



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, May 21, 2012
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Recognition of Water Department for Drinking Water Excellence Award.**
3. **Educational Session – Discussion of acquiring a loader for the landfill.**
4. **Informational session – City Manager and Finance Officer evaluation forms.**
5. **Briefing on the May 21, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
6. **Adjourn**

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

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

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

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

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

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

City of Vermillion
Policy and Procedures Committee
Wednesday, May 16, 2012 8:00 a.m.

The City of Vermillion Policy and Procedures Committee was called to order on Wednesday, May 16, 2012 at 8:00 a.m. by Chairman Osborne.

Present: Davies, Meins, Chairman Osborne
Absent: Willson

Also Present: John Prescott, Mike Carlson

Chairman Osborne stated the meeting was to follow up on the evaluation forms for the City Manager and Finance Officer.

John Prescott provided sample evaluation forms from other cities for the committee along with the evaluation forms used last year. The committee discussed the form with the concern that there were evaluation items that members were not in a position to evaluate and others that would require second hand information to rank. Discussion followed on the need to include in addition to the ranking scale of 1 to 5 an option to indicate no basis for evaluation. The consensus was to add a column for "No Basis for Evaluation" to the current form.

As to the tabulation of the evaluation forms the committee felt that if a spreadsheet was prepared that the committee members could complete the tabulation with one member collecting the evaluation forms and making sure that there are no names for another to complete the tabulation sheet.

The committee reviewed the City Manager evaluation form noting the need to breakdown the "Quality of Municipal Services" to separate recreation, parks and golf along with noting that for Library the Council appoints the Board and the liquor store the manager is contracted. Discussion followed on if this was the correct section of the evaluation as this is ranking the individual departments not the city manager. The consensus was to move this to a new section IV. If there were areas of concern encourage the comments to be included in Section II.

The committee reviewed the current evaluation form for the city manager with the consensus to recommend the following changes:

- Remove 1d), 1e)
- Remove from 2b) heading "and supervises"
- Remove 2c),
- Remove from 2g) heading "all"
- Remove from 3d) heading "seeks, and"
- In the body of 3e) change "but he/she should never be publicly critical of the Council or staff. ~~or anyone else outside the Council room.~~
- Remove 3i), 4b)

The committee reviewed the current evaluation form for the finance officer with the consensus to recommend the following changes:

Suggest replacing 1c) with language that the finance officer performs the duties that are outlined for his position with the section for this item means to include elections, business licensing, alcoholic beverage licenses, permits noting that some are approved by the finance officer while others are approved by the City Council and may require the advertising of a public hearing along with completing other requests of the City Council.

Remove 1d), 1e)

Remove from 2c) heading "always in the best interest of those we serve"

Remove from 2g) heading "all" and include the annual audit requirements in the body.

Remove from 3d) heading "seeks, and"

In the body of 3e) change "but he/she should never be publicly critical of the Council or staff. ~~or anyone else outside the Council room.~~

Add to 3g) heading "and offers his professional opinion"

Remove 3i), 3j), 4b)

The committee requested the evaluation forms be corrected with the changes shown for the full council to review. It was suggested that this be reviewed during the Monday noon meeting so that the evaluation forms could be completed for distribution. The committees proposed a time table for the evaluation forms to be completed by May 31st to allow time for tabulation before the executive session for review with the City Manager and Finance Officer. John noted that he will be gone on other city business for the June 18th meeting. It was noted that a special meeting will be needed between June 7th and June 12th to canvass the city election results and the review of the evaluations be included in that meeting. The date and time of a special meeting will need to be set by full council but Monday June 11th at 5:00 p.m. was suggested by the committee noting that this would be contingent upon the full council approval.

Kent noted that he would not be at the May 21st meeting and that Tom would make the committee report to the City Council.

John noted that there was one other issue for the committee which was the building naming policy. Chairman Osborne asked that it be continued until the next meeting due to the time and with no further business adjourned the meeting at 9:40 a.m.

City Manager Evaluation

City of Vermillion 2012~~0~~

City Council Members,

The point of a thorough evaluation such as this is not to dissect every detail of executive performance, but rather to build a broad picture of the overall performance of the City Manager. It is not necessary to respond to every item. If you do not have an opinion about some of the items, skip those items and focus only on those about which you feel qualified to make a judgment.

Part I

The Evaluation Scale is from 1 (Unsatisfactory) to 5 (Exceptional) or 0 (No Basis for Evaluation). Check only one ranking in each item. The explanation of each ranking is:

Exceptional (5)

Performance far exceeded expectations due to exceptionally high quality of work performed in all *essential* areas of responsibility, resulting in an overall quality of work that was superior; and either 1) included the completion of a major goal or project, or 2) made an exceptional or unique contribution in support of city objectives. This rating reflects unique and exceptional accomplishments

Exceeds expectations (4)

Performance consistently exceeded expectations in all *essential* areas of responsibility, and the quality of work overall was excellent. This rating reflects that performance has gone beyond what you would expect for performance in this area.

Meets expectations (3)

Performance consistently met expectations in all *essential* areas of responsibility, at times possibly exceeding expectations, and the quality of work overall was very good. This rating reflects that all aspects of the requirements of the job were consistently met and you do not seek big changes in performance in this area; performance is acceptable.

Improvement needed (2)

Performance did not *consistently* meet expectations – performance failed to meet expectations in one or more *essential* areas of responsibility, and/or one or more of the most critical goals were not met. This rating reflects that improvement must be made to meet minimum standards. If an individual Council member assigns this ranking to an item, there must be an explanation in the “Comments” section.

Unsatisfactory (1)

Performance was consistently below expectations in most *essential* areas of responsibility, and/or reasonable progress toward critical goals was not made. Significant improvement is needed in one or more important areas. This rating reflects that performance does not meet the minimum requirements of the position or is only occasionally acceptable. If an individual Council member assigns this ranking to an item, there must be an explanation in the “Comments” section.

No Basis for Evaluation (0)

It is understood that individual council members may not have a basis for evaluation for some items.

Give details in the “Comments” section of each item that will explain the reason for your response.

Compliments are as important as criticism.

Please note wherever possible in this section:

- Specific observations of what the Manager is doing that you think **should not** be done,
- Specific observations of what the Manager is not doing that you think **should** be done,

- Specific comments about excellence in the Manager’s performance.

To keep all evaluators on the same track, an interpretation is offered for each item under the heading, “**This item means...**” Please read this section before responding to the item. The evaluation is only valid if all evaluators are working from the same understanding of the evaluation items contained in this instrument.

Category 1: Organization Leadership		Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	No Basis
1a) The Manager understands and implements the mission of the organization.		5	4	3	2	1	0
<i>This item means:</i> If the Council has not established a mission statement for the organization, you will not be able to answer this item accurately. If the Council does have a mission statement, please review it before you respond to this item. The mission statement is approved by the Council and should be a guide to what the Council expects. The Manager should display a good understanding of the mission, and all that he/she does for the organization should be in line with this mission. <i>City of Vermillion Mission Statement:</i> Working within a revenue base, which is acceptable to the community, the City of Vermillion is dedicated to a service structure that promotes the health, safety, and well being of the public. Entrusted with the responsible management and delivery of community-owned goods and services, City employees and officials shall strive to improve service, reliability, responsiveness, accountability, impartiality, and the quality of communication between themselves and the Vermillion community.		Comments:					
1b) The Manager works as an advocate for the City government, private sector, and the general public.		5	4	3	2	1	0
<i>This item means:</i> The Manager is a recognized representative of the organization day-to-day. Advocacy means active solicitation of support and understanding for the City, lobbying for legislation favorable to the City, and creating a good image of the organization in the public eye. Advocacy means being aware of the outside influences that might impact the City positively or negatively and then working to increase the positive and head off the negative.		Comments:					
1c) The Manager understands the needs of the citizenry and seeks to fill those needs with the organization’s programs and services.		5	4	3	2	1	0
<i>This item means:</i> The Manager position can become segregated from the daily activity of the organization. Managing a smooth-running organization means nothing if you cannot identify quality programs and services delivered effectively to those you are in business to serve. The Manager must always seek to understand the needs of those your organization serves and focus his/her efforts on meeting those needs.		Comments:					
1d) The Manager is recognized as a leader among other community leaders.		5	4	3	2	1	0
<i>This item means:</i> Approval and respect is generally a good measure of quality in your Manager. Is he/she a leader in organizations or given recognition by other groups? If you have no opportunity to observe this, skip this item.		Comments:					
1e) The Manager gains respect and support of other persons and organizations that come into contact with our organization.		5	4	3	2	1	0
<i>This item means:</i> In addition to community leaders, recognition by any of the many groups or individuals that come into contact with the Manager in the line of duty is a good measurement of the Manager’s performance.		Comments:					

1df)	The Manager stays current about new ideas and current trends in City government.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> This item is not about chasing trends, but rather about being aware of the trends among organizations like yours. Not being current with industry standards can put your organization at a clear disadvantage in finances and certainly in services offered. The Manager should also keep the Council current about new ideas and trends in City government.		Comments:					

Category 2: Business and Financial Management		Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	No Basis
2a)	The Manager keeps informed about financial needs of the City to fund operations and finance capital projects/improvements.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> Even if you have a Finance Officer, the Manager needs to stay on top of the organization's finances. Resources are usually limited, so it is the job of the Manager to get optimum effect for the finances available. That means understanding the financial needs of each part of the organization and allocating dollars in a balanced manner.		Comments:					
2b)	The Manager understands and supervises the financial accounting programs for the City.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Manager needs to always have a basic understanding of the accounting system and be fully accountable to the Council for maintenance of the accounting system. The budget that the Council is asked to approve should demonstrate that the Manager has a good grasp of the organization's finances.		Comments:					
2c)	The Manager ensures that City funds are spent appropriately, always in the best interest of those we serve.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> Response to this item must consider overall impact of spending, not just a reflection of one expense you thought was out of line.		Comments:					

2cd)	The Manager makes well supported budgeting recommendations to the City Council.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Manager should build the budget and ask for the Council's approval after a good explanation of all elements of the budget. The recommendations should be clear and well documented.		Comments:					
2de)	The Manager explores and proposes to the Council new potential sources of finance for programs and services.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> It is easy to look for places to cut spending, but much harder to find new sources of revenue to finance programs and services. A good Manager can do both and the very good Manager is always looking for creative alternative sources of finance.		Comments:					

2ef) _____ The Manager plans and organizes work effectively.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> Although Council members will not be able to observe planning and organization in the Manager's daily performance, you will see it in the preparation he/she makes for Council meetings and committee meetings. Budgets should be prepared and presented on time, reports to the City Council should demonstrate that research is being done in a timely manner and recommendations are based on a thorough understanding of the options.	Comments:					
2fg) _____ The Manager ensures that all governmental and legal requirements of the City are met.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> There is no end to the reports to be filed and forms to be completed for the City, everything from grant applications to regulatory compliance reports. The City Council should expect the Manager to protect the Council and the City from legal ramifications by filing all reports and documentation on time and in good order. The Manager is free to seek legal advice and assistance, but the Manager is still accountable to the Council to finish each component.	Comments:					

Category 3: Relationship with the City Council	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
3a) The Manager keeps Council members informed about issues, needs and operation of the City.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Manager should feel obligated to provide the City Council a continuous flow of quality information about the organization and his/her performance.	Comments:					
3b) The Manager offers direction to the City Council when needed on issues requiring action and makes appropriate recommendations based on thorough study and analysis.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Manager is the Council's prime resource and should be a part of every decision made by the Council except the Council's consensus about the performance of the Manager. The Manager should be prepared with documented recommendations on every action item. The Manager should assure that the City Council is not acting contrary to the law or its own policies.	Comments:					
3c) The Manager interprets and executes the intent of Council policy.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> Council policy is the guide for how the organization will function. The Manager is hired by the Council to carry out Council policy. The Manager should demonstrate a clear understanding of the Council's policies and follow them, ensure that staff understands and follows Council policy, and help citizens understand Council policy.	Comments:					

3d) The Manager seeks, and accepts from the Council, constructive criticism of work.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Council is the Manager's employer. A good employer helps the employee do the job better by offering constructive critique of the employee's performance, as you are doing with this evaluation. The employee should accept and apply the criticism to improve job performance, when it comes from the full Council, just as any employee would.	Comments:					
3e) The Manager supports Council policy and actions to staff and the public.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Manager owes allegiance to the Council first above staff or anyone else. The Manager should be free to discuss and disagree with Council members at the Council table, but he/she should never be publicly critical of the Council and staff, or anyone else outside the Council room.	Comments:					

Category 3: Relationship with the City Council	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
3f) The Manager understands his/her role in administration of Council policy.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> It is the Manager's job to assist the Council to develop policy. Once the Council approves the policy, it is the Manager's job to ensure that the policy is implemented. If the policy proves to be impractical or unworkable, the Manager should recommend changes to the Council.	Comments:					
3g) The Manager responds in a timely manner when supplying information requested by the entire Council.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> If the City Council is to stay out of day-to-day management, but still be able to make major decisions for the organization, then the Manager must provide a good flow of quality information to the Council in a timely manner. Notice that this item says, "information requested by the <u>entire</u> Council".	Comments:					
3h) The Manager remains impartial to Council members, treating all alike.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> All power rests with the entire Council acting as a team. The Manager should foster that team concept by providing information and assistance to all Council members equally.	Comments:					

<p>3i) The Manager works directly with the Council to resolve differences of opinions.</p>	5	4	3	2	1	0
<p><i>This item means:</i> The Council and the Manager will have conflicting points of view on issues from time to time, and that's acceptable, because it gives a nice balance to the governance of the organization. The Council should accept those differences of opinion from the Manager, but with the full expectation that the Manager will work only with the Council to resolve these differences and not involve others outside the Council.</p>	Comments:					
<p>3ij) The Manager freely offers pros and cons to any matter under discussion by the Council until a Council decision is made, after which he/she subordinates his/her views to those of the Council.</p>	5	4	3	2	1	0
<p><i>This item means:</i> The Council should expect the Manager to assist the Council at all times with informed insights and recommendations, whether supporting or opposing Council member views. However, once the Council makes a decision, the Manager should be totally supportive of the Council's decision and work to carry out the Council's wishes.</p>	Comments:					

<p>Category 4: Personal Characteristics that Impact Job Performances</p>	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	No Basis
<p>4a) The Manager maintains high standards of ethics, honesty, and integrity in personal and professional relationships.</p>	5	4	3	2	1	0
<p><i>This item means:</i> A professional Manager should be expected to always look and act professional. Your Manager's ethics and honesty should never be in doubt.</p>	Comments:					
<p>4b) The Manager has respect and high standing among professional colleagues.</p>	5	4	3	2	1	0
<p><i>This item means:</i> As a Council member, you will likely come into contact with professional peers of your Manager. How do they respond to your Manager? Has your Manager won any awards from professional organizations? Has the Manager held any offices in professional organizations? Colleagues will respect your Manager only if he/she demonstrates professional competence to them — a good measurement for you.</p>	Comments:					
<p>4bc) The Manager devotes time and energy effectively to the job.</p>	5	4	3	2	1	0

<p><i>This item means:</i> You should not assess the Manager's performance by determining that he/she is in the office every day from nine to five. The Manager position is not a nine-to-five job. The Council should allow the Manager flexibility in the hours worked. But the Council should expect that the Manager would devote the time and effort to get the job done right, whatever it may take.</p>	<p>Comments:</p>					
<p>4cd) The Manager works well with individuals and groups.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> In addition to working with the City Council, the Manager must work with committees, community groups, and virtually anyone who enters the office. A professional executive representing the organization well cannot hide and avoid working with others. You cannot be aware of how well the Manager performs this function day-to-day, but you can observe how well the Manager works with you as an individual and with the full City Council and committees.</p>	<p>Comments:</p>					
<p>4de) The Manager exercises good judgment in arriving at decisions.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> The City Council should expect the Manager to be a good decision-maker for the day-to-day operation of the organization. The Manager has great latitude to make major decisions for the organization and you should expect that would be done with common sense and with application of good management principles. Good judgment can be measured from executive reports and other information delivered to the Council about financial management, staffing, public relations, purchasing decisions and changes in programs and services.</p>	<p>Comments:</p>					

<p>Category 4: Personal Characteristics that Impact Job Performances</p>	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
<p>4ef) The Manager maintains poise and emotional stability in the full range of professional activities.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> Managing a City is never a smooth ride. A good Manager understands there will be crisis and upheaval frequently in the wide range of activities and contacts during nearly every day. A good Manager also prepares for those ups and downs and can handle them quietly and efficiently with minimal disruption to programs and services.</p>	<p>Comments:</p>					
<p>4fg) The Manager writes clearly and concisely.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> Written communication with Council, staff, the press, and the general public is an essential skill for the Manager. Has written material you've seen from the Manager been in good form? Are Council meeting packet materials well written and clear? Have communications to the public represented the organization well?</p>	<p>Comments:</p>					

4gh) The Manager responds well when faced with unexpected/disturbing situations.	5	4	3	2	1	0
<p><i>This item means:</i> Management of a City is full of daily surprises and a good Manager meets those surprises with a measured response. Don't expect the Manager to be an expert in disaster control, but do expect the Manager to be prepared for the daily surprises. Programs and services should generally continue at normal pace despite the problems.</p> <p>Comments:</p>						
4i) The Manager remains open to ideas, suggestions and criticisms from the City Council.	5	4	3	2	1	0
<p><i>This item means:</i> Note that this item does not say, "...from individual Council members," but rather it says, "...from the City Council." Certainly individual Council members are free to offer ideas, suggestions and criticism to the Manager, but the Council must speak with one voice. The Manager should be tuned into that voice. The full Council represents the community and can offer the Manager valuable insights. The Manager should not only remain open to ideas from the Council, but also actively seek insights from the Council team.</p> <p>Comments:</p>						

Category 5: Innovation/Improvement	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
5a) The Manager accents/promotes changes that will better serve the citizenry.	5	4	3	2	1	0
<p><i>This item means:</i> Maintaining status quo is easy. Making change is difficult, but change is necessary for growth. The Manager should not only demonstrate that he/she seeks positive change in the organization, but also encourages staff to improve service.</p> <p>Comments:</p>						
5b) The Manager seeks advanced training to improve job skills.	5	4	3	2	1	0

<p><i>This item means:</i> This is a professional position and professionals should be expected to continuously hone their job skills. The City Council should allow time from the job for the Manager to attend training.</p>	<p>Comments:</p>
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Part II

Items in this section are intended to give Council members an opportunity to discuss some area of the Manager's performance that was not reflected in Part I of the evaluation.

It is not necessary to respond to these items if you feel your responses to Part I adequately reflect your assessment of the City Manager's performance.

In what area(s) has the Manager done an exceptional job that is not adequately reflected in Part I of this evaluation? Explain.

In what area(s) not covered in Part I of this evaluation form, does the Manager's performance need improvement? Explain.

Has the City Manager's performance been at a level that merits consideration of additional compensation? Explain.

Part III

Goals

Please suggest two or three goals that you would like the City Manager to address.

1.

2.

3.

This item is meant to identify short- and long-term goals. These goals will be prioritized by consensus of the City Council in conjunction with the City Manager.

Part IV Category 6: Quality of Municipal Services	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
How well are city services provided to meet the needs of the community?	5	4	3	2	1	<u>0</u>
Street Maintenance						
Police Services						
Fire						
Ambulance Department						
Parks, Recreation & Golf						
Water & Sewer						
Electric Utility						
Landfill / Recycling						
Construction and Engineering						
Animal Control						
Code Enforcement						
Liquor Store						
Liaison (e.g., VDC, etc.)						
Library (<u>Liaison to Library, Board & Directors</u>)						
Airport						
Comments:						

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The intent of this category is to capture your overall perception of municipal services, not to grade them.

Where Needs Improvement is selected, there should be an explanation provided.

Part II

~~Items in this section are intended to give Council members an opportunity to discuss some area of the Manager's performance that was not reflected in Part I of the evaluation.~~

~~It is not necessary to respond to these items if you feel your responses to Part I adequately reflect your assessment of the City Manager's performance.~~

~~In what area(s) has the Manager done an exceptional job that is not adequately reflected in Part I of this evaluation? Explain.~~

~~In what area(s) not covered in Part I of this evaluation form, does the Manager's performance need improvement? Explain.~~

~~Has the City Manager's performance been at a level that merits consideration of additional compensation? Explain.~~

Part III

Goals

~~Please suggest two or three goals that you would like the City Manager to address.~~

~~4.~~

~~2.~~

~~3.~~

~~This item is meant to identify short and long term goals. These goals will be prioritized by consensus of the City Council in conjunction with the City Manager.~~

City Finance Officer Evaluation

City of Vermillion 20120

City Council Members,

The point of a thorough evaluation such as this is not to dissect every detail of executive performance, but rather to build a broad picture of the overall performance of the City Finance Officer. It is not necessary to respond to every item. If you do not have an opinion about some of the items, skip those items and focus only on those about which you feel qualified to make a judgment.

Part I

The Evaluation Scale is from 1 (Unsatisfactory) to 5 (Exceptional) or 0 (No basis for evaluation).

Check only one ranking in each item. The explanation of each ranking is:

Exceptional (5)

Performance far exceeded expectations due to exceptionally high quality of work performed in all *essential* areas of responsibility, resulting in an overall quality of work that was superior; and either 1) included the completion of a major goal or project, or 2) made an exceptional or unique contribution in support of city objectives. This rating reflects unique and exceptional accomplishments

Exceeds expectations (4)

Performance consistently exceeded expectations in all *essential* areas of responsibility, and the quality of work overall was excellent. This rating reflects that performance has gone beyond what you would expect for performance in this area.

Meets expectations (3)

Performance consistently met expectations in all *essential* areas of responsibility, at times possibly exceeding expectations, and the quality of work overall was very good. This rating reflects that all aspects of the requirements of the job were consistently met and you do not seek big changes in performance in this area; performance is acceptable.

Improvement needed (2)

Performance did not *consistently* meet expectations – performance failed to meet expectations in one or more *essential* areas of responsibility, and/or one or more of the most critical goals were not met. This rating reflects that improvement must be made to meet minimum standards. If an individual Council member assigns this ranking to an item, there must be an explanation in the “Comments” section.

Unsatisfactory (1)

Performance was consistently below expectations in most *essential* areas of responsibility, and/or reasonable progress toward critical goals was not made. Significant improvement is needed in one or more important areas. This rating reflects that performance does not meet the minimum requirements of the position or is only occasionally acceptable. If an individual Council member assigns this ranking to an item, there must be an explanation in the “Comments” section.

No Basis for Evaluation (0)

It is understood that individual council members may not have a basis for evaluation of some items.

Give details in the “Comments” section of each item that will explain the reason for your response.

Compliments are as important as criticism.

Please note wherever possible in this section:

- Specific observations of what the Finance Officer is doing that you think **should not** be done,
- Specific observations of what the Finance Officer is not doing that you think **should** be done,

- Specific comments about excellence in the Finance Officer's performance.

To keep all evaluators on the same track, an interpretation is offered for each item under the heading, "This item means..." Please read this section before responding to the item. The evaluation is only valid if all evaluators are working from the same understanding of the evaluation items contained in this instrument.

Category 1: Organization Leadership	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	No Basis
1a) The Finance Officer understands and implements the mission of the organization.	5	4	3	2	1	0
<p><i>This item means:</i> If the Council has not established a mission statement for the organization, you will not be able to answer this item accurately. If the Council does have a mission statement, please review it before you respond to this item. The mission statement is approved by the Council and should be a guide to what the Council expects. The Finance Officer should display a good understanding of the mission, and all that he/she does for the organization should be in line with this mission.</p> <p><i>City of Vermillion Mission Statement:</i> Working within a revenue base, which is acceptable to the community, the City of Vermillion is dedicated to a service structure that promotes the health, safety, and well being of the public. Entrusted with the responsible management and delivery of community-owned goods and services, City employees and officials shall strive to improve service, reliability, responsiveness, accountability, impartiality, and the quality of communication between themselves and the Vermillion community.</p>	Comments:					
1b) The Finance Officer works as an advocate for the City government, private sector, and the general public.	5	4	3	2	1	0
<p><i>This item means:</i> The Finance Officer is a recognized representative of the organization day-to-day. Advocacy means active solicitation of support and understanding for the City, lobbying for legislation favorable to the City, and creating a good image of the organization in the public eye. Advocacy means being aware of the outside influences that might impact the City positively or negatively and then working to increase the positive and head off the negative.</p>	Comments:					
1c) The Finance Officer performs the duties dsienigated by City Ordinance, State Statute and City Council direction. The Finance Officer understands the needs of the citizenry and seeks to fill those needs with the organization's programs and services.	5	4	3	2	1	0
<p><i>This item means:</i> The Finance Officer shall supervise the accounting system, keep record of city council proceedings, oversee the municipal election, issue licenses and permits in accordance with city ordinance, provide the city council with applications for licenses and permits issued by the City Council and other requirements of the position. The Finance Officer position can become segregated from the daily activity of the organization. Managing a smooth-running organization means nothing if you cannot identify quality programs and services delivered effectively to those you are in business to serve. The Finance Officer must always seek to understand the needs of those your organization serves and focus his/her efforts on meeting those needs.</p>	Comments:					
1d) The Finance Officer is recognized as a leader among other community leaders.	5	4	3	2	1	
<p><i>This item means:</i> Approval and respect is generally a good measure of quality in your Finance Officer. Is he/she a leader in organizations or given recognition by other groups? If you have no opportunity to observe this, skip this item.</p>	Comments:					
1e) The Finance Officer gains respect and support of other persons and organizations that come into contact with our organization.	5	4	3	2	1	

This item means: In addition to community leaders, recognition by any of the many groups or individuals that come into contact with the Finance Officer in the line of duty is a good measurement of the Finance Officer's performance.

Comments:

1df)	The Finance Officer stays current about new ideas and current trends in City government.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> This item is not about chasing trends, but rather about being aware of the trends among organizations like yours. Not being current with industry standards can put your organization at a clear disadvantage in finances and certainly in services offered. The Finance Officer should also keep the Council current about new ideas and trends in City government.		Comments:					

Category 2: Business and Financial Management	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
2a) The Finance Officer keeps informed about financial needs of the City to fund operations and capital projects/improvements.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Finance Officer needs to stay on top of the organization's finances. Resources are usually limited, so it is the job of the Finance Officer to get optimum effect for the finances available. That means providing the council and City Manager with needed information to make the decisions on allocating financial resources.	Comments:					
2b) The Finance Officer understands and supervises the financial accounting programs for the City.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Finance Officer needs to always have a basic understanding of the accounting system and be fully accountable to the Council and City Manager for maintenance of the accounting system. The annual report and Comprehensive Annual Financial Report prepared by the finance office should demonstrate that the Finance Officer has a good grasp of the organization's financial reporting.	Comments:					
2c) The Finance Officer ensures that Finance Office funds are spent appropriately and in accordance with the adopted budget, <i>always in the best interest of those we serve.</i>	5	4	3	2	1	<u>0</u>
<i>This item means:</i> Response to this item must consider overall impact of spending, not just a reflection of one expense you thought was out of line.	Comments:					
2d) The Finance Officer makes well supported budgeting recommendations to the City Council for the finance office budget.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Finance Officer should build the budget for the finance office and assist the city manager as needed with budget preparation. The recommendations should be clear and well documented.	Comments:					
2e) The Finance Officer researches and explains to the Council new potential sources of finance for programs and services.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> It is easy to look for places to cut spending, but much harder to find new sources of revenue to finance programs and services. A good Finance Officer can do both and the very good Finance Officer is always looking for creative alternative sources of finance.	Comments:					

2f) The Finance Officer plans and organizes work effectively.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> Although Council members will not be able to observe planning and organization in the Finance Officer's daily performance, you will see it in the preparation he/she makes for Council meetings and committee meetings. Budgets should be prepared and presented on time, reports to the City Council should demonstrate that research is being done in a timely manner and recommendations are based on a thorough understanding of the options.	Comments:					
2g) The Finance Officer ensures that all governmental and legal requirements of the City are met.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> There is no end to the reports to be filed and forms to be completed for the City, everything from grant applications to regulatory compliance reports. This will include the annual report and coordination of the audit of the annual report. The City Council should expect the Finance Officer to protect the Council and the City from legal ramifications by filing all reports and documentation on time and in good order. The Finance Officer is free to seek legal advice and assistance, but the Finance Officer is still accountable to the Council to finish each component.	Comments:					
2h) The Finance Officer provides adequate supervision for finance office employees.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The finance officer is responsible for the employees over which he/she supervises. Although Council members will not be able to observe supervision of employees on a day to day basis, you will see or hear of it in the dealings with the public or information provided to the public from the finance office.	Comments:					

Category 3: Relationship with the City Council	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	<u>No Basis</u>
3a) The Finance Officer keeps Council members informed about issues, needs and operation of the Finance Office.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Finance Officer should feel obligated to provide the City Council a continuous flow of quality information about the organization and his/her performance.	Comments:					
3b) The Finance Officer offers direction to the City Council when needed on issues requiring action and makes appropriate recommendations based on thorough study and analysis.	5	4	3	2	1	<u>0</u>
<i>This item means:</i> The Finance Officer is the Council's prime resource and should be a part of every decision made by the Council except the Council's consensus about the performance of the Finance Officer. The Finance Officer should be prepared with documented recommendations on every action item. The Finance Officer should assure that the City Council is not acting contrary to the law or its own policies.	Comments:					
3c) The Finance Officer interprets and executes the intent of Council policy.	5	4	3	2	1	<u>0</u>

<p><i>This item means:</i> Council policy is the guide for how the organization will function. The Finance Officer is hired by the Council to carry out Council policy. The Finance Officer should demonstrate a clear understanding of the Council's policies and follow them, ensure that staff understands and follows Council policy, and help citizens understand Council policy.</p>	Comments:					
<p>3d) The Finance Officer seeks, and accepts from the Council, constructive criticism of work.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> The Council is the Finance Officer's employer. A good employer helps the employee do the job better by offering constructive critique of the employee's performance, as you are doing with this evaluation. The employee should accept and apply the criticism to improve job performance, when it comes from the full Council, just as any employee would.</p>	Comments:					
<p>3e) The Finance Officer supports Council policy and actions to staff and the public.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> The Finance Officer owes allegiance to the Council first above staff or anyone else. The Finance Officer should be free to discuss and disagree with Council members at the Council table, but he/she should never be publicly critical of the Council and staff, or anyone else outside the Council room.</p>	Comments:					

<p>Category 3: Relationship with the City Council</p>	Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	No Basis
<p>3f) The Finance Officer understands his/her role in administration of Council policy.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> It is the Finance Officer's job to assist the Council to develop policy. Once the Council approves the policy, it is the Finance Officer's job to ensure that the policy is implemented. If the policy proves to be impractical or unworkable, the Finance Officer should recommend changes to the Council.</p>	Comments:					
<p>3g) The Finance Officer responds in a timely manner when supplying information requested by the entire Council.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> If the City Council is to stay out of day-to-day management, but still be able to make major decisions for the organization, then the Finance Officer must provide a good flow of quality information, including his professional opinion to the Council, in a timely manner. Notice that this item says, "information requested by the <u>entire</u> Council".</p>	Comments:					
<p>3h) The Finance Officer remains impartial to Council members, treating all alike.</p>	5	4	3	2	1	<u>0</u>

<p><i>This item means:</i> All power rests with the entire Council acting as a team. The Finance Officer should foster that team concept by providing information and assistance to all Council members equally.</p>	<p>Comments:</p>				
<p>3i) The Finance Officer works directly with the Council to resolve differences of opinions.</p>	5	4	3	2	1
<p><i>This item means:</i> The Council and the Finance Officer will have conflicting points of view on issues from time to time, and that's acceptable, because it gives a nice balance to the governance of the organization. The Council should accept those differences of opinion from the Finance Officer, but with the full expectation that the Finance Officer will work only with the Council to resolve these differences and not involve others outside the Council.</p>	<p>Comments:</p>				
<p>3j) The Finance Officer freely offers opposition to any matter under discussion by the Council until a Council decision is made, after which he/she subordinates his/her views to those of the Council.</p>	5	4	3	2	1
<p><i>This item means:</i> The Council should expect the Finance Officer to assist the Council at all times with informed insights and recommendations, whether supporting or opposing Council member views. However, once the Council makes a decision, the Finance Officer should be totally supportive of the Council's decision and work to carry out the Council's wishes.</p>	<p>Comments:</p>				

<p>Category 4: Personal Characteristics that Impact Job Performances</p>	<p>Exceptional</p>	<p>Exceeds Expectations</p>	<p>Meets Expectations</p>	<p>Needs Improvement</p>	<p>Unsatisfactory</p>	<p><u>No Basis</u></p>
<p>4a) The Finance Officer maintains high standards of ethics, honesty, and integrity in personal and professional relationships.</p>	5	4	3	2	1	0
<p><i>This item means:</i> A professional Finance Officer should be expected to always look and act professional. Your Finance Officer's ethics and honesty should never be in doubt.</p>	<p>Comments:</p>					
<p>4b) The Finance Officer has respect and high standing among professional colleagues.</p>	5	4	3	2	1	
<p><i>This item means:</i> As a Council member, you will likely come into contact with professional peers of your Finance Officer. How do they respond to your Finance Officer? Has your Finance Officer won any awards from professional organizations? Has the Finance Officer held any offices in professional organizations? Colleagues will respect your Finance Officer only if he/she demonstrates professional competence to them—a good measurement for you.</p>	<p>Comments:</p>					

4be)	The Finance Officer devotes time and energy effectively to the job.	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> You should not assess the Finance Officer's performance by determining that he/she is in the office every day from eight to five. The Finance Officer position is not a eight-to-five job. The Council should allow the Finance Officer flexibility in the hours worked. But the Council should expect that the Finance Officer would devote the time and effort to get the job done right, whatever it may take.</p>		Comments:					
4cd)	The Finance Officer works well with individuals and groups.	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> In addition to working with the City Council, the Finance Officer must work with committees, community groups, and virtually anyone who enters the office. A professional executive representing the organization well cannot hide and avoid working with others. You cannot be aware of how well the Finance Officer performs this function day-to-day, but you can observe how well the Finance Officer works with you as an individual and with the full City Council and committees.</p>		Comments:					
4de)	The Finance Officer exercises good judgment in arriving at decisions.	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> The City Council should expect the Finance Officer to be a good decision-maker for the day-to-day operation of the finance office. The Finance Officer has great latitude to make major decisions for the finance office and you should expect that would be done with common sense and with application of good management principles. Good judgment can be measured from executive reports and other information delivered to the Council about financial management, purchasing decisions and changes in programs and services.</p>		Comments:					

Category 4: Personal Characteristics that Impact Job Performances		Exceptional	Exceeds Expectations	Meets Expectations	Needs Improvement	Unsatisfactory	No Basis
4ef)	The Finance Officer maintains poise and emotional stability in the full range of professional activities.	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> City finances typically vary. A good Finance Officer understands there will be crisis and upheaval frequently in the wide range of activities and contacts during nearly every day. A good Finance Officer also prepares for those ups and downs and can handle them quietly and efficiently with minimal disruption to programs and services.</p>		Comments:					
4fg)	The Finance Officer writes clearly and concisely.	5	4	3	2	1	<u>0</u>

<p><i>This item means:</i> Written communication with Council, staff, the press, and the general public is an essential skill for the Finance Officer. Has written material you've seen from the Finance Officer been in good form? Are Council meeting packet materials well written and clear? Have communications to the public represented the organization well?</p>	<p>Comments:</p>					
<p>4gh) The Finance Officer responds well when faced with unexpected/disturbing situations.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> The finance office is full of daily surprises and a good Finance Officer meets those surprises with a measured response. Don't expect the Finance Officer to be an expert in disaster control, but do expect the Finance Officer to be prepared for the daily surprises. Programs and services should generally continue at normal pace despite the problems.</p>	<p>Comments:</p>					
<p>4hi) The Finance Officer remains open to ideas, suggestions and criticisms from the City Council.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> Note that this item does not say, "...from individual Council members," but rather it says, "...from the City Council." Certainly individual Council members are free to offer ideas, suggestions and criticism to the Finance Officer, but the Council must speak with one voice. The Finance Officer should be tuned into that voice. The full Council represents the community and can offer the Finance Officer valuable insights. The Finance Officer should not only remain open to ideas from the Council, but also actively seek insights from the Council team.</p>	<p>Comments:</p>					

<p>Category 5: Innovation/Improvement</p>	<p>Exceptional</p>	<p>Exceeds Expectations</p>	<p>Meets Expectations</p>	<p>Needs Improvement</p>	<p>Unsatisfactory</p>	<p><i>No Basis</i></p>
	<p>5a) The Finance Officer accents/promotes changes that will better serve the citizenry.</p>	5	4	3	2	1

<p><i>This item means:</i> Maintaining status quo is easy. Making change is difficult, but change is necessary for growth. The Finance Officer should not only demonstrate that he/she seeks positive change in the organization, but also encourages staff to improve service.</p>	<p>Comments:</p>					
<p>5b) The Finance Officer seeks advanced training to improve job skills.</p>	5	4	3	2	1	<u>0</u>
<p><i>This item means:</i> This is a professional position and professionals should be expected to continuously hone their job skills. The City Council should allow time from the job for the Finance Officer to attend training.</p>	<p>Comments:</p>					

Part II

Items in this section are intended to give Council members an opportunity to discuss some area of the Finance Officer's performance that was not reflected in Part I of the evaluation.

It is not necessary to respond to these items if you feel your responses to Part I adequately reflect your assessment of the City Finance Officer's performance.

In what area(s) has the Finance Officer done an exceptional job that is not adequately reflected in Part I of this evaluation? Explain.

In what area(s) not covered in Part I of this evaluation form, does the Finance Officer's performance need improvement? Explain.

Has the City Finance Officer's performance been at a level that merits consideration of additional compensation? Explain.

Part III

Goals

Please suggest two or three goals that you would like the City Finance Officer to address.

1.

2.

3.

This item is meant to identify short- and long-term goals. These goals will be prioritized by consensus of the City Council in conjunction with the City Finance Officer.



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, May 21, 2012
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. May 7, 2012 Special Session; May 7, 2012 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
6. **Public Hearings**
 - a. Special daily malt beverage and wine license for the Fraternal Order of Eagles on or about June 8, 9 & 10, 2012 in Prentis Park for Shakespeare Festival.
 - b. Transfer of retail on-sale liquor license to Red Steakhouse, Inc for Red Steakhouse at 1 East Main transfer from Valiant Vineyards, Inc at 1500 West Main.
 - c. Retail on-off sale malt beverage license for Valiant Vineyards, Inc. for Valiant Vineyards at 1500 W. Main Street.
7. **Old Business**
 - a. Second Reading of Ordinance No. 1275 – Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines.
 - b. Second Reading of Ordinance No. 1276 – Amending Section 155.072, Off-Street Parking, modifying parking requirements for dwellings.
 - c. Second Reading of Ordinance No. 1277 – Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City Of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District.
 - d. Second Reading of Ordinance No. 1278 – Amending Section 154.01, Definitions, 154.11.1 Design Standards – Streets – Urban to clarify the difference between private streets and mutual access easements.
8. **New Business**
 - a. Final Plat of Cottage Place Addition
 - b. Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds.
 - c. WAPA Reserve Contract for electrical.
 - d. Library Board appointment.
9. **Bid Openings**
10. **City Manager's Report**

11. Invoices Payable

12. Consensus Agenda

- a. Set a public hearing date of June 4, 2012 for annual malt beverage license renewals.
- b. Set a public hearing date of June 4, 2012 for a special permit to exceed the permissible sound levels by no more than 50% for Thursdays on the Platz on July 12, July 26, August 9 and August 23 from 6:00 pm to 8:00 pm.
- c. Set a public hearing date of June 4, 2012 for a special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about July 12, July 26, August 9 and August 23 from 6:00 pm to 8:00 pm. on the Platz and portion of Market Street.
- d. Set a quote opening date of May 29th, 2012 for the 2012 Tree Stump Removal contract.

13. Adjourn

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

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

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

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

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

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

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

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

Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
May 7, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, May 7, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: French

2. Recognition of Water Department for Drinking Water Excellence Award

Mayor Powell requested that this item be continued to next meeting.

3. Educational Session - Coyoteopoly/south Dakota Shakespeare Festival

John Prescott, City Manager, reported that City staff has been working with the Coyoteopoly/South Dakota Shakespeare Festival group in making improvements to the park for the event. The City Council has approved the special permit to exceed permissible sounds levels and approved closing of Main Street from Prentis to Sycamore during the event daily. John noted that the consensus agenda has a public hearing for a special daily malt beverage and wine license for the event that will be considered at the May 21st meeting. John stated that City staff has had meetings with the group and today the group wanted to update the City Council on the event.

Members of the Coyoteopoly/South Dakota Shakespeare Festival updated the City Council on the festival schedule, the production, marketing plan, theater workshops, scholars' roundtable, sponsors, volunteers, vendors and diagram of the area. The group answered questions of the City Council on the event.

4. Briefing on the May 7, 2012 City Council Regular Meeting Agenda

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

5. Adjourn

135-12

Alderman Ward moved to adjourn the Council special session at 12:41 p.m. Alderman Mains seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of May, 2012.

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 7, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on May 7, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Osborne

2. Pledge of Allegiance

3. Minutes

A. April 16, 2012 Special Session; April 16, 2012 Regular Session; April 30, 2012 Special Session

136-12

Alderman Zimmerman moved approval of the April 16, 2012 special session minutes, April 16, 2012 regular session minutes and the April 30, 2012 special session minutes. Alderman Willson seconded

the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

137-12

Alderman Zimmerman moved approval of the agenda with the addition of Item 12C - Set a public hearing date of May 21, 2012 for a retail on-off sale malt beverage license for Valiant Vineyard, Inc for Valiant Vineyard at 1500 W Main Street. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. USD 150th Proclamation

Alderman Davies read the proclamation for USD Sesquicentennial recognizing the USD Sesquicentennial Year celebration.

B. Drinking Water Week Proclamation

Alderman Meins read the proclamation designating May 6-12, 2012 as Drinking Water Week in Vermillion.

C. Harlow Hatle, 2022 Augusta, addressed the City Council on a number of issues that he has had with the City over the years.

6. Public Hearings

A. First Reading of Ordinance No. 1275 - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines

Jose Dominguez, City Engineer, reported that the ordinance change is to amend definitions for duplexes, townhouses and apartment complexes. In addition to the definitions, the amendment will require that new construction be placed at the building line rather than setback line. He explained the definitions and difference in building and setback lines. Jose stated that the Planning Commission approved the amendment. Discussion followed.

138-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1275 - Amending Section 155.008, Definitions, 155.032, R-2 Residential District and 155.033, R-3 Residential District to change dwelling definitions and add a definition and regulations for building lines 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 7th day of May, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance No. 1276 - Amending Section 155.072, Off Street Parking, modifying parking requirements for dwellings

Jose Dominguez, City Engineer, reported that the City experiences a lot of construction involving duplexes, townhouses or apartment buildings. These units can only be constructed in the R-2 and R-3 zoning districts. Prior to construction starting, certain requirements, such as setbacks, lot widths, lot area and off-street parking requirements have to be met. Meeting parking requirements is often a challenge as many sites are fully developed. Community members and Council members have asked to have City staff review the requirement which does not allow garage spaces to count as parking spaces.

The proposed amendment will offer the developer the option to count the garage space, and the area directly behind the garage, toward meeting the parking requirement for the units being constructed. This will only be allowed when the development meets the following criteria:

- Each unit must have direct access to their garage through a door directly leading to the garage without going through the outside.
- The garage stall must be at least 10-feet wide by 20-feet long.
- The property owner will ensure that the garage space is open for tenant parking and that the space cannot be used for any other purposes. This will be a condition of the rental registry.

For example, a four unit apartment complex, with three bedrooms per unit, and four 1 car garages, meeting all of our proposed requirements would require 12-parking stalls under our existing ordinance. Under the proposed ordinance, the same development would require 10-parking stalls in addition to the four 1 car garages. If the proposed conditions related to the garages are met, a formula is utilized to reduce the number of parking spaces that are required besides the garages. Staff believes that the conditions help ensure the likelihood that garage spaces are used for parking and not storage spaces which leads to more vehicles utilizing the streets for parking spaces.

The Planning Commission reviewed the proposed amendment during their April 23rd meeting. During the meeting, it was explained to the Planning Commission that the proposed criteria are in place to prevent the use of garages as storage sheds while still counting them towards the off-street parking requirements. At the meeting, the Planning Commission recommended removing all of the proposed criteria and allowing all of the garages to count towards the off-street parking requirements. This would be a return to standards that existed prior to 2008 when the Planning Commission and City Council took steps to address parking issues. If the City Council concurs with the Planning Commission recommendation, an ordinance will need to be drafted to make this change.

City staff understands the view of the Planning Commission. From a planning perspective, a garage is logically built to park a vehicle. From a rental standpoint, which is how most duplexes, townhouse and apartment units are utilized, garages are used in a variety of ways. The City has worked with tenants who have rented the living unit but not had access to the garage, yet the garage is counted as part of the available parking for the unit. As rental units are often times a transition situation for many individuals, garages are often the most convenient storage space for the tenants. From a rental registry standpoint, a number of garages never meet the intended purpose of providing off-street parking.

Administration believes the proposed ordinance helps to address the concerns expressed about counting garage spaces for parking while balancing the concerns about garages used for storage. While the Planning Commission did not recommend adoption of Ordinance No. 1276 as presented, Administration recommends approval of the first reading of Ordinance No. 1276.

Discussion followed with Alderman Willson wanting to know how this will be enforced. Jose stated that prior to a building permit the parking requirements must be met. The garage spaces will be reviewed during the rental housing inspection and if there is any complaint on parking it will be investigated.

John Prescott, City Manager, stated that the proposed ordinance will allow developers an option when designing the building project to include the garage space by meeting the criteria or not to count the garage space. John noted that criteria can be changed by the City Council before adoption of the ordinance.

Steve Howe, Planning Commission member, stated that the Planning Commission was concerned about the restrictive requirements of the criteria to count a garage when meeting the parking requirements and, as such, recommended the removal of the criteria.

Discussion followed on the attached vs. unattached garage requirements noting that the goal of the parking requirement is to reduce the demand for on street parking in the community. It was noted that the property may meet the parking requirements by counting the garages when it is built but a new owner may change the use of the garages.

139-12

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1276 - Amending Section 155.072, Off Street Parking, modifying parking requirements for dwellings 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 7th day of May, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Ward. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1277 - Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District

Andy Colvin, Assistant to the City Manager, reported that in 2008 the Planning Commission and City Council completed a comprehensive rezoning of the city and a revision of the zoning ordinance. During the process, one new district created was the Neighborhood Commercial District. The intent of the district was to create a transitional area separating Cherry Street from Main Street, which permitted very light commercial uses so as not to negatively impact the adjoining residential areas. In this district, all types of residential uses are prohibited, as are eating establishments. In November, a residential property owner in the Neighborhood Commercial District, approached the Planning Commission expressing concerns that he is unable to re-finance the mortgage on his property because the zoning does not permit residential uses. The Planning Commission requested additional information on this issue and after study proposed an ordinance revision to permit both residential and restaurants in the Neighborhood Commercial District. To allow residential and restaurants in the Neighborhood Commercial District, the Planning Commission proposed the changing of the ordinance to have these types of uses be conditional uses in this district. The conditional use permit will allow for the review of parking, noise, hours of operation and allow the use with conditions if necessary. Andy noted that the Planning Commission recommended adoption of the proposed ordinance change. Discussion followed.

140-12

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. 1277 - Amending Title 15 Chapter 155 Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion adding a definition and permitted and conditional uses to the NC Neighborhood Commercial District 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 7th day of May, 2012 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 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

D. First Reading of Ordinance No. 1278 - Amending Section 154.01, Definitions, 154.11.1 Design Standards - Streets - Urban to clarify the difference between private streets and mutual access easements

Jose Dominguez, City Engineer, reported that private roads and mutual access easements are addressed in the Subdivision Ordinance adopted last year. The original intent of the ordinance regarding these items was to allow a developer to construct either a private road or dedicate easement allowing access to certain parts of the property. Recently, it has come to our attention that the ordinance does not offer much flexibility between a private road and a public road and a mutual access easement. Jose explained the difference between private roads, public roads and mutual access easements. He noted that prior to the City accepting any responsibility, a roadway would need to be brought up to current City standards at the owners expense. Discussion followed on the proposed ordinance.

141-12

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. 1278 - Amending Section 154.01, Definitions, 154.11.1 Design Standards - Streets - Urban to clarify the difference between private streets and mutual access easements 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 7th day of May, 2012 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Zimmerman. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Resolution pledging City Second Penny contribution to Vermillion Now! Program for Compton Street infrastructure costs

John Prescott, City Manager, reported that in March the City and Vermillion Chamber & Development Company (VCDC) entered into a Developer's Agreement to extend Compton Street south of Highway 50 to 450th Street. This resolution would commit the pledge of the City to Vermillion Now! of \$180,000 for the water sanitary sewer, stormwater and street improvements for this portion of Compton Street to be developed by the VCDC. Discussion followed.

142-12

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

RESOLUTION PLEDGING BBB SALES TAX FUNDS TO VCDC'S VERMILLION
NOW! CAMPAIGN

WHEREAS, the City of Vermillion has pledged \$170,000 of BBB sales tax funds to the Vermillion Area Chamber of Commerce and Development Company's Vermillion Now! Campaign of which \$80,000 has been contributed through 2011 with \$30,000 budgeted for contribution in 2012; and

WHEREAS, the City of Vermillion has pledged \$280,000 of second penny sales tax funds over the course of six years to the Vermillion Area Chamber of Commerce and Development Company's Vermillion Now! Campaign of which \$8,713 was contributed in 2011 for capital improvements; and

WHEREAS, the City of Vermillion (City) and Vermillion Area Chamber of Commerce and Development Company (VCDC) have entered into a developers agreement dated March 5, 2012 to develop several lots presently described as:

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, South of South Dakota Highway 50, the East 363-feet (363'), and Outlot B, Block 5, Brooks Industrial Park, Section 18, Township 92 North, Range 51 West of the 5th P.M., City of Vermillion, Clay County, South Dakota; and

WHEREAS, the VCDC has respectfully requested that the City agree to reimburse the VCDC from the Vermillion Now! Campaign second penny sales tax pledge for development costs, not to exceed \$180,000 for water sanitary sewer and street paving costs; and

WHEREAS, the VCDC has obtained an Opinion of Probable Construction Costs, attached hereto, documenting the anticipated costs; and

WHEREAS, City crews will be installing the water service shown on the attached diagram and installing the street lights; and

WHEREAS, the VCDC understands and agrees that the costs of materials, but not labor, for the water line installation and street lights will be charged against the above referenced \$180,000 of Vermillion Now! funds; and

WHEREAS, it is understood that all payments from the City to the VCDC will be on a reimbursement basis based upon supporting contract documents, invoices and records of payments for costs contained in the Opinion of Probable Construction Costs.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Vermillion agrees to reimburse the VCDC, as developer, from the Vermillion Now! Campaign second penny sales tax funds the development costs as presented in the Opinion of Probable Construction costs not to exceed \$180,000, contingent upon the availability of funds at the time of the reimbursement request and the VCDC's compliance with the terms of the March 5, 2012 agreement.

BE IT FURTHER RESOLVED, that the reimbursements of the improvement costs, as outlined in the Opinion of Probable Construction Costs, will not be subject to City assessment to current or future property owners.

BE IT FURTHER RESOLVED, that any costs incurred by the City, or reimbursed by the City to the VCDC outside the Opinion of Probable Construction Costs may be subject to City assessment to current or future property owners.

Dated at Vermillion, South Dakota, this 7th day of May, 2012.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

B. Swimming pool project report

John Prescott, City Manager, reported that a committee comprised of Carolyn Carr, Jenny French, Kari Jensen, Mike Moran, Sue Schnack, Ric Rasmussen and Steve Ward was established to review the swimming pool. The Swimming Pool Committee's charge was to review the current swimming pool and provide the City Council with information as to what type of swimming pool would best fit the community's needs going forward. The current pool was built in 1965 and is nearing the end of its useful life. Replacement of the pool by 2015 was suggested as a target date to have improvements made. John noted that the committee met with representatives of USD about pool facilities and our project is ahead of their planning and they have a definite location. The committee felt that the community pool should be located in Prentis Park. The consultant, Water's Edge Aquatic Design, developed an online survey that was used to rank different features available along with community input. The consultant is using this information to develop conceptual drawings that the committee will make available at a public meeting later in May. John stated that the survey has generated a lot of public discussion about the pool and he noted that there will be no construction this year. The process is to develop a plan to know where we are going then we can make grant application and look for private donations to assist with the funding. This will be an item that the City Council will need to review during the budget process.

C. Corporate stock transfer JNJ Management, Inc. for The Roadhouse at 911 E Cherry for liquor license

Mike Carlson, Finance Officer, reported that Jere Chapman, owner of JNJ Management, Inc., inquired about the process for transferring the corporate stock for a corporation that owns a liquor license. In reviewing this with the Department of Revenue, it was suggested that the City Council take action under the suitable person criteria for the new owner. Neil Chapman, as the new owner, completed the background check that was submitted to the Chief of Police. The Police Chief's report is included in the packet listing one misdemeanor offense over 10 years ago. Administration recommends approval of the corporate stock transfer for JNJ Management, Inc. to Neil M. Chapman for The Roadhouse at 911 E Cherry Street.

143-12

Alderman Zimmerman moved approval of the corporate stock transfer for JNJ Management, Inc. to Neil M. Chapman for The Roadhouse at 911 E. Cherry Street. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Resolution establishing maximum fees for law enforcement tows

John Prescott, City Manager, reported that the City was approached by a towing company about being included in the law enforcement tow rotation. To establish a tow rotation, it was suggested that a maximum tow fee and storage rate for private lots be established. This resolution would establish the maximum tow rate that could be charged for law enforcement tows. John noted that the resolution includes private lot rates if a towing company wanted to use a private lot. Discussion followed on the tow fee and how the rotation would work.

144-12

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

RESOLUTION TO ESTABLISH
MAXIMUM TOW FEES

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

WHEREAS, from time to time, it is necessary to have vehicles recovered, towed or an area cleaned up after an accident under the direction of law enforcement or code enforcement; and

WHEREAS, the fee charges for towing and related services are only paid to a towing company after the owner claims their vehicle and pays related charges or the vehicle is sold at auction; and.

WHEREAS, a fee schedule, of maximum allowable rates for tow and related services, is established for all businesses entering into a tow agreement to provide services for the City of Vermillion at the direction of law enforcement; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that the following maximum rates are established for tows and related services:

<u>Service</u>	<u>Maximum rate</u>
Vehicle & up to 1 ton pickup	\$80

Motorcycles	\$90
Snow emergency	\$100
Impound storage rate	\$15
Enclosed storage	\$20
Large truck or equipment	\$35
After hours gate charge	\$20
City owned vehicles	\$80
Recovery vehicles	Determined by incident
Usual clean-up	\$35

Dated at Vermillion, South Dakota this 7th day of May, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

E. Handicap Parking on Market Street south of Intersection with Main Street

Jose Dominguez, City Engineer, reported that the owner of Café Brule has contacted him requesting handicapped parking on Market or Main Street. He proposed designating two stalls on Market Street next to Main Street. The resolution would authorize handicap parking on Market Street south of Main Street. Jose answered questions on the size and location of the handicap parking.

145-12

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

RESOLUTION TO DESIGNATE DISABLED PARKING SPACES ALONG MARKET
STREET (JUST SOUTH OF W. MAIN STREET)

WHEREAS, pursuant to City of Vermillion Code of Ordinances, section 70.071, the City Council may establish, and cause to be designated

and marked, streets, and parts thereof, where vehicles may be parked for limited periods of time only or similarly may establish no-parking areas; and

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

WHEREAS, there is a need for some of the parking along Market Street, just south of W. Main Street, to be designated to serve persons with disabilities.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota that two (2) parking spots be designated as Disabled Parking Space along Market Street, just south of W. Main Street.

Dated at Vermillion, South Dakota this 7th day of May, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By: John E. (Jack) Powell, Mayor

Attest:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Grayson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Capital Improvement Plan

John Prescott, City Manager, reported that a Capital Improvement Plan was presented to the City Council and reviewed at the March 19th noon session. Items noted at that meeting have been adjusted in the capital plan. The Capital Improvement Plan does not allocate funding but presents the ideas of projects that may be undertaken in the next five years for the City Council and the community. Discussion followed.

146-12

Alderman Zimmerman moved approval of the adoption of the Capital Improvement Plan for the next five years as presented. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

G. Transfer of Blocks 33 and 24, Van Meters Addition from Clay County to City of Vermillion (W. Broadway Street property immediately north of Dawson Bridge crossing the Vermillion River)

Jose Dominguez, City Engineer, reported that Clay County contacted the City regarding the transfer of two lots adjoining the City park land at the trail head of the current bike path. The County Commission has approved the land transfer contingent upon City Council approval. Administration recommends acceptance of the Block 33 and 34, Van Meters Addition property from Clay County. Discussion followed.

147-12

Alderman Grayson moved approval of the acceptance of the transfer of Blocks 33 and 34, Van Meters Addition from Clay County. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

H. Grant Agreement with Vermillion Basin Water Development District for storm water study

Jose Dominguez, City Engineer, reported that the City has approved a contract with SEH for a stormwater study and he contacted Vermillion Basin Water Development District (VBWDD) about assistance with the study. He noted that the current contract is to study two of the seven drainage basins within the city. The VBWDD proposed a grant of \$30,000 with \$10,000 per year for 2012, 2013 and 2014 which will allow for the study of additional drainage basins in future years. Jose noted that the grant agreement was handed out before the meeting.

148-12

Alderman Willson moved approval of the grant agreement with the Vermillion Basin Water Development District not to exceed \$30,000 with \$10,000 per year for the drainage basin study. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Service Center Concrete project

Jose Dominguez, City Engineer, reported that the City requested quotes to replace the deteriorating concrete around the bays of the Service Center. Quotes were requested as the project is under \$50,000. Four quotes were received with the low quote of \$21,705.32 from Walker Construction.

Vermillion Construction Co. \$24,931.20, D & G Concrete Construction, Inc. \$23,051.05, Walker Construction \$21,705.32, Martinson Construction \$25,178.79

149-12

Alderman Grayson moved approval of the low quote of Walker Construction of \$21,705.32 for the Service Center concrete project. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Barstow Skate Park project

Jose Dominguez, City Engineer, reported that bids were accepted for a multi use facility for an ice skate park in winter and a skateboard/roller blade facility in summer. There were seven bids received with the low bid from Vermillion Construction of \$46,875.00 for the project. Discussion followed.

Vermillion Construction Co. \$46,875.00, D & G Concrete Construction, Inc. \$48,744.90, Walker Construction \$67,433.90, Big Al's Contracting, LLC \$56,373.55, Yungwirth Construction, Inc. \$89,473.00, Dakota Contracting Corporation \$75,447.24, A & S Construction, Inc. \$72,964.65

150-12

Alderman Zimmerman moved approval of the low bid of Vermillion Construction Co. of \$46,875.00 for the Barstow Skate Park Project. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Chip Seal project

Jose Dominguez, City Engineer, reported that chip sealing is a cost effective way to extend the life of asphalt streets between more expensive overlays. Quotes were requested for the 2012 project with the low quote of The Road Guy Construction Co. of \$42,775.28. Discussion followed with Jose listing the streets that will be chip sealed as part of this project.

TopKote, Inc \$44,784.20, The Road Guy Construction Co. \$42,775.28

151-12

Alderman Willson moved approval of the low quote of The Road Guy Construction Co. of \$42,775.28 for the chip seal project. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Miscellaneous Concrete project

Jose Dominguez, City Engineer, reported that, as part of an ongoing program to update all of the handicap ramps along with repair of concrete curb and gutter or other concrete repairs, a miscellaneous concrete project was put together. Quotes were received on May 1st with the low quote from Martinson Construction of \$24,039.39.

Vermillion Construction Co. \$32,731.00, D & G Concrete Construction, Inc. \$26,892.00, Walker Construction \$31,111.79, Martinson Construction \$24,039.59

152-12

Alderman Grayson moved approval of the low quote of Martinson Construction of \$24,039.59 for the miscellaneous concrete project work. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

E. Fuel Quotes

Mike Carlson read the monthly fuel quotes and recommended the low quote of Stern Oil on all four items.

4,350 gal unleaded 10% ethanol: Stern Oil \$3.2428, Brunick's Service \$3.30; 1,000 gal unleaded: Stern Oil \$3.2834, Brunick's Service \$3.40; 3,000 gal No. 2 diesel fuel-dyed: Stern Oil \$3.2855, Brunick's Service \$3.39; 1,000 gal No. 2 diesel fuel-clear: Stern Oil \$3.5020, Brunick's Service \$3.60

153-12

Alderman Grayson moved approval of the low quote of Stern Oil on all four items. Alderman Zimmerman seconded the motion. Motion carried 8 to 9. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the City's surplus and abandon property auction is Friday, May 11th at 5:30 p.m. at the Service Center at 115 West Duke Street.

B. John reported that the swimming pool is scheduled to open on Friday, May 25th at noon, weather permitting.

C. John reported that the quarterly City update page will be in the Equalizer on Tuesday, May 8th.

D. John reported that, due to conflict with 8th grade school activities, the compact florescent light bulb distribution at Jones Food Center is now scheduled for May 15, 16 and 17 from 4:00 p.m. to 6:00 p.m. The City received funding from AARP and the Cities of Service Program to fund the light bulb distribution. The City partnered with the 8th grade science classes on the project. The students will be distributing the compact florescent light bulbs along with information on energy efficiency.

E. John reported that the combined Primary/Municipal/School election will have all City wards voting at the 4-H Center at 515 High Street due to the National Guard using the Armory.

F. John reported that the bike path stops short of Stanford Street in front of Polaris because the State Department of Transportation would not let the path cross their right-of-way line. The DOT is assisting the City with options of placing a bike path along the east side of Stanford Street. Until this happens, the City will keep the area mowed at the end of the bike path to allow users' access to Stanford Street.

PAYROLL ADDITIONS AND CHANGES

Street: Cody O'Neill \$8.50/hr, Rich Walker \$9.25/hr; Recreation: Betsy Hughes \$7.75/hr; Wastewater: Jordan Boots \$8.75/hr; Landfill: Barry Braaten \$15.63/hr, Tim Taggart \$15.63/hr; Library: Patricia Roberts-Pizzuto \$10.32/hr;

11. Invoices Payable

154-12

Alderman Zimmerman moved approval of the following bill:

Jack Powell	APPA LEGISLATIVE RALLEY EXPENSES	162.15
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Alderman Grayson seconded the motion. Mayor Powell requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

155-12

Alderman Zimmerman moved approval of the following bill:

UNIVERSITY CLEANERS

HEMMING

18.00

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

156-12

Alderman Zimmerman moved approval of the following bills:

3D SPECIALTIES INC	SUPPLIES	297.33
ADAMS GOLF, LTD	MERCHANDISE	820.78
ADVANCE SIGN & ENGRAVING	SIGN INSERT	31.30
AHEAD, INC	MERCHANDISE	389.03
ALLEGIANT EMERGENCY SERVICE	PARTS	1,339.58
ALLIED INDUSTRIAL DISTR	PARTS	17.50
ALLIED INSURANCE	NOTARY BOND	100.00
AMERICAN FENCE COMPANY, INC	CHAIN LINK FENCE	5,778.00
AMERICAN PUBLIC POWER ASSOC	REGISTRATION	1,535.00
AMERICAN SOCCER COMPANY, INC	NETS	256.62
APPEARA	SUPPLIES	121.39
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	273.67
ARAMARK-WEARGUARD	UNIFORM SHIRTS	304.75
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	46.59
ASC PUMPING EQUIPMENT	PARTS	1,197.08
ASSURED LOCK TOOL & SUPPLY	PARTS	58.28
ATCO INTERNATIONAL	PARTS	84.50
AUDIO GO	BOOKS	163.94
B&R CHAINSAW SCULPTURES	PARK SIGN	400.00
BAKER & TAYLOR BOOKS	BOOKS	457.32
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	1,704.00
BARNES DISTRIBUTION	SUPPLIES	191.61
BEST WESTERN RAMKOTA INN	TRAVEL	163.98
BIERSCHBACH EQPT & SUPPLY	SUPPLIES	125.90
BOB FRANK	WATER HEATER REBATE	150.00
BOB IVERSON	MEALS REIMBURSEMENT	23.00
BOOK WHOLESALERS, INC	BOOKS	320.26
BORDER STATES ELEC SUPPLY	SUPPLIES	668.50
BOUND TREE MEDICAL, LLC	SUPPLIES	1,033.56
BROADCASTER PRESS	ADVERTISING	281.82
BROCK WHITE CO	SUPPLIES	482.60
BULLBERRY SYSTEMS, INC	SOFTWARE MAINTENANCE	1,950.00
BUSHNELL OUTDOOR PRODUCTS	MERCHANDISE	1,638.92
BUTLER MACHINERY CO.	PARTS	959.16

CAMPBELL SUPPLY	SUPPLIES	1,267.23
CANON FINANCIAL SERVICES	COPIER LEASE	56.16
CASK & CORK	MERCHANDISE	952.30
CENTER POINT LARGE PRINT	BOOKS	52.79
CENTRAL STATES WIRE PRODUCTS	SUPPLIES	2,440.55
CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	48.24
CENTURYLINK	TELEPHONE	736.13
CHEMCO, INC	SUPPLIES	35.00
CHESTERMAN CO	MERCHANDISE	1,132.48
CIT GROUP/COMMERCIAL SERVICE	MERCHANDISE	334.38
CITY OF VERMILLION	COPIES/POSTAGE	1,549.95
CITY OF VERMILLION	UTILITY BILLS	33,154.72
CLAY CO REGISTER OF DEED	FILING FEES	36.00
CLAY COUNTY HIGHWAY DEPT	CULVERTS/BANDS	1,094.66
CLAY RURAL WATER SYSTEM	WATER USAGE/SUPPLIES	63.27
CLEVELAND GOLF	MERCHANDISE	1,640.80
COFFEE KING, INC	SUPPLIES	57.75
COLONIAL LIFE ACC INS.	INSURANCE	3,032.79
CRA PAYMENT CENTER	PARTS	75.74
D & G CONCRETE CONSTRUCTION	BIKE PATH CONTRACT	106,816.36
D-P TOOLS	SCAN TOOL MEMORY UPDATE	895.95
DAKOTA BEVERAGE	MERCHANDISE	9,579.68
DAKOTA PC WAREHOUSE	REPAIRS/SOFTWARE	294.95
DAN GOEDEN	MEALS REIMBURSEMENT	21.00
DAPHNE'S HEADCOVERS	MERCHANDISE	101.88
DAYS INN BROOKINGS	TRAVEL	276.00
DELTA DENTAL PLAN	INSURANCE	5,580.86
DEMCO	SUPPLIES	216.22
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	194.00
DEPT OF VETERANS AFFAIRS	REFUND DUPLICATE AMB PAYMENTS	516.00
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	810.50
DIVISION OF MOTOR VEHICLE	TITLE/PLATES	40.00
DUST TEX	MAT SERVICE	34.95
E.A SWEEN COMPANY	SUPPLIES	263.44
EARTHGRAINS BAKING CO'S INC	SUPPLIES	107.92
ECHO ELECTRIC SUPPLY	SUPPLIES	1,580.64
ECOLAB	SUPPLIES	114.56
ENVIRONMENTAL PRODUCTS	PARTS	77.27
ERIN J. SEEP	MAINTENANCE	50.75
EZ-LINER INDUSTRIES	SUPPLIES	102.50
FAR FROM NORMAL	SUPPLIES	26.46
FARMER BROTHERS CO.	COFFEE PACKETS	81.76

FEDEX.	SHIPPING	10.97
FOOT-JOY	MERCHANDISE	132.42
FOREMAN MEDIA	COUNCIL MTG	50.00
GALE	BOOKS	241.50
GE CAPITAL	COPIER LEASE	114.48
GEMPLERS INC	SUPPLIES	202.55
GRAHAM TIRE CO.	TIRES	800.54
GRAINGER	PARTS	1,078.50
GRAYBAR ELECTRIC	SUPPLIES	40.09
GREGG PETERS	FREIGHT/ADVERTISING	2,427.25
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	698.14
HARTINGTON TREE LLC	GRIND STUMPS	125.00
HAWKINS WATER TREATMENT	CHEMICALS	958.02
HD SUPPLY WATERWORKS	SUPPLIES	3,465.78
HELGET SAFETY SUPPLY, INC	SUPPLIES	105.71
HELMS & ASSOCIATES	PROFESSIONAL SERVICES AIRPORT	18,976.13
HENDERSON EXHAUST PLUS	SOCCER GOALS	403.76
HERREN-SCHEMPP BUILDING	SUPPLIES	375.78
HY VEE FOOD STORE	SUPPLIES	196.38
INDEPENDENCE WASTE	PORT TOILET RENTAL/WASTE HAULING	1,250.38
INGRAM	BOOKS	210.91
JACKS UNIFORM & EQPT	UNIFORMS	1,977.55
JAY'S PLUMBING	REPAIRS	79.21
JIM BALLEWEG	SAFETY BOOTS REIMBURSEMENT	100.00
JOHN A CONKLING DIST.	MERCHANDISE	7,432.10
JOHNSON BROS FAMOUS BRANDS	MERCHANDISE	30,742.48
JOHNSON CONTROLS	REPAIRS	1,293.34
JOHNSTONE SUPPLY	SUPPLIES	214.54
JON COLE	SAFETY BOOTS REIMBURSEMENT	50.00
JONES ACE HARDWARE	SUPPLIES	1,290.15
JONES FOOD CENTER	SUPPLIES	511.84
KNOLOGY	911 CIRCUIT	1,365.50
KUSTOM SIGNALS, INC	SUPPLIES	215.00
LARGE PRINT OVERSTOCKS	BOOKS	25.55
LARSON DATA COMMUNICATIONS	PARTS	799.80
LAWSON PRODUCTS INC	SUPPLIES	162.67
LAYNES WORLD	EMS ID PLATES	85.00
LBA INTERIORS	PROFESSIONAL SERVICES	366.18
LEARNING OPPORTUNITIES, INC	BOOKS	154.18
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	1,006.23
LEISURE LAWN CARE	TREATMENT	65.96
LESSMAN ELEC. SUPPLY CO	PARTS	1,541.20

LINCOLN MUTUAL LIFE	INSURANCE	483.90
LINDA FRITZ	REFUND AMBULANCE PAYMENT	573.10
LOCATORS AND SUPPLIES, INC	SAFETY VESTS	44.82
LUDEY'S READY MIX	REPAIRS	120.00
MAINLAND ENGRAVING LLC	MEDALS/RIBBONS	50.75
MALLOY ELECTRIC	PARTS	61.66
MART AUTO BODY	TOWING	960.00
MATHESON TRI-GAS, INC	SUPPLIES	192.91
MAXIMUM PROMOTIONS	FLAGS	539.95
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,152.00
MEAD LUMBER	SUPPLIES	450.17
MERRICK INDUSTRIES	PARTS	2,729.12
MICRO MARKETING ASSOC	BOOKS	25.79
MIDWEST ALARM CO	ALARM MONITORING	120.00
MIDWEST BUILDING MAINTENAN	MAT SERVICE	491.00
MIDWEST TURF & IRRIGATION	SUPPLIES	267.08
MILTONA TURF PRODUCTS	PARTS	153.86
MINN MUNICIPAL UTILITY ASSOC	SAFETY MGMT PROGRAM	5,405.86
MISSOURI VALLEY MAINTENANCE	REPAIRS	867.65
MOORE WELDING & MFG	REPAIRS	513.55
N B GOLF LLC	PARTS	4,189.18
NATIONAL FIRE PROTECTION ASSOC	TRAINING MANUALS	272.20
NCL OF WISCONSIN, INC	PARTS	995.75
NEBRASKA JOURNAL-LEADER	ADVERTISING	34.92
NETSYS+	PROFESSIONAL SERVICES	270.00
NEW YORK LIFE	INSURANCE	95.00
NIKE INC	MERCHANDISE	444.00
NORTHERN TRUCK EQPT CORP	PARTS	1,169.24
OFFICE OF WEIGHTS & MEASURE	TESTING	103.00
OFFICE SYSTEMS CO	SUPPLIES	198.00
OKOBOJI WINES-WEST	MERCHANDISE	252.00
ORIENTAL TRADING CO	SUPPLIES	71.05
PAGE, WOLFBERG & WIRTH, LLC	TRAINING VIDEOS	149.00
PEITZ GMC SERVICE INC	TOWING	626.76
PETE LIEN & SONS, INC	CHEMICALS	4,550.80
PITNEY BOWES, INC	INK CARTRIDGE	61.19
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POMPS TIRE SERVICE, INC.	TIRES	1,050.60
PRAIRIE BERRY WINERY	MERCHANDISE	1,608.00
PRESSING MATTERS	SUPPLIES	456.00
PRESTO-X-COMPANY	INSPECTION/TREATMENT	47.00
PRINT SOURCE	ADVERTISING	2,343.68

PROEFROCK ELECTRIC INC	UNDERGROUND REIMBURSEMENT	545.00
PUMP N PAK	FUEL	2,348.71
QUALITY TELELCOMMUNICATION	PHONE SYSTEM	2,944.29
QUEEN CITY WHOLESALE	SUPPLIES	801.24
QUILL	SUPPLIES	859.64
RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
RANDOM HOUSE, INC	BOOKS	356.40
RAWLINS MUNICIPAL LIBRARY	BOOKS	23.99
RECORDED BOOKS, INC	BOOKS	827.20
REINHART FOODSERVICE, LLC	SUPPLIES	949.61
REPUBLIC NATIONAL DISTR	MERCHANDISE	23,385.26
RESCO	SUPPLIES	47,984.90
RICK ERICKSON	WATER HEATER REBATE	150.00
RIVERSIDE HYDRAULICS & LAB	PARTS	110.20
ROYAL CAR WASH	CAR WASH CARDS	200.00
SANITATION PRODUCTS	PARTS	351.62
SCHAEFFER MFG. CO	SUPPLIES	595.20
SCHUH ELECTRIC	UNDERGROUND REIMBURSEMENT	410.00
SD GOVERN FINANCE OFFICERS	REGISTRATION	150.00
SD LOTTERY	VIDEO LOTTERY LICENSE RENEWAL	100.00
SD ONE CALL	LOCATES	128.10
SD PARKS & RECREATION ASSOC	MEMBERSHIP DUES	20.00
SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	390.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	45,130.94
SECOG	CDBG ADMINISTRATIVE	7,500.00
SECURITY SHREDDING SERVICE	PROFESSIONAL SERVICES	35.00
SERVALL TOWEL & LINEN	SUPPLIES	73.50
SHORTYS HVAC SUPPLIES LLC	PARTS	95.00
SKYHAWKE TECHNOLOGIES LLC	MERCHANDISE	741.85
SMITH & LOVELESS, INC	PARTS	58.14
SORLIEN ELECTRIC, INC	INSTALL LOAD MGMT	76.53
SPORT SUPPLY GROUP	SUPPLIES	2,393.43
STAN HOUSTON EQPT CO	PARTS	426.35
STEFFEN	UTILITY BODY/LIFTGATE	8,159.00
STRACHAN SALES, INC	REPAIRS	363.20
STUART C. IRBY CO.	SUPPLIES	28,064.30
STURDEVANTS AUTO PARTS	PARTS	2,165.57
SURFACE SOLUTIONS	REPAIRS	650.00
TAYLOR MADE	MERCHANDISE	181.61
TEAM GOLF	MERCHANDISE	1,254.05
THATCHER COMPANY	SODA ASH	7,123.60
THE EQUALIZER	ADVERTISING	1,233.72
TIM TAGGART	MEALS REIMBURSEMENT	21.00

TITAN ACCESS ACCOUNT	PARTS	54.14
TITLEIST DRAWER CS	MERCHANDISE	5,834.83
TODDS ELECTRIC SERVICE	INSTALL LOAD MGMT	161.20
TRUE VALUE	SUPPLIES	133.02
TURFWERKS	PARTS	629.81
TYLER TECHNOLOGIES	MAINTENANCE	3,706.34
UNITED LABORTORIES	SUPPLIES	731.20
UNITED WAY	CONTRIBUTIONS	332.80
USBORNE BOOKS	BOOKS	462.92
VAN DIEST SUPPLY CO	CHEMICALS	1,379.65
VERIZON WIRELESS	POLICE COMMUNICATIONS	211.63
VERMEER HIGH PLAINS	SUPPLIES	297.82
VERM CHAMBER OF COMMERCE	POSTAGE/DUES	190.32
VERMILLION COMMUNITY CPR	CPR CARDS	56.00
VERMILLION FORD	4-PICKUPS/PARTS	95,133.04
VERMILLION HOUSING AUTHORITY	CONTRIBUTION FOR AUDIT FEE	5,830.00
VERMILLION NOW!	PLEDGE AGREEMENT	30,000.00
VERMILLION ROTARY CLUB	MEALS/DUES	114.25
VERMILLION VETERINARY CLINIC	PROFESSIONAL SERVICES	35.00
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	4,720.35
WAL-MART COMMUNITY	SUPPLIES	1,160.47
WALKER CONSTRUCTION	CONCRETE PAD	4,590.00
WALKER PROCESS EQUIPMENT	REPAIRS	944.26
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	103.00
WATERTOWN REGIONAL LIBRARY	PROFESSIONAL SERVICES	84.45
WELFL CONSTRUCTION CO	LIBRARY EXPANSION/REMODEL	167,501.00
WESCO DISTRIBUTION, INC	SUPPLIES	8,237.84
WH OVER MUSEUM	CONTRIBUTION	15,000.00
YANKTON FIRE & SAFETY	REPAIRS	92.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	1,141.02
ZEE MEDICAL SERVICE	SUPPLIES	188.90
ZIMCO SUPPLY CO	SUPPLIES	17,101.13
ZUERCHER TECHNOLOGIES LLC	SUBSCRIPTION	24,255.00

Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of May 21, 2012 for a special daily malt beverage and wine license for the Fraternal Order of Eagles on or about June 8, 9, & 10, 2012 in Prentis Park for Shakespeare Festival

B. Set a public hearing date of May 21, 2012 for the transfer of retail on-sale liquor license to Red Steakhouse, Inc. for Red Steakhouse at 1 East Main transfer from Valiant Vineyards, Inc. at 1500 West Main

C. Set a public hearing date of May 21, 2012 for a retail on-off sale malt beverage license for Valiant Vineyard, Inc. for Valiant Vineyard at 1500 West Main

147-12

Alderman French moved approval of the consensus agenda with the correction of Item A to Prentis Park. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

148-12

Alderman Ward moved to adjourn the Council Meeting at 8:42 p.m. Alderman French seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 7th day of May, 2012.

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

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: May 21, 2012

Subject: Special Daily Malt Beverage and Wine License for the Fraternal Order of Eagles on or about June 8, 9 & 10 in Prentis Park for the Coyoteopoly/South Dakota Shakespeare Festival.

Presenter: Mike Carlson

Background: The Fraternal Order of Eagles has submitted an application for a special daily malt beverage and wine license for the Coyoteopoly/South Dakota Shakespeare Festival on June 8, 9 and 10 for a beer garden in Prentis Park. Jere Chapman will be representing the Fraternal Order of Eagles for this special events license. Jere has included a memo, along with a diagram, indicating the fenced area may be the beer garden or it may be the whole vendor area including beer garden. The memo also indicates the hours of operation as approximately 4:00 pm to 11:00 pm.

City ordinance on special daily licenses reads as follows:

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

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

State Statute for the special daily licenses is as follows:

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

6. Public Hearings; item a

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealers licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

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

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

- The hours of operation as the swimming pool will be open each day until 4:50 pm. Should the beer garden area be open while the pool is open?
- As is noted in the Police Chief memo, the entrance/exits to the beer garden area needs to be supervised and identification checked to insure those entering are of legal age.
- If the beer garden is going to encompass areas where underage persons will be allowed, then a wrist band system should be used at the entrance/exit to identify those of legal age to drink and additional TAM trained staff should be employed to check to insure alcohol remains out of underage hands after the point of sale and that alcohol doesn't leave the fenced area.

Other items that are addressed with a special license would be adequate facilities and clean up. The Coyoteopoly group has arranged to have portable restrooms on the north end of the basketball court in the park where the vendors and beer garden

is located. The group also has a cleanup committee that has contracted for a dumpster to be located on the east side of the park to deposit cleanup materials.

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

Conclusion/Recommendations: Administration recommends approving the issuance of the special daily malt beverage and wine license for June 8, 9 and 10 with conditions as to the time and any additional licensee controls as determined by the City Council unless further information is provided at the public hearing.

5/14/2012

City Council;

Thru a cooperation of myself and The Eagles, I will be using their license to host a beer garden at the 1st annual USD Shakespeare Festival being held June 8, 9, & 10 2012 at Prentis Park in Vermillion.

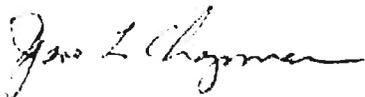
My staff will check ID's and use wrist bands.

Hours of operation will be approximately 4:00 pm to 11:00 pm Fri thru Sun

Security will be provided by the Shakespeare Committee

Trash cans will be provided by the City of Vermillion and maintained by the Shakespeare Committee

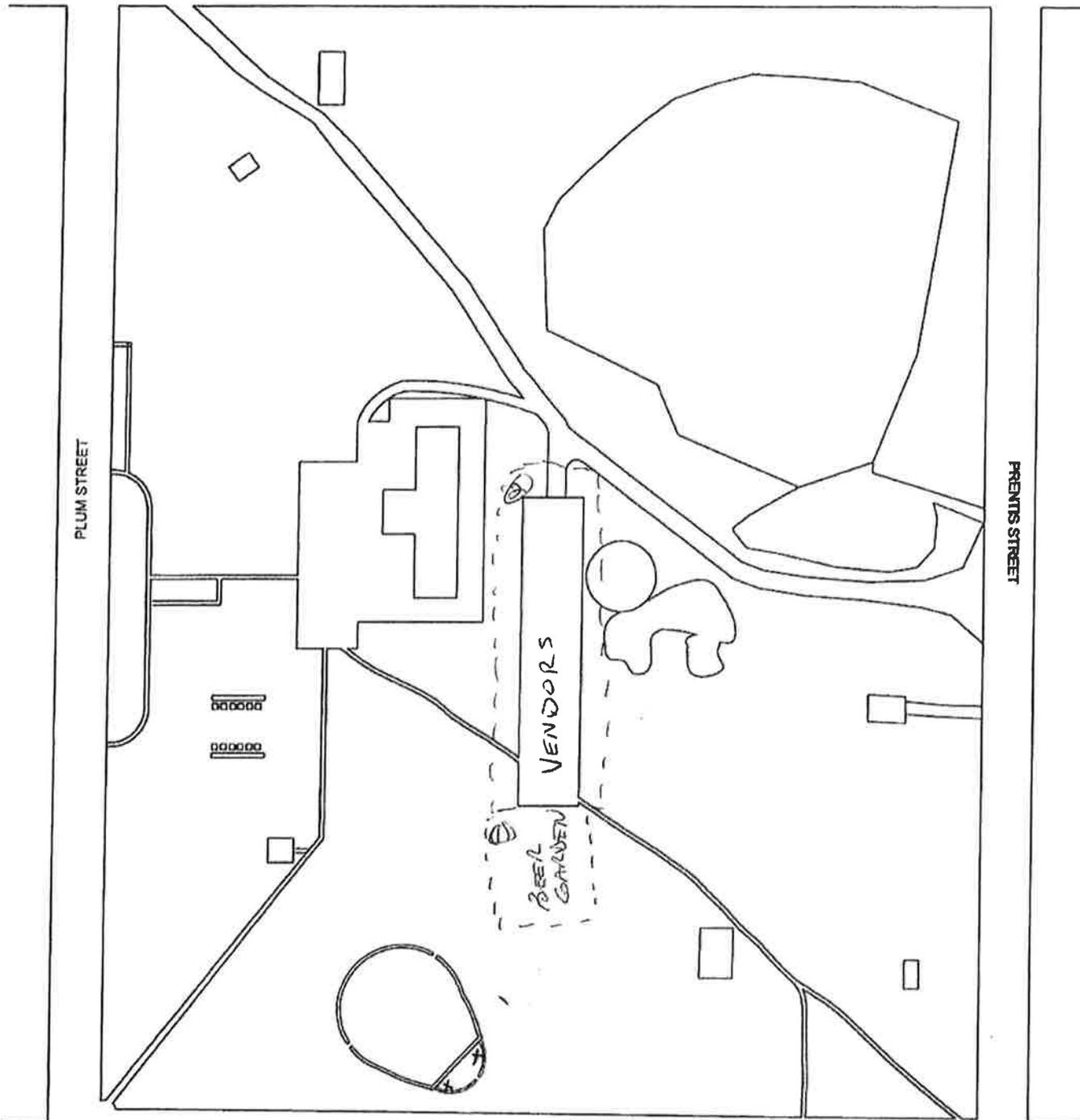
If you need any further information I can be reached at 605-638-0421

A handwritten signature in cursive script that reads "Jere L. Chapman".

Thank you,
Jere L. Chapman

PRENTIS PARK

E. CLARK STREET



MAIN STREET

- (1) BEER TENT will BE FENCED OFF
- (2) IF ENOUGH FENCE "ALL" OF THE VENDOR AREA will BE FENCED

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



MEMORANDUM

To: Vermillion City Council

Date: May 15, 2012

From: Matt Betzen
Chief of Police

Subject: Application for Beer Garden during the Shakespeare Festival/Prentis Park June 8, 9, and 10 of 2012

Reference: Eagles – Jere Chapman

I have reviewed the application and memo provided by Jere Chapman regarding the proposed Beer Garden for the Shakespeare Festival.

An examination of the Vermillion Police Department's Records Management System revealed no alcohol related violations or felony convictions in reference to this application.

The one issue of concern is the "fenced area" that will constitute the beer garden, which is the area where alcohol can be purchased and consumed. This is the first time this event has occurred and the final plans are still being formulated. The primary concern is to create an environment where underage drinking does not occur. With that in mind, I recommend of the following measures be put in place as a part of the permit.

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

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 21st day of May, 2012 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

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

Fraternal Order of Eagles on or about June 8, 9 & 10, 2011 at Prentis Park for Shakespeare Festival.

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

Dated at Vermillion, South Dakota this 3th day of May, 2012.

Michael D. Carlson, Finance Officer

Publish: May 11, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: May 21, 2012

Subject: Transfer of Retail on Sale Liquor License from Valiant Vineyard, Inc. to Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street

Presenter: Mike Carlson

Background: An application for the transfer of a retail on sale liquor license from Valiant Vineyard, Inc. to Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street was received. A copy of the notice that was published for the license transfer and the Police Chief's report are attached.

Discussion: The City Council has the ability to transfer a license on basically two criteria: suitable person and suitable location. As to the suitable person, Red Steakhouse currently has an on-off sale malt beverage and retail on-off sale wine license as such they are not a new applicant and a background check was not requested. With respect to the location criteria, the above listed licenses have been previously approved for the locations. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. The following are the city ordinances on suitable person and suitable location.

112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The

applicant's completed application will be attached to the certification of the law enforcement agency when received.

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

§ 112.21 SUITABLE LOCATION.

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

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.
- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the

best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

Financial Consideration: The transfer fee is \$150 for the license which is retained by the city. The liquor license will expire on December 31, 2012.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the transfer of the retail on sale liquor license from Valiant Vineyard, Inc. to Red Steakhouse, Inc. for Red Steakhouse at 1 East Main Street. If a motion is made to deny, the reason needs to be included in the motion.

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



05/11/2012

Attn: Mike Carlson

Re: Transfer of Retail On Sale Liquor License from Valiant Vineyard Inc. to Red Steakhouse Inc
until 12/31/12, and Retail on-off Sale Malt Beverage until 06/30/12 for Valiant Vineyards.

Sir,

A check of the Vermillion Police Department Records does not show any information regarding Red Steakhouse Inc., Valiant Vineyard Inc., or their respective owner, which would be cause for concern regarding these proposed transfers.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 21st day of May, 2012 at the hour of 7:00 P.M. at City Hall Council Chambers will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Transfer of Retail On Sale Liquor License until December 31, 2012:
Red Steakhouse, Inc for Red Steakhouse at 1 East Main Street
transfer from Valiant Vineyards Inc. at 1500 West Main.

Retail on-off Sale Malt Beverage until June 30, 2012:
Valiant Vineyards, Inc for Valiant Vineyards at 1500 West Main

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

Dated at Vermillion, South Dakota this 7rd day of May, 2012

Michael D. Carlson, Finance Officer

Publish: May 11, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: May 21, 2012
Subject: Retail On-Off Sale Malt Beverage License from Valiant Vineyards, Inc. for Valiant Vineyards at 1500 West Main Street
Presenter: Mike Carlson

Background: An application for a retail on-off sale malt beverage license was received from Valiant Vineyard, Inc. for Valiant Vineyards at 1500 West Main Street. A copy of the notice that was published for the license and the Police Chief's report are attached.

Discussion: The City Council has the ability to issue a license on basically two criteria: suitable person and suitable location. As to the suitable person, Valiant Vineyards, Inc. has been issued a retail liquor license that was considered for transfer to Red Steakhouse, Inc. earlier in this meeting and a package farm winery license, and, as such, they are not a new applicant and a background check was not requested. With respect to the location criteria, the above listed licenses have been previously approved for the locations. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. The following are the city ordinances on suitable person and suitable location.

112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to

cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.

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

§ 112.21 SUITABLE LOCATION.

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

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.

(B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

As to the licenses that are held and the products that can be sold Valiant Vineyards has an off-sale package wine dealer's license through the City.

SDCL 35-4-2(19) Off-sale package wine dealers in table wines, sparkling wines, sacramental wine, and distilled spirits produced from product provided to an artisan distiller by the respective farm winery to be operated in conjunction with a farm winery established pursuant to chapter 35-12.

The State of SD has also issued Valiant Vineyards, Inc as SD Farm Winery license pursuant to SDCL 35-12-5

35-12-5. Sales authorized by license. A license issued pursuant to § 35-12-2 authorizes the sale on the farm winery premises of table wine, sparkling wines, or sacramental wines, or any wine as defined in subdivision 35-12-1(3), produced by the farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of one hundred fifty thousand gallons in a calendar year, glassware, wine literature and accessories, food products, South Dakota made products, and the dispensing of free samples of wines offered for sale. Sales at on-sale and off-sale may be made at any time during the week except on Sundays when the on-sale and off-sale sales are restricted to between twelve noon and twelve midnight.

The SD Farm Winery license also allows the farm winery to sell artisan distilled spirits that were produced from products provided to the artisan distiller by the farm winery.

35-13-12. Sale of distilled spirits to farm winery. An artisan distiller may sell distilled spirits to a farm winery if the distilled spirits were produced from products provided to the artisan distiller by the farm winery.

Financial Consideration: The retail on-off sale malt beverage license fee is \$300 with half (\$150) retained by the City. The on-off sale malt beverage license will expire on June 30, 2012.

Conclusion/Recommendations: Following the input from the public hearing, the City Council is asked to make a decision on the approval or denial of the on-off sale malt beverage license for Valiant Vineyards, Inc. for Valiant Vineyards at 1500 West Main Street. If a motion is made to deny, the reason needs to be included in the motion.

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



05/11/2012

Attn: Mike Carlson

Re: Transfer of Retail On Sale Liquor License from Valiant Vineyard Inc. to Red Steakhouse Inc
until 12/31/12, and Retail on-off Sale Malt Beverage until 06/30/12 for Valiant Vineyards.

Sir,

A check of the Vermillion Police Department Records does not show any information regarding Red Steakhouse Inc., Valiant Vineyard Inc., or their respective owner, which would be cause for concern regarding these proposed transfers.

NOTICE OF PUBLIC HEARING OF APPLICATIONS
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 21st day of May, 2012 at the hour of 7:00 P.M. at City Hall Council Chambers will meet in regular session to consider the following application for an alcoholic beverage license to operate within the municipality for the licensing period stated, which has been presented to the City Council and filed in the Finance Officer's Office:

Transfer of Retail On Sale Liquor License until December 31, 2012:
Red Steakhouse, Inc for Red Steakhouse at 1 East Main Street
transfer from Valiant Vineyards Inc. at 1500 West Main.

Retail on-off Sale Malt Beverage until June 30, 2012:
Valiant Vineyards, Inc for Valiant Vineyards at 1500 West Main

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

Dated at Vermillion, South Dakota this 7rd day of May, 2012

Michael D. Carlson, Finance Officer

Publish: May 11, 2012

Published once at the approximate cost of _____.



Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: May 21, 2012
Subject: Ordinance No. 1275 - Amendment to the Definitions, R-2 District and R-3 District within the Zoning Ordinance
Presenter: Jose Dominguez

Background: A relatively large amount of the residential construction occurring within the City in recent years has been in the form of duplexes, townhouses or apartment units. These units can only be constructed in the R-2 and R-3 zoning districts. Prior to construction starting, certain requirements have to be met. These requirements are setbacks, lot widths, lot area and off-street parking requirements.

Discussion: The proposed amendments will help clarify what qualifies as a duplex, townhouse and apartment complex. The current ordinance is vague in the definition of these building types. This issue has caused problems when trying to identify new construction as a duplex, townhouse or an apartment building and the requirements to be met. Additionally, the amendment will require that the new construction be placed at the building line rather than at the setback line. The building line may be further removed from the property line than the setback line, but never any closer to the property line than the setback line. The width of the lot at the property line will be controlled by the required frontage.

The amendment was presented to the Planning Commission at the April 23, 2012 meeting. The Planning Commission unanimously approved the amendment with a small change. The change has been incorporated in to Ordinance No. 1275. The first reading of the ordinance was voted by the Council at the May 7, 2012 meeting. At that meeting, the Council voted in favor of the amendment.

Financial Consideration: The City will incur costs for the required publications once adopted.

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1275. Since this is the second reading, a recorded vote is required.

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING THE ZONING ORDINANCE OF THE CITY BY AMENDING SECTION 155.008, DEFINITIONS; 155.032, R-2 RESIDENTIAL DISTRICT; 155.033, R-3 RESIDENTIAL DISTRICT.

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

That Section 155.008 of the Zoning Ordinance is hereby amended to add the following definition:

§ 155.008 DEFINITIONS

BUILDING LINE. A parallel to the curb line touching that part of a building or parking lot closest to the street. The line may be at the setback line or further.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE). A single family dwelling owned separately and attached to 2 or more single family dwellings by common vertical walls. Each dwelling shall be in its own lot.

DWELLING, MULTIPLE-FAMILY (APARTMENTS AND CONDOMINIUMS). A building, or portion thereof, containing 3 or more dwelling units that may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

DWELLING, TWO-FAMILY ATTACHED (DUPLEX). A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units. Each structure shall be in its own lot.

§ 155.032 R-2 RESIDENTIAL DISTRICT.

- A) Permitted uses. The purpose of this district is to provide for certain low to medium density residential areas in the city now developed primarily with single-family, 2-family, and multiple-family dwellings.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (apartments and condominiums) dwellings (up to 4 dwellings)	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077

Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children. All applicable dwelling standards apply.
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide copy of state agency license. All applicable dwelling standards apply.
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

B) 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	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
Single-family detached dwellings (see #2)	6,500 square feet	<u>50 feet</u>	65 feet (see #2)	25 feet (see #3)	8 feet	25 feet	35 feet
Single-family attached (townhouse) dwellings (up to 4 attached)	2,500 square feet	<u>25 feet</u>	25 feet	25 feet (see #3)	0 feet or 8 feet on nonparty wall side	25 feet	35 feet

dwelling) (see #5)							
Two-family attached (duplex) dwelling	7,500 square feet	<u>50 feet</u>	65 feet	25 feet (see #3)	8 feet	25 feet	35 feet
Multiple-family (apartments and condominiums) dwellings (4 units) (1 lot)	7,500 square feet	<u>50 feet</u>	75 feet	25 feet (see #3)	8 feet side	25 feet	35 feet
All other uses	6,000 square feet	<u>50 feet</u>	60 feet	25 feet (see #3)	15 feet	25 feet	35 feet

Exceptions:

1. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
2. A residence may be constructed on a lot-of-record, which has a lot width of less than 65 feet.
3. One required front yard may be reduced to 20 feet on corner lots.
4. See also adjustments to yard regulations (§ 155.082) for other specific exceptions.
5. Every two units will be staggered.

§ 155.033 R-3 RESIDENTIAL DISTRICT.

The purpose of this district is to provide for certain high density residential areas the city now developed primarily with single-family, 2-family, and multiple family dwellings.

(A) Permitted uses.

Permitted Use Applicable Standards

Single-family detached dwellings	§§ 155.070, 155.072, 155.076, 155.077
Single-family attached (townhouses) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Multiple-family (apartments and condominiums) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Two-family attached (duplex) dwellings	§§ 155.070, 155.072, 155.076, 155.077
Boarding and lodging house	§§ 155.070, 155.072, 155.076, 155.077
Fraternities and sororities	§§ 155.070, 155.072, 155.076, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties.

	§§ 155.070, 155.072, 155.077
Schools	All parking lots being 8 feet from all residential properties. One of the principle frontages shall abut upon an arterial or collector street as defined by the city's major street plan map. §§ 155.070, 155.072, 155.077
Public park areas	§ 155.070
Golf course	§§ 155.070, 155.072
Hospital/clinic	§§ 155.070, 155.072, 155.073, 155.077
Private club/lodge.	§§ 155.070, 155.072, 155.073, 155.077
Electrical substation	An opaque screen, 6 feet in height, located at all setback lines. §§ 155.070, 155.077
Group day care	A safe pickup and drop off area must be provided for the children §§ 155.070, 155.072, 155.076, 155.077
Neighborhood utilities	§ 155.070
Group home	Structure must be a single housekeeping unit. Applicant must provide a copy of state agency license. §§ 155.070, 155.072, 155.076, 155.077
Railroad right-of-way	Including a strip of land with tracks and auxiliary facilities for track operation, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding and watering stations.
Fences	§ 155.074
Convent/monastery	§§ 155.070, 155.072, 155.077
Accessory structure (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) 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	Frontage	Building Line	Front Yard	Side Yard	Rear Yard	Maximum Height
3 to 8 multiple-family (apartments and condominiums) dwelling units	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4) (see #7)	10 feet (see #1)	10 feet	45 feet
9 to 12 multiple-family (apartments and condominiums) dwelling units	20,000 square feet	<u>50 feet</u>	70 feet	30 feet (see #4) (see #7)	10 feet	10 feet	45 feet
over 12 multiple-	30,000	<u>50 feet</u>	85 feet	30 feet	10 feet	10 feet	45 feet

family (apartments and condominiums) dwelling units	square feet			(see #4) (see #7)			
Single-family detached	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4)	8 feet	25 feet	45 feet
Single-family attached (townhouses) dwellings (up to 8 attached units) (see#8)	2,500 square feet	<u>25 feet</u>	25 feet	30 feet (see #4)	0 feet or 10 feet on nonparty wall side	25 feet	45 feet
Two-family (duplex) dwelling	7,500 square feet	<u>50 feet</u>	60 feet	30 feet (see #4) (see #7)	10 feet (see #1)	25 feet	45 feet
All other uses	7,500 square feet	<u>50 feet</u>	75 feet	30 feet (see #4)	10 feet	25 feet	45 feet

Exceptions:

1. The side yard will be required to be increased to 15 feet when the building is 3 stories in height or more.
2. A residence may be constructed on a lot-of-record which has a lot width of less than 60 feet.
3. There shall be a required front yard on each street side of a double frontage lot. There shall be a required front yard on each street side of a corner lot.
4. One required front yard may be reduced to 20 feet on corner lots.
5. A conditional use permit will be required for any structure having a maximum height exceeding 45 feet (see §§ 155.095(A)).
6. See also adjustments to yard regulations (§ 155.039) for other specific exceptions.
7. More than one main building per lot may be constructed.
8. Every two units will be staggered.

Adopted this 21st day of May, 2012.

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Seal

First Reading: May 7, 2012
 Second Reading & Adoption: May 21, 2012
 Publication: June 1, 2012
 Effective Date: June 21, 2012



Council Agenda Memo

From: Jose Dominguez, City Engineer and John Prescott, City Manager
Meeting: May 21, 2012
Subject Ordinance No. 1276 - Amendment to the Off-Street Parking Requirements
Presenter: Jose Dominguez

Background: As noted with the last agenda item, the City experiences a lot of construction involving duplexes, townhouses or apartment buildings. These units can only be constructed in the R-2 and R-3 zoning districts. Prior to construction starting, certain requirements, such as setbacks, lot widths, lot area and off-street parking requirements have to be met. Meeting parking requirement is often a challenge as many sites are fully developed. Community members and Council members have asked to have staff review the requirement which does not allow garage spaces to count as parking spaces.

Discussion: The proposed amendment will offer the developer the option to count the garage space, and the area directly behind the garage, toward meeting the parking requirement for the units being constructed. This will only be allowed when the development meets the following criteria:

- Each unit must have direct access to their garage through a door directly leading to the garage without going through the outside.
- The garage stall must be at least 10-feet wide by 20-feet long.
- The property owner will ensure that the garage space is open for tenant parking and that the space cannot be used for any other purposes. This will be a condition of the rental registry.

For example, a four unit apartment complex, with three bedrooms per unit, and four 1 car garages, meeting all of our proposed requirements would require 12-parking stalls under our existing ordinance. This does not account for the garage space. Under the proposed ordinance, the same development would only require 10 additional parking stalls. Including the four garages would bring the total to 14-parking stalls. If the proposed conditions related to the garages are met, a formula is utilized to reduce the number of parking spaces that are also required. Staff believe that the conditions help ensure the likelihood that garage spaces are used for parking and not storage spaces which leads to more vehicles utilizing the streets for parking spaces.

Planning Commission Recommendation: The Planning Commission reviewed the proposed amendment during their April 23rd meeting. During the meeting, it was explained to the Planning Commission that the proposed criteria are in place to prevent the use of garages as storage sheds while still counting them towards the off-street parking requirements. At the meeting, the Planning Commission moved to recommend removing all of the proposed criteria. Staff's interpretation of the motion and discussion was that the Planning Commission desired to have all garages count in calculating parking requirements.

However, staff have since visited with the Planning Commission as a group on May 14th and some members individually. A concern was expressed that the wishes of the Planning Commission were incorrectly interpreted by staff and subsequently shared with the City Council. From the recent discussions of the Planning Commission, the intent of the motion was to allow attached garages to count toward meeting the parking requirements, but without the restrictions for parking stall size, direct access, and requiring property owners to ensure the spaces will be used for parking. Part of the misinterpretation can be attributed to staff as the Planning Commission felt the minimum stall size and definition of attached garage were included in the building code. The Building code does not determine minimum stall size or define an attached garage, but merely establishes construction standards for accessory buildings for fire protection.

Financial Consideration: The City will not see any financial impacts.

Conclusion/Recommendations: Staff understands the view of the Planning Commission. From a planning perspective, a garage is logically built to park a vehicle. From a rental standpoint, which is how most duplexes, townhouse and apartment units are utilized, garages are used in a variety of ways. The City has worked with tenants who have rented the living unit but not had access to the garage yet the garage is counted as part of the available parking for the unit. As rental units are often times a transition situation for many individuals, garages are often the most convenient storage space for the tenants. From a rental registry standpoint, a number of garages never meet the intended purpose of providing off-street parking. The ordinance is designed to provide flexibility for a property owner in meeting the parking requirement.

The first reading of the ordinance was presented to the Council at the May 7th meeting. At that meeting the Council voted unanimously in favor of the amendment. After more information and discussion from the Planning Commission to clarify their intentions, staff made a few minor changes to the ordinance. Since the building code does not address attached and detached garages specifically, staff attempted to allow attached

garages to count as long the units have access to the garage without going outside. In some cases you may have a common area to go through before accessing a garage; therefore, the "direct" terms were removed while keeping the remaining criteria. The ordinance before the City Council at the second reading does not reflect all of the wishes of the Planning Commission, but does try to be more flexible in allowing attached garages. Administration recommends approval of the second reading of ordinance 1276. Being the second reading a roll call vote is required.

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING CHAPTER 155, ZONING ORDINANCE, SECTION 155.072, OFF-STREET PARKING, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION.

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

That Section 155.072 of the Zoning Ordinance is hereby amended as follow:

§ 155.072 OFF-STREET PARKING.

(A) General conditions.

- (1) No parking spaces are permitted in the required front or side yard in any residential district except for multiple-family dwellings and portions of the front yard necessary for hard surfaced driveways or as otherwise provided in this chapter.
- (2)
- (3) (2) Parking spaces may be permitted in any required rear yard.
- (4) (3) All parking spaces shall be connected to a public street or alley.
- (5) (4) Except in conjunction with a legal nonconforming business, it is unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any commercial vehicle with a gross vehicle weight rating (GVWR) of over 13,000 pounds in a NRC, R-1, R-2, R-3 or R-4 Zoning District, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garbage truck is prohibited.
- (6) (5) All parking, loading, and maneuvering and drive areas thereto shall be hard surfaced with asphalt, concrete or other acceptable paving systems (as determined by City Engineer).
- (7) (6) The parking requirements in this section shall not be applicable to property in the CB Central Business District.

(B) Required parking spaces.

- (1) In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all other districts, see Table 1 below:

Table 1: Minimum Off-Street Parking and Loading Requirements

Uses and Structures	Minimum Parking Requirements
Rooming and boarding houses, sororities and fraternities	1 parking space for each 200 square feet of floor area
Bowling alleys	4 spaces per lane
Church or temple	1 space for each 4 seats in main seating area
Private club or lodge	1 parking space for each 300 square feet of floor area
High school	4 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any

	auditorium or gymnasium or cafeteria intended to be used as an auditorium
Elementary school	2 spaces for each classroom or office room, plus 1 for each 150 square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium
Eating and drinking places	1 space for each 300 square feet of gross floor area
Hospitals	1 space for each bed
Nursing, convalescent and rest homes	1 space for each 3 beds
Auditoriums, theaters and places of public assembly	1 space for each 4 seats of design capacity
Hotels and motels	1 space for each 2 rental rooms
Funeral homes	1 space for each 4 seats in the chapel
Retail sales establishments	1 space for each 300 square feet of floor area
Medical and dental clinics	1 space for each 2 staff members and full-time employees, plus 1 space for each 600 square feet of gross floor area
Manufactured home parks	2 spaces for each
Industrial uses	1 space for each 2 employees on the maximum working shift
Service establishments	1 space for each 300 square feet of floor area
Wholesale and distribution establishments	1 space for each 2 employees on the maximum working shift

- (2) For parking requirements for residential uses (excluding manufactured homes) see Table 2 below:
- (a) In order for the Alternate Parking Requirements to be used the following criteria must be met:
- (i) Each unit must have access to their garage through a walk-thru door leading to the garage without going through the outside.
 - (ii) Each garage stall shall be a minimum of 10-feet wide by 20-feet long.
 - (iii) The property owner will ensure that the garage space is open for tenant parking as a condition of their rental registry. The garage space cannot be used for any other purpose.

Table 2: Minimum Off-Street Parking and Loading Requirements for Residential Uses

Uses and Structures	Minimum Parking Requirements	Alternate Parking Requirements**
Single-family detached	2 spaces for each dwelling unit	2 spaces for each dwelling unit
Single-family attached (townhouses)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Two-family attached (duplex)	2 parking spaces per each dwelling unit or 1 per bedroom, whichever is greater	2 parking spaces per each dwelling unit or 1 per bedroom whichever is greater
Multiple-family	2 parking spaces per	Use either 2 parking

(apartments and condominiums)	each dwelling unit or 1 per bedroom, whichever is greater	spaces per each dwelling unit or 1 per bedroom, whichever is greater. This value shall be multiplied by the following factors. The number of garage stalls shall be subtracted from the product. If garage is 1 stall then the factor will be 1.2 If garage is 2 stalls, or larger, then factor will be 1.4
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** The parking stall (10-feet wide by 20-feet long) within the garage and the area directly in front of the garage (9-feet wide by 18-feet long) will count towards the off-street parking requirements.

- (3) All other uses not specified in the above tables shall have minimum off-street parking and off-street loading spaces as determined by the City Council.

Dated at Vermillion, South Dakota this 21st day of May, 2012.

THE GOVERNING BODY OF THE
CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

Attest:

Michael D. Carlson, Finance Officer
First Reading: May 7, 2012
Second Reading: May 21, 2012
Publication: June 1, 2012
Effective: June 21, 2012



Council Agenda Memo

From: Andrew Colvin, Assistant City Manager

Meeting: May 21, 2012

Subject: Second Reading of Ordinance No. 1277 – Amending Title 15, Chapter 155, Sections 155.008 and 155.037, of the 2008 Revised Ordinances of the City of Vermillion Adding a Definition and Permitted and Conditional Uses to the NC Neighborhood Commercial District

Presenter: Andrew Colvin

Background: In 2008, the Planning Commission and City Council completed a comprehensive rezoning of the city and a revision of the zoning ordinance. During this process, nearly all of the districts were renamed and a few new districts were added. One of new districts was the NC-Neighborhood Commercial District, which did not exist prior to the 2008 revision. The intent of the district was to create a transitional area separating Cherry Street from Main Street, which permitted very light commercial uses, such as laundromats and personal service businesses (i.e. hair salons, etc.) so as not to negatively impact residential areas. There are three areas designated as NC. One district is on Dakota Street from Cherry Street to Main Street, a second is on Plum Street from E. Main Street to Maple Street while the third district is on East Main Street. All types of residential uses are prohibited, as are eating establishments.

On November 14, 2011, Gary Marshall, owner of residential property on Dakota Street, approached the Planning Commission to express concerns that he is unable to re-finance the mortgage on his property because the zoning does not permit residential uses and, if burned down, could not be rebuilt. Staff brought forth some ideas on December 12, 2011 to gather additional input from the Planning Commission on what is desired for the district. From that discussion, it was apparent that the Planning Commission desires to permit both residential and commercial uses.

Discussion: One of the challenges of mixed use districts is ensuring that the uses do not create future conflicts and unorganized development. Without strict

standards for architectural compatibility, a district that allows different uses may also negatively impact the aesthetic value of a neighborhood. Therefore, some uses should be conditional to give the Planning Commission more oversight on how uses are located and/or rebuilt. The proposed ordinance adds residential dwellings (from single-family and townhouses up to 4 unit multi-family structures) to the NC district as conditional uses.

The amendment also modifies the commercial uses, adding a place for office-type facilities and eating establishments. The amendment presented to the Planning Commission provided restaurants, without alcohol licenses, as permitted uses. If a restaurant desired to have an alcohol license, malt beverage or liquor, a conditional use permit would have to be obtained. After some discussion, the Planning Commission felt that due to parking, noise, hours and traffic, it would be appropriate to have all restaurants obtain a conditional use permit to gather neighborhood input and place restrictions, if necessary.

Financial consideration: The City has incurred costs for the required publications.

Conclusion/Recommendations: The amendment will allow more flexibility to permit residential uses while still ensuring a transition between Cherry Street and Main Street. Staff recommends adoption of Ordinance No. 1277. As this is the second reading, a recorded vote is required.

ORDINANCE NO. 1277

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTIONS 155.008, DEFINITIONS AND 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA ADDING A DEFINITION AND PERMITTED AND CONDITIONAL USES TO THE NC NEIGHBORHOOD COMMERCIAL DISTRICT.

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

That Section 155.008 of the Zoning Ordinance is hereby amended to add the following definition:

§ 155.008 DEFINITIONS

ENGINEERING, MANAGEMENT, PUBLIC ADMINISTRATION AND RELATED OFFICES.

Offices for any of the following uses: accountant, architect, attorney, chiropractor, optometrists, podiatrist, management, sales and service engineer, planner, surveyor, dentist, physician, psychiatrist, surgeon, and similar uses.

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

That Section 155.037 of the Zoning Ordinance is hereby amended to add the following permitted and conditional uses and related regulations:

§ 155.037 NC NEIGHBORHOOD COMMERCIAL DISTRICT.

This district is intended to provide for developing and redeveloping areas located at the edge of residential developments, adjacent to the major streets that serve the area. It is the intent of this district to provide for a well-integrated service area, providing convenience goods and personal services to primarily serve residents within 1 mile of the development. Due to the nature of commercial uses, site and architectural design shall be compatible with and sensitive to adjacent residential development, striving to preserve and protect residential property values.

(A) *Permitted uses.*

<i>Permitted Use</i>	<i>Applicable Standards</i>
Engineering, management, public administration and related offices	§§ 155.070, 155.072, 155.073, 155.077
Drug store	§§ 155.070, 155.072, 155.073, 155.077
Personal services: beauty salons; barber shops; laundry services; photo studios	§§ 155.070, 155.072, 155.073, 155.077
Medical and dental clinics	§§ 155.070, 155.072, 155.073, 155.077
Mixed-use development (residential uses over ground floor non-residential uses)	§§ 155.070, 155.072, 155.073, 155.077
Churches	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077
Libraries	All parking lots being 8 feet from all residential properties. §§ 155.070, 155.072, 155.077

Day care center	Adequate and safe playground area with fence 4 feet high. A safe pickup and drop off area must be provided for the children. §§ 155.070, 155.072, 155.073, 155.077
Commercial parking lots/parking ramps	§§ 155.070, 155.072, 155.077
Accessory use (such as, garage, shed)	§§ 155.071, 155.082(A) (see definition)

(B) *Conditional Uses.*

<i>Conditional Use</i>	<i>Applicable Standards</i>
Single Family Detached Dwellings	§§ 155.070, 155.072, 155.073, 155.077, 1255.095
Single Family Attached (townhouse) Dwellings	§§ 155.070, 155.072, 155.073, 155.077, 155.095
Multiple Family (apartments and condominiums) Dwellings (up to 4 dwelling units)	§§ 155.070, 155.072, 155.073, 155.077, 155.095
Restaurants	§§ 155.070, 155.072, 155.073, 155.077, 155.095

(C) *Lot and yard regulations.* All measurements shall be taken from the lot line to the building line (see definitions).

	<i>Lot Area</i>	<i>Frontage</i>	<i>Building Line</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Maximum Height</i>
Single-family detached dwelling	6,000 square feet	50 feet	60 feet see #1	30 feet	8 feet	25 feet	35 feet see #5
Single-family attached (townhouse) dwellings (up to 4 attached dwellings) (see note #7)	2,500 square feet	25 feet	25 feet	30 feet	0 feet or 8 feet on nonparty wall side	25 feet	35 feet see #5
Two-family attached (duplex) dwellings	6,000 square feet	30 feet	60 feet	30 feet	8 feet	25 feet	35 feet
Multiple-family (apartments & condominiums) dwellings (4 units) (1 lot)	6,000 square feet/unit	50 feet	60 feet	30 feet	8 feet	25 feet	40 feet

All other uses	6,000 square feet see #4	50 feet	60 feet see #2, #32	30 feet see #2, #3	8 feet	25 feet	35 feet
Exceptions:							
#1 A single-family detached dwelling may be constructed on a lot-of-record which has a lot width of less than 60 feet.							
#2 No side yard or rear yard is required where a lot is adjacent to or abuts upon a commercial or industrial district.							
#3 Where a side yard or rear yard is required half of the required yard must be maintained as a landscaped area.							
#4 There shall be a required front yard on each street side of lots.							
#5 A conditional use permit will be required for any structure having a maximum height exceeding 35 feet (§ 155.095(A)).							
#6 See also adjustments to yard regulations (§ 155.082) for other specific exceptions.							
#7 Every two units will be staggered.							

Dated at Vermillion, South Dakota this 21st day of May, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

Attest:

Michael D. Carlson, Finance Officer

First Reading: May 7, 2012
Second Reading: May 21, 2012
Publication: June 1, 2012
Effective: June 21, 2012



Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: May 21, 2012
Subject: Amendment to the Design Standards in the Subdivision Ordinance
Presenter: Jose Dominguez

Background: Private roads and mutual access easements are addressed in the Subdivision Ordinance adopted last year. The original intent of the ordinance, regarding these items, was to allow a developer to construct either a private road or dedicated easement allowing access to certain parts of the property. Recently, it has come to our attention that the ordinance does not offer much flexibility between a private road and a public road and a mutual access easement.

Discussion: As mentioned, the original intent of the ordinance was to provide developers options between building private roads and public roads. With the proposed changes, the developer will still need to comply with some standards ranging from type of pavement to width of roadway. The roadway would also need to be in a mutual access easement. Any maintenance associated with the private road would be the responsibility of the developer until the City accepts responsibility for the roadway. Prior to the City accepting any responsibility, the roadway would need to be brought up to current City standards.

The use of mutual access easements will be restricted to either common parking areas or to provide an area to place the private road.

The Council approved the first reading of the ordinance at the May 7, 2012 meeting.

Financial Consideration: The City will not see any financial impacts because of the proposed change. However, adoption of the ordinance will require publication.

Conclusion/Recommendations: Staff recommends approval of the second reading of Ordinance No. 1278. As this is the second reading, a recorded vote is required.

ORDINANCE NO. 1278

AN ORDINANCE OF THE CITY OF VERMILLION, SD, AMENDING CHAPTER 154; SECTION 154.01, DEFINITIONS, 154.11.1 DESIGN STANDARDS – STREETS – URBAN TO CLARIFY THE DIFFERENCE BETWEEN PRIVATE STREETS AND MUTUAL ACCESS EASEMENTS.

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

That Section 154.01 of the Subdivision Regulations is hereby amended to add the following definition:

§ 154.01 GENERAL

(E) Definitions. The following words and phrases shall be as defined below:

- (29) MONUMENT. A boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground. The monument shall be 6 inches in diameter or 6 inches square and 24 inches in depth. A steel rod, 5/8" x 12", shall be placed at the center point on the monument.
- (30) PAVEMENT, PAVED. The surface of a street that forms a hard, firm, level surface for travel. It can be comprised of Portland cement, asphalt or a material approved by the City Engineer.
- (31) PLAT. A map or representation of land subdivided into lots, parcels, tracts or blocks, including streets/roads, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedication.
- (32) PRELIMINARY PLAT. Drawing or drawings indicating the proposed layout of the lots, blocks and public rights-of-way within a subdivision.
- (33) PRIVATE STREET/ROAD. A street or road that has not been dedicated, but rather reserved as public access to property. A private street/road is owned and maintained by the property owners which it serves.
- (34) PRIVATE ROAD EASEMENT. An easement granting the right to the public, and the city, to use a designated portion of property for common ingress and/or egress purposes.
- (35) REVERSE FRONTAGE LOT. A lot, among a group of double frontage lots, which contains a dwelling unit that is oriented in the opposite direction from the adjacent dwellings so that its front yard abuts the adjacent rear yards and its rear yard abuts the adjacent front yards.

- (36) RIGHT-OF-WAY. A strip of land occupied by a street, alley, road, railroad, pedestrian walkway or other special travel use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.
- (37) RURAL. Territory outside of the city limits.
- (38) STRUCTURES. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.
- (39) SUBDIVISION. The division of any tract or parcel of land into 2 or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate; or any division of land involving a new street or road regardless of parcel size or the number of parcels.
- (40) URBAN. Territory inside the city limits.
- (41) UTILITY EASEMENT. An easement granting the right to the city to use a designated portion of property for the installation, maintenance and access related to city utilities.

§ 154.11 DESIGN STANDARDS - STREETS.

§ 154.11.1 URBAN.

(D) Design standards.

- (1) The developer shall be responsible for dedication of all right-of-way widths according to the major street plan.
- (2) A tangent at least 100 feet long shall be placed between reverse curves on arterial and collector streets; on all other streets the tangent shall be at least 50 feet long.
- (3) Alleys are permitted in commercial and industrial districts when no other reasonable provision is made for service access, such as off-street loading, unloading, and parking consistent with the requirements set forth in the zoning ordinance.
- (4) Alleys are permitted in residential districts when conditions warrant an alternative means of access. However, an alley shall never be proposed as a primary form of access.
- (5) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with a turnaround as determined by the City Engineer.
- (6) Whenever an existing half-street is adjacent to a tract being subdivided, the other half of the street shall be platted within said subdivision.
- (7) A subdivision may show ½ of a street along adjoining property which has not been subdivided, but no building permit may be issued for any lot abutting on the undedicated half-street.

- (8) Cul-de-sacs and eyebrows will be allowed where they are necessary for the reasonable development of a subdivision. The maximum length of a cul-de-sac should not exceed 500 feet measured along the centerline, between the radius point of the turnaround and the right-of-way line of the abutting street. The maximum length of a cul-de-sac may be extended where no other practical alternative is available for the reasonable development of a subdivision. Temporary turnarounds may also be required by the City Engineer on dead-end streets that will eventually be continued. No more than 50 dwellings will be allowed on a cul-de-sac of 500 feet in length.
- (9) Where street jogs are unavoidable, the right-of-way offset shall not be less than 100-feet.
- (10) Streets shall be laid out in such a manner that they intersect, as nearly as possible, at right angles and no street shall intersect any other street at less than 80 degrees.
- (11) Private streets or roads, if allowed, shall meet the following requirements:
- a. Private streets shall be paved by the developer to a width of not less than 23 feet measured from back-of-curb to back-of-curb, and maintained in a passable condition. Greater width may be required when necessary. All private streets/roads must provide a minimum height clearance of 14' 6".
 - b. The property owner(s) or agent shall place street signs on all private streets or compensate the city to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall meet all current MUTCD standards and are subject to the approval of the City Engineer.
 - c. Buildings located adjacent to a private street or road shall be addressed in accordance with City of Vermillion Code of Ordinances.
 - d. Building setback requirements shall meet the current zoning ordinance.
 - e. (e) Private streets or roads shall be indicated on the plat as a mutual access easement and shall not be included as part of any required lot area or setback.
 - f. (f) Any private street or road approved by the city shall provide permanent unobstructed access to the area it serves. The erecting of any structure within or adjacent to the private street or road which would in any way interfere with the use of such private street or road by the public or any governmental agency will not be permitted.
 - g. (g) Any plat presented for city approval which shows a private street or road as a means of access shall include language in the owner's certificate providing for a mutual access easement.
 - h. (h) The city will not subsequently accept a private street or road for dedication unless and until it is compliant with the city standards, providing adequate rights-of-way without requiring variances for setbacks.
- (12) When the traffic impact of 1 or more proposed property developments indicates that the public safety can be better served by the use of mutual access easements, the following requirements shall be observed:
- a. Any mutual access easement accepted by the city must provide for perpetual unobstructed access to the area it serves, and shall prohibit the erection of any structure within or adjacent to the access area which would

interfere with the use of the mutual access easement by the public or any governmental agency.

b. Mutual access easements shall be indicated on the plat.

c. Any plat presented for city approval which shows a mutual access easement as a means of access shall provide language in the owner's certificate reserving the mutual access easement as a perpetual unobstructed access easement.

d. Mutual access easement areas shall be paved by the developer and maintained in passable condition. Designs for mutual access easements must be approved by the City Engineer. An easement area maintenance agreement among property owners who will use the mutual access easement for access shall be filed with the plat. The agreement shall describe the legal responsibilities for the repair and maintenance of the easement area and the required signs.

- (13) The developer/owner may be required to place traffic control signs, or striping, on mutual access easements or to compensate the city for traffic control signs, placement, for mutual access easements, and striping at the locations the City Engineer deems necessary for the safety and convenience of the public. Traffic control signs and striping shall be approved by the City Engineer and in accordance with the current MUTCD standards.
- (14) Sidewalks shall be constructed in accordance with Chapter 96 of the City of Vermillion's Code of Ordinances.
- (15) The developer shall submit a geotechnical report to the city. The study shall include soil boring information; laboratory results for moisture content; dry density and Atterberg limits; opinions and recommendations regarding utility excavation procedures, site preparation and excavation/filling procedures; comments regarding constructability and final performance of the project, and recommendation for Portland cement pavement sections. Recommendations for private streets may include an asphalt pavement section equivalent to the recommended Portland cement pavement section.
- (16) The roadway shall consist of Portland cement pavement. At no point will the pavement section be less than 6 inches on local streets and 8 inches on collector or arterial streets. The base course shall be, at a minimum, 6 inches thick for either a local, collector or arterial street.

DESIGN ELEMENTS	ARTERIALS	COLLECTORS	LOCAL	FRONTAGE ROAD	MUTUAL ACCESS EASEMENT	CUL-DE-SAC	ALLEY
RIGHT-OF-WAY (FT)	80 – 100	80	66 – 80	50	50 – 100	66 – 80 (SEE NOTE 2)	20
DESIGN SPEED (MPH)	50	50	25	25	25	25	25
PARKING ALLOWED	NONE	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE 1	SEE NOTE	NONE

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Note:

1. On-street parking will be determined based on zoning and neighborhood characteristics.
2. Minimum radius right-of-way of 55 feet.

(E) Access to streets and roads.

(1) Street access for streets within city jurisdiction.

(a) Permit. Before any new driveway is connected to a street or an existing driveway approach is modified, a permit shall be obtained from the city. The permit shall be signed by the property owner or owner representative. All access permits must be obtained prior to building permits being issued.

(b) Specifications. All driveways shall be constructed according to the current details and specifications, on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.

(c) Access point location:

1. Each single-family residential lot is allowed up to 1 access point per street frontage.

2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points.

3. If the property is a corner lot where 1 street is a higher classification than the other street, the property owner will be required to place the access point on the street with the lower classification.

4. Driveways on corner lots shall be a minimum of 40 feet from the right-of-way of the cross street for all properties, except single-family residential. On arterial streets, the distance shall be increased to 60 feet. Single-family residential driveways must be a minimum of 30 feet from the cross street right-of-way.

5. Access to arterial and collector streets shall be limited and strictly enforced. Properties fronting these roads shall be required to either have right-of-way dedicated for the construction of a frontage road or have a shared access point with the adjacent lots. In addition, the City Engineer could require a limited movement driveway in special situations.

(d) Access size. The maximum driveway width for residential lots shall be 36 feet. Businesses shall be allowed a 40 foot maximum driveway width. This does not include the tapers at the access cut.

(2) Street access for streets within state jurisdiction.

(a) Permit. Before any new driveway is connected to a street or an existing driveway approach is modified, an access permit shall be obtained from the State of South Dakota. The city permit shall be obtained after the state permit is awarded. The permit shall be signed by the property owner or owner representative. All state permits must be obtained prior

to final plat approval, while all city access permits must be obtained prior to issuance of the building permit.

- (b) Specifications. All driveways shall be constructed according to the current details and specifications on file with the City Engineer. The City Engineer, if necessary, may vary them, as long as safety and traffic capacity are not compromised.
- (c) Access point on South Dakota Highway 50 Loop (Cherry Street between North Crawford Road and James Street):
 - 1. Each single-family residential lot is allowed up to 1 access point per street frontage.
 - 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than 2 accesses per block face. Limited movement driveways will be required on special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.
 - 3. If the property is a corner lot where 1 street is a higher classification, or within city or state jurisdiction the property owner will be required to place the access point on the street within the city's jurisdiction or on the street with lower classification.
- (d) Access point on South Dakota Highway 50 (By-Pass), South Dakota Highway 50 (east of North Crawford Road and west of James Street), South Dakota Highway 19 (north of South Dakota Highway 50 and south of West Cherry Street):
 - 1. Each single-family residential lot is allowed up to 1 access point per street frontage.
 - 2. Access to multi-family residential, commercial, industrial and institutional construction will be determined on a case-by-case basis. It is desired that these mentioned types of property fronting an arterial or collector street have shared access points. At no point, will a new access point be allowed when there are more than 2 accesses per block face. Limited movement driveways will be required in special situations. Connections to the frontage road shall be made at the minimum rate of 1 access point per each 2 lots and at a maximum rate of 1 access point per each 4 lots.
 - 3. If the property is a corner lot where 1 street is a higher classification, or within city or state jurisdiction the property owner will be required to place the access point on the street within the city's jurisdiction or on the street with lower classification.
- (e) Access size. The maximum driveway width for residential lots shall be 36 feet. Businesses shall be allowed a 40 foot maximum driveway width. This does not include the tapers at the access cut.

(Ord. 1251, passed 4-18-2011)

Adopted this 21st day of May, 2012.

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

Seal

First Reading: May 7, 2012
Second Reading & Adoption: May 21, 2012
Publication: June 1, 2012
Effective Date: June 21, 2012



Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: May 21, 2012
Subject: Final Plat of Cottage Place Addition
Presenter: Jose Dominguez

Background: Banner and Associates has submitted a final plat on behalf of the owners of Cottage Place PDD. The area to be platted is roughly 5.1-acres in area and is bordered in the north by East Cherry Street and on the east by Cottage Avenue. The proposed plat will subdivide the area into 8-lots.

Discussion: Staff reviewed the final plat and find that it complies with all code provisions. The preliminary plat for the same addition was approved by the Planning Commission on the April 23, 2012 meeting. No changes have been made to the plat since the preliminary was approved. The applicant will also be dedicating all of the required 8-foot utility easements around the lots.

The final plat was reviewed by the Planning Commission during their May 1, 2012 meeting. At that meeting, the Planning Commission recommended approval of the plat to the Council.

Financial Consideration: The platting fee has been paid by the applicant.

Conclusion/Recommendations: Staff finds that the final plat meets all of the ordinance requirements and recommends that the plat be approved.



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: May 21, 2012

Subject: Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds

Presenter: Mike Carlson

Background: During the preparation of the closing documents for the State Revolving Fund Loan for the water tower, Lynn Endorf of Dorsey & Whitney, LLP, bond counsel, inquired if the City had adopted written procedures for dealing with tax and arbitrage matters related to our bond issues. Since the last bond issue, the IRS has released a new version of the Form 8038-G that added blocks to be checked if the issuer has adopted written procedures for (a) remediation of nonqualified bonds in case some or all of the issue becomes private activity bonds and (b) monitoring compliance with the arbitrage/rebate requirements. It appears that, going forward, bond issuers will need to have written procedures in place in the event that there is an IRS inquiry into any of their bonds. Lynn noted that the IRS has been careful to say that failure to check the blocks won't necessarily result in an IRS inquiry, but they have said that the presence or absence of written procedures will be taken into consideration if and when an IRS inquiry occurs.

Discussion: Lynn has provided the attached Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds for the City Council to adopt to comply with the written procedures requirement requested on the IRS Form 8038-G which is required for each bond issue. It should be noted that these procedures were developed to cover all types of bond issues and, as such, most will not apply to this SRF issue.

An inquiry was made about the ability to lease antenna space on the water tower as Vermillion and many cities do. As long as the lease amount isn't greater than 5% of the annual debt service, or there is the ability for the city to terminate the lease, there is not a problem.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends the adoption of the Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds, as presented, to comply with the IRS requirements for Form 8038-G for the loan for the water tower.

City of Vermillion, South Dakota
(the “Issuer” or “City”)
Post-Issuance Tax Compliance Procedures
For Tax-Exempt Bonds

Dated: May 21, 2012

I. Purpose

These procedures are adopted by the Issuer to ensure that interest on tax-exempt bonds of the Issuer (or “Bonds”) remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”).

These written procedures are intended to formally memorialize certain policies and practices of the Issuer previously adopted or followed by the Issuer in connection with its issuance of Bonds. The Issuer reserves the right to use its discretion as necessary and appropriate to make exceptions to these procedures as facts and circumstances warrant.

II. Expenditure/Use of Bond Proceeds

- A. Expenditure of Bond proceeds will be regularly reviewed by the City Finance Officer for consistency with the Bond documents, including any Bond Resolution and the Issuer’s Tax Certificate.
- B. The Issuer has separately established procedures for preparation and review of requests for disbursement of Bond proceeds.
- C. Requests must identify the Bond-financed property in conformity with the Issuer’s Tax Certificate executed at closing of the Bonds, including the character of the Bond-financed property. Such information is contained as part of the Issuer’s accounting system coding.
- D. None of the proceeds of the Bonds will be used to reimburse the Issuer for costs paid prior to the date of issuance of the Bonds unless the Issuer shall have fully complied with Section 1.150-2 of the Treasury Regulations with respect to such reimbursed amounts, which section is summarized in Exhibit A hereto.
- E. Staff costs may be financed with Bond proceeds only to the extent that they are properly capitalized as a cost of a capital project under generally accepted accounting principles and federal tax law.
- F. Requests for expenditures will be summarized in a “final allocation” of Bond proceeds to uses not later than 18 months after the in-service date of the Bond-financed property (and in any event not later than 5 years and 60 days after the issuance of the Bonds and not later than 60 days after earlier retirement of the

issue) in a manner consistent with the Code and Treasury Regulations and the applicable Tax Certificate.

- G. Expenditure of proceeds of the Bonds will be measured against the Issuer's Tax Certificate expectation to spend or commit 5% of net sale proceeds within 6 months, to spend 85% of net sale proceeds within 3 years, and to proceed with due diligence to complete the capital project and fully spend the net sale and investment proceeds. In the event that exceptions under the Code are not met, calculations of rebate liability will be performed or caused to be performed by as provided herein.
- H. If there are any Bond proceeds remaining other than in a reserve or debt service fund established pursuant to the Bond Resolution after completion of the projects, such proceeds shall be applied in a manner consistent with the applicable Bond Resolution and Tax Certificate or pursuant to advice from Bond Counsel.
- I. In the event that Bond proceeds are to be loaned to a conduit borrower, such conduit borrower will be required to agree to all terms of the Tax Certificate and provide evidence of post-issuance tax compliance procedures deemed adequate and consistent with those set forth herein; and all such obligations for post-issuance tax compliance shall be assumed by such conduit borrower. The City Finance Officer shall be the primary contact for all conduit borrowers and related compliance matters.

III. Use of Bond-Financed Property

- A. Use of Bond-financed property when completed and placed in service will be reviewed by the City Finance Officer and, as applicable, the City Engineer. Appropriate department/facility managers, including staff responsible for asset management, shall be trained regarding restrictions on the use of Bond proceeds and facilities financed thereby and instructed to consult with regarding any third-party contract concerning use of the facilities, including without limitation leases, use, management or service contracts, and research contracts.
- B. Upon issuance of Bonds, there shall be no expectation that the Bond-financed property will be sold or otherwise disposed of by the Issuer during the term of the Bonds, except for replacement due to normal wear and tear or obsolescence.
- C. Agreements with third parties for lease, use, management, or any other service agreement or research contract with respect to, or non-governmental use in respect of, Bond-financed property will be reviewed prior to execution for compliance with the Code. Such agreement will be approved by the City Finance Officer, who will be responsible for determining whether the proposed agreement (1) results in private business use of the facilities, and (2) if applicable, meets the compensation, term and other requirements under Revenue Procedures 97-13 (included as Exhibit B hereto) and 2007-47; all upon advice of Bond Counsel, as necessary.

- D. No item of Bond-financed property will be sold or transferred by the Issuer without approval of the City Finance Officer or City Attorney, who shall seek advice of Bond Counsel as necessary, to provide guidance as to “remedial action” that may be required under the applicable Treasury Regulations if Bonds financing such property remain outstanding as of the date of sale or transfer of such property. Remedial action is summarized in Exhibit C hereto.
- E. The Issuer acknowledges that any sale, transfer, change in use, or change in users of the Bond-financed property may require remedial action, as previously described, or resolution pursuant to the IRS Voluntary Closing Agreement Program (or “VCAP”) to assist in resolving violations of the federal tax laws applicable to the Bonds.

IV. Investments

- A. Investment of Bond proceeds in compliance with the arbitrage and rebate requirements of the Code and applicable Treasury Regulations will be managed and supervised by the City Finance Officer.
- B. Guaranteed investment contracts (“GICs”) will be purchased according to the fair market value provisions of applicable Treasury Regulations, including bid requirements and fee limitations.
- C. Calculations of rebate liability will be performed annually by the City Finance Officer or by outside consultants as delegated by the City.
- D. Upon final expenditure of the gross proceeds of Bonds, and in any event promptly following the fifth anniversary of the date of issuance of the Bonds or earlier retirement of the Bonds, the City Finance Officer will consult a qualified professional to prepare a spending exception report or an arbitrage rebate computation (as applicable) for the issue of Bonds.
- E. Rebate payments, as required based upon the advice of a qualified professional, will be made with Form 8038-T no later than 60 days after (a) each fifth anniversary of the date of issuance of the Bonds and (b) the final retirement of the Bond issue.

V. Record Management and Retention

- A. Management and retention of records related to Bond issues will be maintained by City Administration staff.
- B. Records for Bonds will be retained for not less than the life of the Bonds, plus any refunding bonds, plus three years. Such records may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.

- C. Retainable records pertaining to Bond issuance shall include a transcript of documents executed in connection with the issuance of the Bonds and any amendments; and copies of rebate calculations and records of payments, including Forms 8038-T.
- D. Retainable records pertaining to expenditures of Bond proceeds include requisitions; trustee statements, if applicable; and final allocation of proceeds.
- E. Retainable records pertaining to use of Bond-financed property include all third-party contracts concerning use of the facilities, including (without limitation) leases, use, management or service contracts, and research contracts.
- F. Retainable records pertaining to investments include GIC documents under the Treasury Regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.

VI. Overall Responsibility

- A. Overall administration and coordination of this policy and the procedures set forth herein are the responsibility of the City Finance Officer.
- B. Review of compliance with this policy and the procedures set forth herein shall be undertaken periodically, and in any event, not less than annually.
- C. The Issuer understands that failure to comply with these policies and procedures could result in the retroactive loss of the exclusion of interest on Bonds from federal gross income; and, thus, it would be advisable to consult with Bond Counsel in advance regarding deviations from the facts and expectations as set forth in the closing certifications relating to any issue of Bonds.
- D. Any violations or potential violations of federal tax requirements shall promptly be reported to the City Finance Officer, and the City Finance Officer will engage qualified consultants and bond counsel to further investigate potential violations or undertake appropriate remedial actions, which actions shall be approved by the governing body of the Issuer.

EXHIBIT A

REIMBURSEMENT BOND SUMMARY

Following is a general summary of the requirements relating to bonds that are issued to reimburse expenditures that were paid prior to the date of issuance of bonds (“Reimbursement Bonds”).

Reimbursement Bond proceeds cannot be used to reimburse expenditures paid more than 60 days prior to the adoption of the declaration of official intent/reimbursement resolution, which must contain:

- a general functional description of the property to which the reimbursement relates or an identification of the fund or account from which the expenditure is to be paid and a general functional description of the purposes of such fund or account; and
- the maximum principal amount of debt to be issued.

Reimbursement Bonds must be issued not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date on which the property is placed in service, but in any case not more than three years after the date on which the original expenditure is paid. If possible, actual reimbursement should be made within 30 days of the date of issuance of the Reimbursement Bonds.

Note that there are exceptions for “de minimis” amounts (not in excess of the lesser of \$100,000 or 5% of proceeds of the issue) and for “preliminary expenditures” (such as architectural, engineering, surveying, soil testing and similar costs and costs of issuance), so long as such preliminary expenditures do not exceed 20% of the aggregate issue price.

EXHIBIT B

SUMMARY OF REVENUE PROCEDURE 97-13

Background

A management, service or incentive payment contract with a private service provider with respect to tax exempt bond-financed property may result in private business use of that property, based on all facts and circumstances. None of the compensation may be based on a share of net profits.

Revenue Procedure 97-13 establishes conditions under which a management contract generally does not result in private business use. Issuers and bond counsel typically attempt to satisfy, or substantially satisfy, one of these “safe harbors” because of uncertainty as to the treatment of nonconforming contracts. Below is a brief summary of the provisions of Rev. Proc. 93-17, as modified by Rev. Proc. 2001-39.

Rev. Proc. 93-17 establishes conditions based on (1) the compensation arrangements and the term of the agreement, and (2) whether the service provider has any role or relationship with the “qualified user”¹ that substantially limits the qualified user’s ability to exercise its rights under the contract.

General Rules

In all events, the contract must provide for reasonable compensation for services rendered, with no compensation based, in whole or in part, on a share of net profits from the operation of the facility. Reimbursement of the service provider for actual and direct expenses paid by the service provider to unrelated parties is not by itself treated as compensation.

The compensation, with the percentage determined by the term of the contract, subject to additional conditions, as described under “Compensation Safe Harbors” below, generally may be computed by:

- (A) a periodic fixed fee, which is a stated dollar amount for a specified period of time²;
- (B) a percentage fee, which is a percentage of gross revenues (or adjusted gross revenues) of the facility or a percentage of expenses of the facility, but not both;
- (C) a capitation fee, which is a fixed periodic amount for each person for whom the service provider or the qualified user assumes the responsibility to provide all

¹ A “qualified user” of the financed property is a state or local governmental unit (or instrumentality thereof) or a 501(c)(3) organization if the financed property is not used in an unrelated trade or business under section 513(a) of the Internal Revenue Code.

² A periodic fixed fee may include an automatic increase based on a specific, objective, external standard that is not linked to the output or efficiency of the facility in question.

needed services for a specified period so long as the quantity and type of services actually provided to covered persons varies substantially³;

(D) a per-unit fee, which is a fee based on a unit of service specified in the contract or otherwise specifically determined by an independent third party or the qualified user⁴; or

(E) a productivity reward equal to a stated dollar amount based on increases or decreases in gross revenues (or adjusted gross revenues), or reductions in total expenses (but not both increases in gross revenues (or adjusted gross revenues) and reductions in total expenses) in any annual period during the term of the contract.

The service provider must not have any role or relationship with the qualified user that, in effect, substantially limits the qualified user's ability to exercise its rights, including cancellation rights, under the contract based on all facts and circumstances. The relationship does not limit the qualified user's ability to exercise its rights if the following conditions are satisfied: (1) not more than 20 percent of the voting power of the governing body of the qualified user in the aggregate is vested in the service provider and its directors, officers, shareholders, and employees, (2) overlapping board members do not include the chief executive officers of the service provider or its governing body or the qualified user or its governing body, and (3) the qualified user and the service provider are not related parties.

COMPENSATION SAFE HARBORS

A management contract generally will not result in private business use if the compensation arrangement meets the criteria in one of the following categories:

50% Periodic Fixed Fee Contracts

- At least 50 percent of the compensation for services for each annual period during the term of the contract is based on a periodic fixed fee;
- the term of the contract, including all renewal options⁵ in favor of the service provider, does not exceed 5 years; and

³ A capitation fee may include an automatic increase based on a specified, objective, external standard that is not linked to the output or efficiency of the facility. A capitation fee may also include a variable component of up to 20 percent of the total capitation fee designed to protect the service provider against risks such as catastrophic loss.

⁴ A periodic fee may include an automatic increase based on a specified, objective, external standard that is not linked to the output or efficiency of the facility.

⁵ A provision under which a contract is automatically renewed absent cancellation by either party is not a renewal option (even if it is expected to be renewed).

- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the third year of the contract term.

80% Periodic Fixed Fee Contracts

- At least 80 percent of the compensation for services for each annual period during the term of the contract is based on a periodic fixed fee; and
- the term of the contract, including all renewal options in favor of the service provider, does not exceed the lesser of 80 percent of the reasonably expected useful life of the financed property and 10 years.

For purposes of this safe harbor (but not the 50% periodic fixed fee safe harbor), a one-time incentive award during the term of the contract under which compensation automatically increases by a single, stated dollar amount when a gross revenue or expense target (but not both) is reached may be considered part of a fixed fee arrangement.

95% Periodic Fixed Fee Contracts

- At least 95 percent of the compensation for services for each annual period during the term of the contract is based on a periodic fixed fee; and
- the term of the contract, including all renewal options in favor of the service provider, does not exceed the lesser of 80 percent of the reasonably expected useful life of the financed property and 15 years.

For purposes of this safe harbor (but not the 50% periodic fixed fee safe harbor), a one-time incentive award during the term of the contract under which compensation automatically increases by a single, stated dollar amount when a gross revenue or expense target (but not both) is reached may be considered part of a fixed fee arrangement.

Capitation Fee Contracts (with or without fixed fees)

- All of the compensation for services is based on a capitation fee or a combination of a capitation fee and a periodic fixed fee;
- the term of the contract, including all renewal options in favor of the service provider, does not exceed 5 years; and
- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the third year of the contract term.

Per-unit Fee Contracts (with or without fixed fees)

- All of the compensation for services is based on a per-unit fee or a combination of a per-unit fee and a periodic fixed fee;

- the term of the contract, including all renewal options in favor of the service provider, does not exceed 3 years; and
- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the second year of the contract term.

Percentage of Revenue or Expenses

- All the compensation for services is based on a percentage of fees charged or a combination of a per-unit fee and a percentage of revenue or expense fee;
- the term of the contract, including all renewal options in favor of the service provider, does not exceed 2 years; and
- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the first year of the contract term.

During the start-up period, however, compensation may be based on a percentage of either gross revenues, adjusted gross revenues, or expenses of a facility. The contract must be terminable by the qualified user on reasonable notice, without penalty or cause, at the end of the first year of the contract term. This safe harbor applies only to contracts under which the service provider primarily provides services to third parties and management contracts involving a facility during an initial start-up period for which there have been insufficient operations to establish a reasonable estimate of the amount of the annual gross revenues and expenses (for example, a contract for general management services for the first year of operations).

Revision of Compensation Arrangements

Please note that if the compensation arrangements of a management contract are materially revised, the compensation arrangements are “retested” as of the date of the material revision, and the management contract is treated as one that was newly entered into as of the date of the material revision.

EXHIBIT C

REMEDIAL PROVISIONS APPLICABLE TO BONDS

The Issuer acknowledges that any deliberate action by the Issuer after Bond issuance that results in a satisfaction of the private business tests or the private loan test will result in private activity bond status unless one or more qualifying remedial actions are taken by the Issuer. Specifically, Treasury Regulations provide that actions are not treated as deliberate actions if (A) five conditional requirements are met, and (B) one of three remedial actions is taken, with respect to the disposition proceeds and nonqualified bonds*:

CONDITIONAL REQUIREMENTS

1. Reasonable Expectations – The issuer reasonably expected on the issue date that it would not meet the private business tests or the private loan test for the whole term of the bonds; and
2. Reasonable Bond Maturity – The term of the issue must not be unreasonably long; this requirement is met if the weighted average maturity of the bond issue is not greater than 120% of the expected economic life of the property financed; and
3. Fair Market Value Consideration – The terms of any agreement (relating to satisfaction of a private activity bond test) must be bona fide and at arm's-length, and the new user must pay a fair market value consideration for the use of the bond-financed property; and
4. Disposition Proceeds Are Gross Proceeds – The Issuer must treat any disposition proceeds as gross proceeds subject to arbitrage/rebate restrictions; and
5. Proceeds Spent for Authorized Purpose – Except as described with respect to redemption and defeasance options below, prior to deliberate actions, the affected proceeds must have been spent for the authorized purposes under the applicable bond documents.

REMEDIAL ACTIONS – Under Treasury Regulations, Sections 1.141-12(d), (e) and (f):

1. Redemption of Non-Qualified Bonds – Under the general rule, all nonqualified bonds of the issue must be redeemed. Tax-exempt bond proceeds (i.e., refunding bond proceeds) cannot be used unless the tax-exempt bonds are qualified bonds, taking into account the purchaser's use of the facility. The bonds must be redeemed within 90 days of the date of the deliberate action or a defeasance escrow for the bonds must be established within such 90-day period. Special rules apply to transfers exclusively for cash and to defeasance escrows.

* The portion of the outstanding bonds in an amount that, if the remaining bonds were issued on the date on which the deliberate action occurs, the remaining bonds would not satisfy the private business use test or the private loan financing test, as applicable. The amount of private business use is the highest percentage of business use in any one-year period, commencing with the deliberate action

2. Alternative Use of Disposition Proceeds – To meet this requirement, all disposition proceeds must be in cash, the issuer must reasonably expect to expend the proceeds within 2 years, the new use must not meet the private business tests or the private loan test (and the issuer cannot take any action subsequent to the date of the deliberate action to cause the tests to be met), and any unused proceeds must satisfy the redemption requirement in the preceding paragraph.
3. Alternative Use of Facility – This remedial action is satisfied if the bond-financed property itself (as distinguished from the proceeds of the issue) is used in an alternative manner (e.g., for a different purpose or by a different person); the nonqualified bonds are treated as reissued on the date of the deliberate action and independently meet all of the requirements for tax exemption under Sections 141 through 150 of the Code, except the arbitrage and rebate rules of Section 148, for the remaining term of the nonqualified bonds; the deliberate action does not involve a transfer of the property to a purchaser that finances the acquisition with the proceeds of another issue of tax-exempt bonds; and any disposition proceeds, other than those arising from an agreement to provide services, resulting from the deliberate action are used to pay debt service on the bonds on the next available payment date or escrowed within 90 days of receipt and yield restricted to pay debt service on the next available payment date.

The above is only a brief summary of remedial actions, and additional special rules may be applicable. As provided in the Issuer's Compliance Procedures for Tax-Exempt Bonds, the City Finance Officer shall seek advice of Bond Counsel as necessary to provide guidance as to "remedial action" that may be required under the applicable Treasury Regulations.

The Commissioner of the IRS may, by publication, provide for additional remedial actions. In addition, the IRS provides a program in which issuers/borrowers which cannot meet a listed remedial action can enter into a closing agreement with the IRS to avoid private activity bond status. The closing agreement program includes several conditions, including providing for the redemption of the bonds and paying the IRS an amount based on an assumption that the non-qualified bonds are taxable from the date of the subsequent act until they are redeemed.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: May 21, 2012

Subject: Western Area Power Administration (WAPA) 2021 Reserve Contract

Presenter: John Prescott

Background: The existing long term contract between the City of Vermillion and Western Area Power Administration (WAPA) will expire on December 31, 2020. WAPA calls this contract the Firm Electric Service (FES) contract. WAPA serves over two hundred communities, and, it is possible, that WAPA will not have new Firm Electric Service contracts for the thirty year period beginning January 1, 2021 in place with all of the member communities before the existing contract expires.

Discussion: WAPA has presented a Reserve Contract to the City for consideration. The purpose of the Reserve Contract is to establish and extend the current Contract Rate of Delivery (CROD) until there is a new long-term contract or FES in place, or until December 31, 2050. The CROD may be adjusted in accordance with the existing contract by up to a one percent (1%) reduction for each new resource pool in 2021, 2031, and 2041. The CROD may also be adjusted in accordance with the existing Firm Electric Service Contract. The City Attorney has reviewed the Reserve Contract.

Financial Considerations: The Reserve Contract does not have a financial impact. Any adjustment in WAPA's rate takes place through a different process. However, the document does outline financial responsibilities of the parties.

Conclusion/Recommendations: Administration recommends approval of the Reserve Contract with WAPA.

Contract No. 12-UGPR-610
City of Vermillion,
South Dakota

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF VERMILLION, SOUTH DAKOTA

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF VERMILLION, SOUTH DAKOTA

<u>Section</u>	<u>Title</u>	<u>Page</u>
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2.	Explanatory Recitals	1
3.	Agreement.....	3
4.	Term and Termination of Contract.....	3
5.	Contract Rates of Delivery to be Reserved.....	3
	Signatures	4

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program--Eastern Division

CONTRACT TO RESERVE FIRM ELECTRIC SERVICE
CONTRACT RATES OF DELIVERY WITH ASSOCIATED ENERGY
FOR THE CITY OF VERMILLION, SOUTH DAKOTA

1. PREAMBLE: This Contract is made this ___ day of _____, 20___, pursuant to the Acts of Congress approved June 17, 1902 (32 Stat. 388), December 22, 1944 (58 Stat. 887), August 4, 1977 (91 Stat. 565), and Acts amendatory or supplementary to the foregoing Acts between the UNITED STATES OF AMERICA, acting by and through the Administrator, Western Area Power Administration, Department of Energy, hereinafter called Western, represented by the officer executing this Contract, a duly appointed successor, or a duly authorized representative, hereinafter called the Contracting Officer, and the CITY OF VERMILLION, SOUTH DAKOTA, a municipal corporation, duly organized under and by virtue of the laws of the State of South Dakota, hereinafter called Vermillion, its successors and assigns, each sometimes hereinafter individually called Party, and both sometimes hereinafter collectively called the Parties.

2. EXPLANATORY RECITALS:

2.1 Western published the Pick-Sloan Missouri Basin Program--Eastern Division (P-SMBP--ED), 2021 Power Marketing Initiative (2021 PMI) in the Federal Register

(76 FR 71015) on November 16, 2011, to provide the basis for marketing the long-term firm hydroelectric resources of the P-SMBP--ED beyond December 31, 2020, when Western's existing Firm Electric Service contracts expire.

2.2 The 2021 PMI supports extending the existing Contract Rates of Delivery (CROD) with associated energy to existing long-term firm power customers reduced by up to 1 percent for each new resource pool in 2021, 2031, and 2041.

2.3 Vermillion is an existing firm power customer recognized under the 2021 PMI. As an existing firm power customer, Vermillion has certain resource planning responsibilities. Western supports those resource planning activities by reserving Vermillion's existing CROD under this Contract.

2.4 The purpose of this Contract is to affirm the commitment Western made through the 2021 PMI. Therefore, the Parties choose to enter into this Contract to reserve Vermillion's existing CROD, until the Parties enter into a new long-term Firm Electric Service Contract and Interconnection Contract for a term of January 1, 2021, through December 31, 2050.

2.5 Interconnection Contract provisions are needed to properly document Vermillion's current physical interconnection(s) with Western. These provisions may have been included in Vermillion's existing Firm Electric Service Contract.

2.6 The Parties understand the CROD reserved in this Contract may be adjusted in accordance with Vermillion's existing Firm Electric Service Contract and the 2021 PMI.

2.7 The Parties recognize this Contract only reserves the CROD with associated energy and does not include terms and conditions for delivery. Those details will be included in the new Firm Electric Service Contract and Interconnection Contract.

3. AGREEMENT: The Parties agree to the terms and conditions set forth herein.

4. TERM AND TERMINATION OF CONTRACT:

4.1 This Contract shall become effective on the date specified above, and shall remain in effect through midnight on December 31, 2050, subject to the provisions of Subsections 4.2 and 4.3 below;

4.2 This Contract shall automatically terminate if the Parties fail to enter into a new Firm Electric Service Contract and Interconnection Contract before January 1, 2021, unless otherwise agreed to in writing by the Parties prior to January 1, 2021.

4.3 Provided further, this Contract shall automatically terminate upon the Parties entering into a new Firm Electric Service Contract and Interconnection Contract before January 1, 2021, with a contract term of January 1, 2021, through December 31, 2050.

5. CONTRACT RATES OF DELIVERY TO BE RESERVED: In accordance with the 2021 PMI, Western reserves Vermillion's existing CROD with associated energy as identified in Vermillion's existing Firm Electric Service Contract. This existing CROD with associated energy is subject to reductions, withdrawals, restrictions, limits, penalties, termination, and any other applicable adjustments under Vermillion's existing Firm Electric Service Contract and the 2021 PMI, and subject to any approved assignments. Such CROD with associated energy will be set forth in a new Firm Electric Service Contract offered by Western, with a contract term of January 1, 2021, through December 31, 2050.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed the day
and year first above written.

WESTERN AREA POWER ADMINISTRATION

By _____

Title Power Marketing Manager

Address P.O. Box 35800

Billings, MT 59107-5800

(SEAL)

CITY OF VERMILLION, SOUTH DAKOTA

By _____

Title _____

Address 25 Center Street

Vermillion, SD 57069

Attest:

By _____

Title _____



Council Agenda Memo

From: John Prescott, City Manager

Meeting: May 21, 2012

Subject Library Board Appointments

Presenter: Mayor Jack Powell

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

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

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

Discussion: The current members of the Library Board and term expiration year are: Cyndy Chaney (2014), Jon Flanagan (2013), Carl Gutzman (2013), Janet Hoff (2014), and Fern Kaufman (2012). The City Council member is appointed when City Council Committee assignments are made in July of even years. The current council member serving on the board is Alderman Osborne.

Fern Kaufman has expressed an interest in serving another term. A copy of the completed form is included with the packet.

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

Conclusion/Recommendations: Administration recommends appointing one individual to fill the open seat on the Library Board.



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

Please indicate the Board/Commission on which you are interested in serving

Title: Mr. X Mrs. Miss. Ms. Dr.

Name: Fern Kaufman

Home Address: 818 Valley View Drive

Email Address: fjeanette13@hotmail.com

Phone #: 605-624-4898

Number of years you have lived in/around Vermillion 50 years

Occupation: Business Owner-Retired Employer:

Business Address:

Prior elected or appointed offices held (if any)

elected to Vermillion Public School Board - 5 times, Library Board, 1 term

Present and past community volunteer activities:

Library Board, School Board, Hospital Board, Vermillion Area Community Foundation,

Why are you interested in service on this Board Commission?

I am especially interested in the Library and the services it offers because I enjoy using it myself but also since I was employed as the Children's Librarian and Acting Director in the late 70's.

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

Well acquainted with library operation and services
Familiar with Boards in general and the way they operate + should operate

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

Completion of the new addition to the library building and
development of new programs and services.

Signature Fern Kaufman

Date April 27, 2012

Please return this form to:
John C. Prescott
City Manager
25 Center Street
Vermillion, SD 57069



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: May 21, 2012

Subject: Set Date and Time for Special Meeting to Canvass June 5 City Election Results and Evaluation of City Manager and Finance Officer

Presenter: Mike Carlson

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

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

Discussion: The June 5th City election is combined with the Primary and school election. The City will need to canvas the city election results within seven days of the election. The County Commission will be canvassing the Primary election results at their meeting on Thursday, June 7th, as they have three days to canvas the primary results. The school will be canvassing the school portion of the election by statute at their next regular meeting which is Monday, June 11th at 7:00 p.m. A special meeting will be required as the next regular City Council meeting is outside the seven days. The canvassing of the election results should not take more than ten minutes.

The Policy and Procedures Committee would like to include the review of the evaluations of the City Manager and Finance Officer in the meeting where election results are canvassed.

Financial Consideration: None

Conclusion/Recommendations: The committee suggested Monday, June 11th at 5:00 p.m. That will allow time to transport the election information to the School Board meeting by 7:00 p.m. Please check your schedules for availability on this date and also alternative times between Thursday June 7th and Tuesday June 12th.

CITY OF VERMILLION
 INVOICES PAYABLE- MAY 21, 2012

1 AMERICAN ENGINEERING TESTING	TESTING	600.00
2 ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,715.00
3 BROADCASTER PRESS	ADVERTISING	1,138.21
4 BUREAU OF ADMINISTRATION	TELEPHONE	302.39
5 BUTLER MACHINERY CO.	PARTS	21.56
6 CAMPBELL SUPPLY	SUPPLIES	480.60
7 CARLSON'S BODY SHOP, LLC	TOWING	263.00
8 CENTURYLINK	TELEPHONE	1,460.99
9 CITY OF VERMILLION	LANDFILL VOUCHERS	554.50
10 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,338.27
11 DEPT OF ENVIRONMENT & NATL RESOURCES	LOAN PAYMENT	66,031.51
12 DEPT OF REVENUE	ALCOHOLIC BEVERAGE LICENSE	150.00
13 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,022.84
14 DIVISION OF MOTOR VEHICLE	TITLE & PLATES	10.00
15 GOVERNMENT FINANCE OFFICER ASSOC.	ANNUAL REPORT	435.00
16 GREGG PETERS	MANAGERS FEE	5,375.00
17 HARTELCO	REFUND HYDRANT DEPOSIT	169.27
18 HERREN-SCHEMPP BUILDING	SUPPLIES	226.22
19 JOHNSON FEED, INC	TIRES	5,196.00
20 JONES ACE HARDWARE	SUPPLIES	98.14
21 KNOLOGY	DIAL UP/911 CIRCUIT	1,415.45
22 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
23 MART AUTO BODY	TOWING	880.00
24 MATHESON TRI-GAS, INC	SUPPLIES	217.00
25 MEAD LUMBER	SUPPLIES	171.56
26 MIDAMERICAN	GAS USAGE	1,263.78
27 MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	105.95
28 MIDWEST TURF & IRRIGATION	PARTS	73.17
29 RESERVE ACCOUNT	POSTAGE FOR METER	950.00
30 SD ELECTRICAL COMMISSION	LICENSE RENEWALS	260.00
31 SPRINT	CELL PHONE	1,160.50
32 STERN OIL CO.	FUEL	19,412.54
33 THATCHER COMPANY	SODA ASH	5,828.60
34 TRUE VALUE	SUPPLIES	100.99
35 UNITED PARCEL SERVICE	SHIPPING	134.66
36 US POSTMASTER	UTILITY BILL POSTAGE	1,050.00
37 VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	211.16
38 WATER'S EDGE AQUATIC DESIGN	PROFESSIONAL SERVICES	3,500.00
39 JP INVESTMENTS	BRIGHT ENERGY REBATE	589.25
	GRAND TOTAL	\$127,053.11

**VERMILLION PUBLIC LIBRARY
BOARD OF TRUSTEES
MONTHLY MEETING**

**Thursday, May 17, 2012
6:00pm
South Dakota Room**

AGENDA

- I Roll Call
- II Approval of the minutes of the April 19, 2012 meeting Pages 3-4
- III Reports of the Director
 - A. April Commentary Page 5
 - B. April Statistics Pages 7-8
 - C. Financial Reports for April Page 9
- IV Approval of the Expenditures for May handout
- V Reports
 - A. SD Library Network
 - B. Friends of the Library
 - C. VPL Foundation
- VI Unfinished Business
 - A. Building Project
- VII New Business
 - A. 2013 Budget

VERMILLION PUBLIC LIBRARY
BOARD OF TRUSTEES
MONTHLY MEETING

THURSDAY, APRIL 19, 2012
6:00 PM
SOUTH DAKOTA ROOM

MINUTES

TRUSTEES PRESENT: Carl Gutzman, Fern Kaufman, Cyndy Chaney, Kent Osborne and Jon Flanagin.

OTHERS PRESENT: Jane Larson

On a motion by Kaufman, seconded by Chaney the minutes of the March 13, 2012 meeting were approved. All present voted aye.

The reports of the Director were reviewed and discussed.

On a motion by Gutzman, seconded by Kaufman the proposed expenditures for April were approved for payment. All present voted aye.

REPORTS:

SDLN – Larson reported that RFP's from 5 firms are now available on-line for Directors to preview. ExLibris did not submit an RFP so SDLN will definitely have new software in 2013.

FRIENDS-Larson reported that the 24th Literary Luncheon was held today with an attendance of 36. Dianne Gubbels of Coleridge, NE was the presenter.

FOUNDATION – The group reported to the City Council on Mach 19, 2012 showing that we met the goal with a few pledges yet to come in 2012 and 2013. Larson reported that donations come in every week.

UNFINISHED BUSINESS:

The building project was discussed. Osborne reported that the final public hearing for the block grant went OK and those funds will be expended first. Larson reported that 2 meetings will be held Wednesday, April 25. The 1 pm meeting is for design and color options and the 2:30 pm meeting is for construction review. The elm tree will be cut down next week and this past week the relocation of the two natural gas lines was completed. Construction is about a month ahead of schedule.

The Board Training Workshop in Sioux Falls was discussed. Kaufman, Chaney, Gutzman and Larson will attend the May 4 session. Larson reserved a city car.

DIRECTOR'S REPORT – APRIL 2012

- APRIL 2** – I presented the 2012 Annual Report to City Council. The VPL Foundation presented their Fund-Raising report to City Council.
- April 4** – I proctored an exam for WIT
- April 5,6,9** – I was on vacation.
- April 8** – The Library was closed in honor of Easter.
- April 10** – I proctored exams for Presentation College and WIT.
- April 11** – I attended the Department Head meeting at City Hall.
- April 11** – I attended the Construction Progress meeting.
- April 13** – Patricia Roberts-Pizzuto was hired to replace Bobbi Burgess who resigned to attend Southeast Tech.
- April 17** – At the monthly staff meeting we discussed the following: Department Head meetings; Cinco de Mayo; Board workshop; summer movies; Summer Reading Program; 1st grade tours; classroom visits and a staff medical leave.
- April 18** – I proctored an exam for University of Iowa.
- April 19** – The staff and Friends of the Library sponsored the annual Literary Luncheon. Diane Gubbels of Nebraska was the guest presenter.
- April 24** – I attended, via satellite, the Advisory Council meeting for the SD Library Network.
- April 24** – I presented the 2012 Annual Report to the Clay County Commissioners.
- April 25** – I attended the two meetings on the Library building project.
- April 25** – I proctored an exam for SDSU.
- April 30** – I proctored two exams for University of Iowa.

Circulation Statistics for April 2012

Circulation												
By Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1) Adult Fiction	1621	1583	1603	1387								
2) Adult Non-Fiction	578	589	555	580								
3) Video	704	819	1051	853								
4) Child Non-Fiction	419	480	458	357								
5) Child Fiction	1572	1579	1466	1340								
7) Child A/V	26	29	47	35								
8) Adult A/V	444	415	434	380								
9) Child Periodicals	2	2	4	4								
10) Adult Periodicals	155	182	185	205								
11) Art Prints	3	5	2	1								
14) Toys	5	4	1	11								
15) CD-Rom	1	4	4	2								
16) New Books	909	916	889	986								
17) Book Club Bags	3	3	2	3								
18) Parent/Teacher	11	13	12	11								
OneClick Digital	13	23	52	1								
OverDrive	42	*	88	81								
Total	6508	6646	6853	6237	0	0	0	0	0	0	0	0
Year's Comparison				Outreach				Book and A/V Drop				
	<u>April 2011</u>		<u>April 2012</u>		Month	Items	Patrons	Deliveries	Month	Total	#/Day	
Adult	3571		3431		Apr 2011	558	37	71	Apr 2011	1737	62	
Child	1829		1736		May 2011	500	35	84	May 2011	1736	60	
New	895		986		Jun 2011	545	35	70	Jun 2011	1879	72	
CD-Rom	5		2		Jul 2011	569	37	70	Jul 2011	2044	82	
Total	6300		6155		Aug 2011	625	34	74	Aug 2011	2275	84	
					Sep 2011	605	34	87	Sep 2011	1588	53	
Interlibrary Loan					Oct 2011	601	34	62	Oct 2011	1865	60	
Borrowed	190				Nov 2011	681	34	110	Nov 2011	1734	62	
Loaned	143				Dec 2011	457	33	45	Dec 2011	1710	61	
Total	333				Jan 2012	645	33	72	Jan 2012	1598	57	
					Feb 2012	579	35	69	Feb 2012	1710	61	
Items Returned:					Mar 2012	586	36	79	Mar 2012	1785	58	
					Apr 2012	567	35	69	Apr 2012	1764	58	
Activities												
Adult Programs		Read	Attended		Room Usage			Sessions	Users	Computer Usage:		972
Book Club		26	10		Activity Room			12	239			
					Community Room			52	875	Website Visits:		2703
					South Dakota Room			43	344			
Miscellaneous												
Patron Gate			Holds Placed				Open Days:			29		
	People	Alarms	Adult Items		57		Reference Questions:			319 11/day		
Apr 2011	2367	42	Children's Items		7		In-Library Browse:			1251		
Apr 2012	2947	80	New Items		21							

FINES AND GIFTS CHECKING ACCOUNT - APRIL 2012

Month	Revenue				Expenditures		Balance
	Copier	Fines	Other	Donations	Paid Out	Checks	
							4570.67
January	161.15	353.50	73.09	100.30	20.20	100.00	8138.51
February	233.85	171.94	626.99	0.00	7.98	1168.74	7994.57
March	250.43	104.91	72.34	23.75	101.15	144.10	8200.15
April	153.30	135.51	56.00	1207.29	73.60	0.00	9678.65
May							
June							
July							
August							
September							
October							
November							
December							
Totals	798.73	765.86	828.42	1331.34	202.93	1412.84	

CHECKS

RECEIPTS

Donations

\$ 7.29 Anonymus
 \$ 1,000.00 Wal Mart
 \$ 50.00 Joyce Moore
 \$ 50.00 Becca Roberts
 \$ 100.00 Rotary

Replacement

Misc \$ 34.00
 Cards \$ 22.00

INVESTMENTS

Institution	Type	Amount	Rate	Maturity	Total
1st Bank & Trust	Money Market	1.86 YTD 7.64	0.20%		\$ 11,763.27
1st Bank & Trust	CD	Cashed 3-13-12		\$ 52,572.53	
CorTrust	CD	Cashed 4-11-12		\$ 6,139.95	
TOTAL:					\$ 11,763.27

1st Bank & Trust Money Market Account

No transactions during the month of April

Upcoming Events

Adults

Summer Film Festival
 Dreaming Big!, Thursdays in June: 6:30 pm
 Join us at 6:30 pm on Thursday evenings in June for the summer film festival, featuring films of individuals who dreamed big and achieved their dreams through active pursuit. We will be showing these movies in the Community Room each Thursday, June 7-28th: *The Rookie*, *Seabiscuit*, *Soul Surfer*, and *Door to Door*. Come enjoy some great films, lemonade and popcorn.



Young Adults

YA BOOK CLUB -
Hunger Games Trilogy. Sunday, May 6th: 3 pm
 Enjoy snacks while discussing all three books of the popular *Hunger Games* trilogy.

OWN THE NIGHT YA Kickoff Party
 Thursday, May 31st: 3 pm.

Join us for pizza and activities and learn more about the program. Young adults will read books of their choice, at their level, and keep track of the number of books on a reading log. Each young adult will be encouraged to attend YA events and volunteer through the Summer Reading Program.



Children's

R - 5 After School Program -
 Children's Book Week Program,
 Thursday, May 10th: 3:45 - 5 pm
 Come for the story, snacks, crafts and fun!

Dream Big
READ!

Summer Reading Program Kick-Off
 City Hall, Wednesday, May 30th: 1 - 4 pm

The Summer Reading Program will begin with a visit to the StarLab at City Hall in the fire engine bay on the north side. This is for children 5 or older only. You must sign up for a time to visit the StarLab by calling or stopping in the library. The time slots available are: 1:00, 1:30, 2:00, 2:30, 3:00 and 3:30. There is a limit of 25 children per session.

Children under 5 are invited to "walk on the moon" in a Bounce House provided by Jim Brady and Jones Ace Hardware.

All participants may also enjoy a snack and pick up a program bag containing a reading log and complete details.

All Summer Reading Program registration will be online. Go to <http://vpl.sdln.net> to find a link to the form. You may also register by stopping in the library or calling us at 677-7060.

Summer Storytimes begin Monday, June 4th!

Registration is required. Register by stopping in the library or calling us at 677-7060.

Preschool: Mondays at 6:30 or 7 pm

Wednesday or Thursday at 11:15 am

Toddler: Tuesdays at 10:30 or 11:15 am or 6 pm.

Vermillion Public Library's Book of the Month:

All That I Am
 by Anna Funder



When eighteen-year-old Ruth Becker visits her cousin Dora in Munich in 1923, she meets the love of her life, the dashing young journalist Hans Wesemann, and eagerly joins in the heady activities of the militant political Left in Germany. Ten years later, Ruth and Hans are married and living in Weimar Berlin when Hitler is elected chancellor of Germany. Together with Dora and her lover, Ernst Toller, the celebrated poet and self-doubting revolutionary, the four become hunted outlaws overnight and are forced to flee to London. Inspired by the fearless Dora to breathtaking acts of courage, the friends risk betrayal and deceit as they dedicate themselves to a dangerous mission: to inform the British government of the very real Nazi threat to which it remains willfully blind. *All That I Am* is the heartbreaking story of these extraordinary people, who discover that Hitler's reach extends much further than they had thought.

HOW DO YOU USE YOUR LIBRARY?

The Pew Research Center Internet & American Life Project is conducting an online survey of library patrons. We ask that you take the survey to help us out. All responses will be confidential. The survey should take about 15 minutes.

To take the survey, visit:
<http://libraries.pewinternet.org/participate/survey/e-book-borrowers>



Check It Out!

Newsletter and Calendar
 of Events
 May 2012



Vermillion Public Library
 18 Church St., Vermillion, SD 57069

Hours:

Monday-Thursday	10am-9pm
Friday	10am-6pm
Saturday	10am-5pm
*Sunday	1-5pm

*Closed Sundays from Memorial Day through Labor Day

Phone:	(605) 677-7060
Email:	vpl@sdln.net
Website:	vpl.sdln.net
Fax:	(605) 677-7160

May 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<p>Latino Books Month</p> <p>National Preservation Month</p> <p>National Smile Month</p>		<p>1 *Batman Debuts 1939</p> <p>*Mother Goose Day</p>	<p>2</p>	<p>3</p>	<p>4</p>	<p>5 USD Graduation</p>
<p>6 YA Book Club 3 pm</p>	<p>City Council Meeting City Hall 7 pm</p>	<p>8</p>	<p>9 *Birthday of James M. Barrie, author of Peter Pan</p>	<p>10 Children's Book Week After School Program 3:45 - 5 pm</p>	<p>11 *Eat What You Want Day</p>	<p>12</p>
<p>13</p>	<p>14</p>	<p>15 *Birthday of Frank Baum, author of Wizard of Oz stories</p>	<p>16 *Birthday of Studs Terkel, author</p>	<p>17 Library Board Meeting 6 pm</p>	<p>18 *Visit Your Relatives Day</p>	<p>19 VHS Graduation</p>
<p>2 *Birthday of Honoré de Balzac, author</p>	<p>21 City Council Meeting City Hall 7 pm</p>	<p>22 Last Day of Public School</p>	<p>23 *New York Public Library opens 1895</p>	<p>24</p>	<p>25 *Birthday of Raymond Carver, author</p>	<p>26</p>
<p>27 LIBRARY CLOSED MEMORIAL DAY</p>	<p>28 LIBRARY CLOSED MEMORIAL DAY</p>	<p>29</p>	<p>30 SRP Kick-Off Party Star Lab 1 - 4 pm City Hall</p>	<p>31 Own The Night YA Kickoff Party 3 pm</p>		