

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 ¼ of the NE ¼, 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 0. 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

157-12

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

158-12

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 _____.