Horn \$8.50/hr; Recycling: Patrick McKay \$8.00/hr

11. Invoices Payable

140-11

Alderman Davies moved approval of the following bills:

ALLTEL	POLICE COMMUNICATIONS	211.15
BROADCASTER PRESS	ADVERTISING	1,137.44
BUREAU OF ADMINISTRATION	TELEPHONE	397.75
CAREFREE SECURITY PRODUCTS	KEYPAD FOR AIRPORT	147.00
CLAY UNION ELECTRIC	ELECTRICITY	1,141.18
DEPT OF ENVIRONMENT & NAT. RESOURCES	LOAN PAYMENTS	71,701.84
DEPT OF REVENUE	LICENSE RENEWAL	150.00

DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	2,878.33
FOLD-A-GOAL	SOCCER NETS	399.00
GOVERNMENT FINANCE OFFICERS ASSOC	REGISTRATION	289.00
GREGG PETERS	MANAGERS FEE	5,375.00
KNOLOGY	E911 CIRCUIT/DIALUP SERVICE	1,415.45
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	210.00
MATHESON TRI-GAS, INC	MEDICAL OXYGEN/CYL RENTAL	78.97
MIDAMERICAN	GAS USAGE	2,978.78
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	91.75
QWEST	TELEPHONE	1,548.49
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SPRINT	CELL PHONES	971.10
STERN OIL CO.	FUEL	16,120.25
THE EQUALIZER	ADVERTISING	377.10
UNITED PARCEL SERVICE	SHIPPING	245.31
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,025.00
VISA/FIRST BANK & TRUST	TRAVEL/SUPPLIES	159.27
WALKER CONSTRUCTION	CONCRETE PAD	4,579.80
SENIOR CITIEZEN SERVICES	BRIGHT ENERGY REBATE	100.00

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

12. Consensus Agenda

A. Set a public hearing date of June 6, 2011 for malt beverage license renewals, a package SD Farm Wine for Casey's General Store and a retail on-off sale SD Farm Wine for Jonathan Robertson for Cherry Street Grill.

B. Set a public hearing date of June 6, 2011 for special permit to exceed allowable sound levels by no more than 50% for Tour De Kota Vermillion Committee on the grass area north of Cherry Street between N. University and Plum Street located on Thursday, June 9, 2011, from 12:00 noon to 9:00 p.m. for a live radio remote and band.

141-11

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

13. Executive Session

142-11

Alderman Willson moved to go into executive session at 7:50 p.m. for personnel issues. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Mayor Powell declared the Council out of executive session at 7:58 p.m.

14. Adjourn

143-11

Alderman Zimmerman moved to adjourn the Council Meeting at 7:59 p.m. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of May, 2011.

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 _____.