



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, November 19, 2012
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. November 5, 2012 Special Session; November 5, 2012 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
 - a. Resolution of Support in Joining Community Leaders in Addressing Housing Needs.
 - b. Proclamation of Appreciation for Area Fire Departments Responding to the Vermillion Landfill Fire.
6. **Public Hearings**
7. **Old Business**
8. **New Business**
 - a. Parade of Lights Street Closure Request – Friday, December 7, 2012.
 - b. Declare an Emergency due to landfill fire and authorize the purchase of Fire Department protective jackets and pants.
 - c. Shared used hike/bike path easement along Hwy 19 from W. Cherry St. to Hwy 50.
 - d. Library Change Order #4.
 - e. Declare Golf Course Picker surplus and authorize trade-in of equipment.
 - f. Annual write off of old accounts receivable.
9. **Bid Openings**
10. **City Manager's Report**
11. **Invoices Payable**
12. **Consensus Agenda**
 - a. Set a public hearing date of December 3, 2012 for issuance of retail on-off sale **malt** beverage license for Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101.
 - b. Set a public hearing date of December 3, 2012 for issuance of retail on-off sale **wine** license for Jose Gonzalez for Mi Familia Mexican Restaurant at 7 Court Street Suite 101.
 - c. Set a public hearing date of December 3, 2012 for annual liquor and wine license renewals.

- d. Set a public hearing date of December 3, 2012 for a public progress hearing for Community Development Block Grant.

13. Adjourn

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

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

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

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

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

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

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

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

Vermillion City Council's Values and Vision

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





Special Meeting Agenda

City Council

12:00 p.m. (noon) Special Meeting

Monday, November 19, 2012

Large Conference Room

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Coyoteopoly/Shakespeare Festival 2013 Event – Ted Cherry.**
3. **Informational Session – Review of Joint Jurisdictional Zoning Process – Andy Colvin.**
4. **Briefing on the November 19, 2012 City Council Regular Meeting Agenda-** Briefings are intended to be informational only and no deliberation or decision will occur on this item.
5. **Adjourn**

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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.

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Unapproved Minutes
Council Special Session
November 5, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, November 5, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Davies, Grayson, Meins, Osborne, Ward (arrived at 12:07 p.m.), Zimmerman, Mayor Powell

Absent: Collier-Wise, Willson

2. Informational Session - Landfill Baler Building Fire report - Bob Iverson

John Prescott, City Manager, reported that on October 22nd there was a fire at the landfill building that housed the baler as well as several large pieces of equipment. He stated that Bob Iverson, Solid Waste Director, has some pictures and will report on the operations along with an update on the insurance.

Alderman Ward arrived at 12:07 p.m.

Bob Iverson, Solid Waste Director, reviewed pictures of the building noting the extent of the damage along with the damage to equipment and supplies in the building. He stated that the State Fire Marshall's Office and insurance company representatives inspected the property and could not determine the cause of the fire. Bob stated that without the baler the landfill will be burying solid waste in the trench. He reported that elevations were taken and will be monitored to determine the amount of landfill space being used to compare to baling. Bob wanted to thank the City Fire Department along with the other fire departments that assisted by hauling water to save the office building. Bob also thanked the other City departments that helped establish electrical service to the office building and hauled fuel and other supplies so they could continue to operate. Bob stated that the insurance company is working on determining the value of property that was destroyed and also making plans to remove the damaged property. Bob answered questions of the City Council on the landfill fire and operations.

Mike Carlson, Finance Officer, reviewed the insurance coverage of the property noting that the building and contents would be at

replacement cost but the loaders and truck would be at current market value. Mike noted that the building also has coverage for extra expenses up to \$100,000, debris removal of up to \$250,000, lost earnings \$100,000, building materials and supplies of \$10,000 and temporary storage location coverage of up to \$250,000. The equipment coverage is at current market value but also has coverage for rental equipment of up to \$25,000. The insurance company will be processing a progress payment of \$500,000 to the City to assist with some of the current expenses and we will be working with the insurance company by listing the costs incurred. Discussion followed.

John Prescott, City Manager, presented some pictures of the library addition taken this morning. He stated the moving of library materials from the existing space to the new library addition started today. John reported that the new space will be tight until the existing library space is renovated and the materials are moved back.

3. Briefing on the November 5, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

385-12

Alderman Meins moved to adjourn the Council special session at 12:42 p.m. Alderman Osborne seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of November, 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

November 5, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on November 5, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne, Ward, Zimmerman, Mayor Powell, Student Representative Thiel

Absent: Willson

2. Pledge of Allegiance

3. Minutes

A. October 15, 2012 Special Session; October 15, 2012 Regular Session

386-12

Alderman Davies moved approval of the October 15, 2012 special session minutes and the October 15, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

387-12

Alderman Zimmerman moved approval of the agenda with the addition of an Executive Session for legal matters pursuant to SDCL 1-25-2(3). Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard - None

6. Public Hearings

A. Request from Todd & Michele Mechling for a variance from the zoning ordinance to have a concrete slab in the front yard at 1020 W. Main Street

Farrell Christensen, Building Official, stated on September 25, 2012 Todd & Michele Mechling applied for a building permit to construct two additions on their existing home located at 1020 W. Main. Farrel stated in order to better understand the project, he contacted the

contractor listed on the permit application, Nick Koster of Greenfield Builders. We had a long discussion about the project and what would be done to the house. At no time during the discussion was there mention of the construction of a 42 foot by 20 foot concrete pad in the required front yard. Several days after the discussion, staff received a complaint about a parking pad in the front yard of 1020 W Main. Staff inspected the property and found a new concrete pad with a pickup parked on it.

On October 3, 2012 a letter was sent to the owners advising them that the new parking pad was not allowed and must be removed. Several days later, the owner contacted code enforcement staff in regard to the letter. The Owner stated that the new pad was for a basketball court not parking. Because the pad was being used as a parking area, the letter was sent for parking. However, even if the pad was used as a basketball court it was still in violation of the landscaping requirements in the City's zoning ordinance, which promote development that is environmentally sensitive and aesthetically pleasing. The landscaping section requires at least 90% of the required front yard setback be landscaped and maintained with living ground cover. The remaining 10% is set aside for necessary stoops, steps and sidewalks connecting the front door to the driveway. Because of this ordinance, the pad would still need to be removed. Farrel stated that on October 12th a variance petition was filed, including a request for an agreement between the City and the Owners that would allow the City to issue a building permit pending the outcome of the variance petition. Staff developed an agreement and on October 15th the agreement was signed and the building permit was issued for the home additions.

Farrel stated that City Ordinance identifies the City Council as the Board of Adjustment and gives them the jurisdiction to hear and decide upon petitions for variances to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the city, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The ordinance requires the applicant to demonstrate an unnecessary hardship for the variance. An unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.

Farrel stated that in staff's opinion, it does not appear that the applicant has demonstrated a hardship. The owner has other locations for the basketball court that are not prohibited. Only the first 25 feet of the yard is required to be maintained with living ground cover which is environmentally sensitive and aesthetically pleasing. In this case, several locations are available for a basketball court. The first is the existing driveway; almost all residential basketball courts are located in this area. Additional space is also available to the west of the home behind the required front yard. Either place would allow the owner a reasonable use of the property without the need for a variance. Furthermore, the request to screen the violation is not an acceptable way to address an ordinance violation.

Todd Mechling, property owner at 1020 W. Main, stated that if he would have known about the ordinance he would not have poured the concrete pad before asking for the variance. He stated that as Main Street is a snow route and even though he has a large lot to the west it is a ravine, to the south is over the bluff and the driveway slopes to the garage thus the only place for a basketball court is the front yard. He stated that the lilac bushes in the front yard were cut back and will grow to screen the court. As to the building permit, flat concrete work does not require a permit and his contractor has done considerable work around town. Todd stated that he filed the variance to save the basketball court. Todd provided handouts to the City Council that included signatures from neighbors stating that they had no objections to the basketball court in the current location, a copy of the invoice noting the financial cost of the basketball court, a drawing of the proposed screening of the front yard, a proposal to remove part of the concrete to bring the front yard coverage to 17%, pictures of the property and also pictures of other properties that have a large amount of concrete in their front yards. Todd stated that he never meant to bypass the building code and wants to save enough of the basketball court to have a place for his children to play in the front yard.

John Prescott, City Manager, stated that the definition of front yard is in front of the structure and the pictures show concrete in what would be considered the side yard. John also noted that there is currently no sidewalk on this property and if the City Council wanted to require a sidewalk it might require the removal of the lilac bushes.

Discussion followed with Todd answering questions.

388-12

Alderman Osborne moved to approve the variance to the zoning ordinance to allow a 23 foot by 20 foot concrete slab in the northeast portion of the front yard. Alderman Grayson seconded the motion. Discussion followed noting the need to show a hardship by the applicant with the City Attorney reviewing the ordinance requirements. A roll call vote of the Governing Body was as follows: Collier-Wise-Y, Davies-N, Grayson- Y, Meins-Y, Osborne-Y, Ward-Y, Zimmerman-N, Mayor Powell-N. Mayor Powell asked the City Attorney about the requirements for a variance with Jim McCulloch reporting a two thirds vote of the members of the Board of Adjustment shall be necessary to approve any variance which would require six yes votes. Mayor Powell stated that the motion failed 5 to 3 as the required two thirds vote was not received.

B. Lease for approximately 232 acres of farmland east of Vermillion

Mike Carlson, Finance Officer, reported that State statute requires a public hearing before leasing municipally owned property for more than 120 days and an amount in excess of \$500. The City received approximately 232 acres of farmland from Kenneth Mockler in 1994. The statute does not require bidding but, to determine the most advantage price, the City advertised for bids which were opened November 1st. Four bids were received for the three year lease with the highest bid received from Jeff Solomon for \$70,000 in 2013, \$71,000 in 2014 and \$72,000 in 2015. Following the public hearing, the City council can authorize the farmland lease.

389-12

Alderman Zimmerman moved approval of the 3 year farmland lease with Jeff Solomon for approximately 232 acres of farmland east of Vermillion at \$70,000 for 2013, \$71,000 for 2014 and \$72,000 for 2015. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Resolution to purchase a 938 Wheel Loader for the Solid Waste Department from the State of South Dakota contract

Jason Anderson, Assistant City Engineer, reported that the existing 938 wheel loader was destroyed in the Oct 22nd fire at the landfill. To timely replace the equipment at the landfill, it is recommended to purchase one from the National Joint Powers Alliance bid for a Caterpillar 938K wheel loader. Jason noted that the State of South Dakota has also purchased from this contract. The price is \$186,063

and includes 60 months or 5,000 hours warranty. Jason stated that the price includes a Ryland coupler which is not compatible with the existing City attachments. Butler Machinery has agreed to allow the trade-in of the Ryland coupler for a Fusion quick coupler for a deduct of \$15,391 bringing the total to \$170,672. Discussion followed.

390-12

Alderman Davies moved approval of the purchase of a 2012 Caterpillar 938K wheel loader from the National Joint Powers Alliance bid of \$186,063 and trade in the Ryland coupler for a Fusion quick coupler for a deduct of \$15,391 bringing the total to \$170,672 from Butler Machinery Company. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. Developer's Agreement with Troy Gregoire for Lot 6, Block 1, Cottage Place Addition

Jose Dominguez, City Engineer, reported that Troy Gregoire is planning on constructing a storage building on Lot 6, Block 1 Cottage Place and City ordinance requires that the property owner construct sidewalks, grading, curb and gutter, street surfacing, street lights, water and sewer improvements on all streets abutting the property to be developed. This particular lot will be fronting Cottage Place, which is a gravel alley/street. The surfacing material is acceptable for the amount of traffic that will be generated after the construction of the storage unit. Jose noted that construction of a concrete alley/street will be reviewed once other development occurs along Cottage Place.

Jose stated that the agreement will require that Mr. Gregoire construct a drainage system to alleviate any drainage issues caused by the construction of the storage unit. The proposed drainage system will connect to the system already in place at Cottage Avenue and drain the area between lot 6 and lot 5. The agreement also stipulates that the City will pay two-thirds of the cost, up to a maximum of \$15,000 with the remainder to be paid by Mr. Gregoire. In addition, the proposed drainage system will have to be in place and functional by June 1, 2013. Jose stated that the City Attorney has reviewed the agreement and recommended the adoption.

391-12

Alderman Ward moved approval of the Developer's Agreement with Troy Gregore for Lot 6, Block 1, Cottage Place Addition as presented outlining the city share of the storm drainage costs. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Resolution to adjust the Storm Drainage fee

Mike Carlson, Finance Officer, reported that during the budget process it was proposed to raise the storm drainage fee to provide additional revenues for storm drainage projects. The fee is charged to all properties in the city and is included on the property tax statements. The proposed increase will generate \$5,400 of additional revenue for the storm water fund. For a residential lot of 10,000 square feet, the fee would go from \$24.00 to \$24.75 per year. Discussion followed.

392-12

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

RESOLUTION TO CHANGE STORMDRAINAGE FEE

WHEREAS, Section 53-135 of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to change the city wide property drainage fee.

AND WHEREAS, during the annual budget it was determined there were not sufficient revenues in the stormdrainage fee fund.

BE IT HEREBY RESOLVED by the Governing body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 19th day of September, 2011 that the fee be changed as follows:

The unit financial charge shall be \$0.00033.

Dated at Vermillion, South Dakota this 5th day of November, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____

John E. (Jack) Powell, Mayor

ATTEST:

BY _____

Michael D Carlson, Finance Officer

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

D. Brooks Industrial Park Property Lease Agreement with the South Dakota National Guard

Andy Colvin, Assistant to the City Manager, reported that the City entered into a lease agreement with the SD National Guard for land in the Brooks Industrial Park in 1995. The proposed lease is for 15 years and provides for an option for renewal. Andy noted that there is no change on this lease but it is cancellable by the City if the property should be needed for economic development. He stated that the City Attorney has reviewed the lease and recommends striking the last line on Page 1 as there is no Exhibit A.

393-12

Alderman Zimmerman moved approval of the lease agreement with the South Dakota Department of the Military for the Brooks Industrial Park property as presented with the removal of the last line on page 1 as recommended by the city attorney. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Fuel Quotes

Mike Carlson, Finance Officer, read the monthly fuel quotes and recommended the low quote of Stern Oil on all three proposals.

4,350 gal. unleaded 10% ethanol: Stern Oil \$3.0369, Brunick's Service \$3.08; 1,500 gal. average cost of No. 1 and No. 2 diesel fuel-dyed: Stern Oil \$3.3617, Brunick's Service \$3.40; 500 gal. average cost of No. 1 and No. 2 diesel fuel-clear: Stern Oil \$3.5832, Brunick's Service \$3.70

394-12

Alderman Ward moved approval of the low quote of Stern Oil on all three proposals. Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that City offices will be closed on Monday, November 12th in observance of the Veterans Day holiday.

B. John noted that the curbside recycling collection for the Thanksgiving Day holiday, Thursday, November 22nd will be on Monday, November 19th.

C. John reported that the library is closed this week as items are being moved from the current building to the newly constructed space, noting the library will reopen as soon as possible. The maximum closure will be two weeks.

D. Alderman Ward asked for an update on the cost analysis for the larger pool. John stated that he has been in contact with the consultant and is anticipating a report by year end.

PAYROLL ADDITIONS AND CHANGES

General: Angie Madsen \$13.10/hr; Finance: Vicki Fader \$15.72/hr, Janis Johnson \$14.04/hr; Police: Ben Nelsen \$23.03/hr; Ambulance: Lee Huber \$25.43/hr; Recreation: Kendall Kritenbrink \$8.00/hr, Bailey Lupardus \$8.00/hr, Tyler Williamson \$7.75/hr; Recycling: Dave Christopherson \$21.53/hr

11. Invoices Payable

395-12

Alderman Davies moved approval of the following invoice:

UNIVERSITY CLEANERS	ATTACH PATCHES	7.00
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Alderman Collier-Wise seconded the motion. Alderman Meins requested to abstain. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

396-12

Alderman Davies moved approval of the following invoices:

4IMPRINT	OPEN HOUSE MATERIALS	749.46
A-OX WELDING SUPPLY CO	BULK CO2	742.00
AARON BAEDKE	SAFETY BOOTS REIMBURSEMENT	100.00
AGLAB EXPRESS	TESTING	74.00
ALERT-ALL CORPORATION	OPEN HOUSE MATERIALS	207.00
ALLIED INSURANCE	NOTARY BOND	100.00
AMERICAN PUBLIC WORK ASSOC	MEMBERSHIP	552.00
AMERICAN RAMP COMPANY	INSTALLATION	1,060.00
ANNE KRAMER	BOOKS	20.00
APCO INTERNATIONAL	MEMBERSHIP DUES	506.00
APPEARA	SUPPLIES	140.27

AQUA-PURE INC	CHEMICALS	6,220.00
ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	253.85
ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
AUDIO GO	BOOKS	155.91
AVERA QUEEN OF PEACE HEALTH	TESTING	354.60
BAKER & TAYLOR BOOKS	BOOKS	904.46
BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	2,000.35
BARKLEY ASPHALT	ASPHALT	2,287.35
BARNES DISTRIBUTION	SUPPLIES	78.36
BATTERIES PLUS	BATTERIES	119.00
BELAIR EXCAVATING	REPAIRS	15,035.00
BIERSCHBACH EQPT & SUPPLY	SUPPLIES	578.00
BOOK WHOLESALERS, INC	BOOKS	2,569.40
BORDER STATES ELEC SUPPLY	SUPPLIES	227.43
BOUND TREE MEDICAL, LLC	SUPPLIES	1,710.77
BROADCASTER PRESS	ADVERTISING	42.00
BRYAN BERINGER	UNIFORM REIMBURSEMENT	52.99
BUTLER MACHINERY CO.	PARTS	685.09
CALLAWAY GOLF	MERCHANDISE	95.90
CAMPBELL SUPPLY	SUPPLIES	1,001.83
CANON FINANCIAL SERVICES, INC	COPIER LEASE	196.27
CASK & CORK	MERCHANDISE	1,757.51
CENTER FOR WESTERN STUDIES	BOOKS	21.21
CENTURY BUSINESS LEASING, INC	COPIER CONTRACT	138.25
CENTURY BUSINESS PRODUCTS	COPIER MAINTENANCE	118.46
CENTURYLINK	TELEPHONE	738.03
CHARLES ROGERS	BOOKS	17.00
CHEMCO, INC	SUPPLIES	468.87
CHESTERMAN CO	SUPPLIES	425.98
CHRISTENSEN RADIATOR & REPAIRS	SNOW PLOW ASSY	4,986.00
CITY OF VERMILLION	COPIES/POSTAGE	1,640.63
CITY OF VERMILLION	UTILITY BILLS	36,707.59
CLAY CO REGISTER OF DEED	FILING FEES	60.00
CLAY COUNTY HIGHWAY DEPT	LIQUID ASPHALT	303.00
CLAY RURAL WATER SYSTEM	WATER USAGE	32.00
COBRA GOLF INC	REPAIRS	45.37
COFFEE KING, INC	SUPPLIES	57.75
COLONIAL LIFE ACC INS.	INSURANCE	2,953.17
CONCRETE MATERIALS	GOLF SAND	838.35
CUMMINS CENTRAL POWER, LLC	REPAIRS	16,332.97
DAKOTA BEVERAGE	MERCHANDISE	12,543.05
DAKOTA PC WAREHOUSE	SUPPLIES	209.51
DAKOTA RIGGERS & TOOL SUPPLY	SUPPLIES	515.96

DANKO EMERGENCY EQUIPMENT	SUPPLIES	725.00
DAVIS PHARMACY	SUPPLIES	59.90
DELTA DENTAL PLAN	INSURANCE	5,864.60
DEMCO	SUPPLIES	181.88
DENNIS MARTENS	MAINTENANCE	833.34
DEPT OF REVENUE	TESTING	410.00
DEREK RONNING	MILEAGE REIMBURSEMENT	107.60
DETCO	SUPPLIES	439.05
DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	873.50
DIAMOND VOGEL PAINTS	SUPPLIES	1,810.00
DUST TEX	SUPPLIES	69.90
E.A SWEEN COMPANY	SUPPLIES	217.55
EARTHGRAINS BAKING CO'S INC	SUPPLIES	31.86
ECHO ELECTRIC SUPPLY	SUPPLIES	6,663.46
ELECTRONIC ENGINEERING	BATTERIES	644.95
ENERGY LABORATORIES	TESTING	810.00
FARMER BROTHERS CO.	MERCHANDISE	130.31
FEDEX.	SHIPPING	22.94
FIRST NATIONAL BANK	CITY HALL DEBT SERVICE	258,551.68
FOREMAN MEDIA	COUNCIL MTG	200.00
GALE	BOOKS	71.17
GENERAL TRAFFIC CONTROLS	SUPPLIES	136.00
GRAHAM TIRE CO.	TIRES	1,574.48
GRAINGER	PARTS	321.95
GRAYBAR ELECTRIC	SUPPLIES	4,884.00
GREGG PETERS	ADVERTISING	500.00
GREGG PETERS	RENT	937.50
GUARANTEE OIL CO INC	SUPPLIES	129.84
HACH CO	SUPPLIES	1,435.64
HANSEN LOCKSMITHING	PARTS	40.00
HAUGER YARD/SNOW SERVICE	PROFESSIONAL SERVICES	75.00
HD SUPPLY WATERWORKS	SUPPLIES	15,539.82
HEIMAN, INC.	REPAIRS	1,431.51
HERC-U-LIFT	REPAIRS	121.35
HERREN-SCHEMPP BUILDING	SUPPLIES	1,593.59
HY VEE FOOD STORE	SUPPLIES	148.18
INDEPENDENCE WASTE	PORT TOILET/WASTE HAULING	1,922.15
INGRAM	BOOKS	239.09
JACKS UNIFORM & EQPT	UNIFORMS	440.25
JASON ANDERSON	MEALS REIMBURSEMENT	33.00
JOHN A CONKLING DIST.	MERCHANDISE	8,672.69
JOHN C. PRESCOTT	MEALS REIMBURSEMENT	134.00
JOHN WALKER	REPLACE ELEC SERVICE	581.91

JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	22,933.57
JOHNSON FEED, INC	REPAIRS	556.92
JOHNSTONE SUPPLY	PARTS	113.07
JONES ACE HARDWARE	SUPPLIES	533.00
JONES FOOD CENTER	SUPPLIES/CATERING	1,517.06
JOSE DOMINGUEZ	MEALS REIMBURSEMENT	33.00
KARSTEN MFG CORP	MERCHANDISE	88.97
KEY CONTRACTING, INC	MANHOLE REPAIRS	33,805.00
KNOLOGY	911 CIRCUIT	1,365.50
LAKESHORE LEARNING MATERIALS	SUPPLIES	132.28
LAYNES WORLD	AWARD PLAQUE	67.53
LEAGUE OF MINNESOTA CITIES	ADVERTISING	42.84
LEAGUE OF NEBRASKA MUNICIPALITIES	ADVERTISING	63.25
LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	747.82
LEISURE LAWN CARE	TREATMENT	50.00
LESSMAN ELEC. SUPPLY CO	SUPPLIES	1,089.60
LINCOLN MUTUAL LIFE	INSURANCE	514.30
LOCATORS AND SUPPLIES, INC	SUPPLIES	5,325.93
LONGS PROPANE INC	PROPANE	1,410.75
LP GILL, INC	TIRE DISPOSAL	471.00
LUDEY'S READY MIX	PATCHING MIX	306.00
LYLE SIGNS	SUPPLIES	139.40
MALLOY ELECTRIC	PARTS	111.09
MART AUTO BODY	REPAIRS/TOWING	2,741.00
MATHESON TRI-GAS, INC	CARBON DIOXIDE	182.49
MATT PARROTT & SONS CO.	UTILITY BILLS	3,663.76
MATT PUTHOFF	SAFETY BOOTS REIMBURSEMENT	100.00
MATTHEW BENDER & CO, INC	MANUAL	110.48
MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,200.00
MEAD LUMBER	SUPPLIES	158.31
MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	85.53
MENARDS	REPAIRS	225.97
MICHAEL TODD	PARTS	148.55
MICWEBS	WEBSITE HOSTING	130.00
MIDWEST ALARM CO	ALARM MONITORING	120.00
MIDWEST BUILDING MAINTENANCE	MAT SVC	365.70
MIDWEST READY MIX & EQUIPMENT	LANDSCAPING ROCK	200.00
MIDWEST TURF & IRRIGATION	PARTS	2,001.66
MIKE ENTERMAN	REPAIRS	250.00
MINITEX LIBRARY	SUPPLIES	378.00
MINN MUNICIPAL UTILITY ASSOC	4TH QTR SAFETY MGMT PROGRAM	5,539.14
MISSOURI RIVER ENERGY SERVICE	TESTING	823.30
MISSOURI VALLEY MAINTENANCE	REPAIRS	1,267.50

MOORE WELDING & MFG	SUPPLIES	10.80
McLAURY ENGINEERING	PROFESSIONAL SERVICES	119.50
NALCO CHEMICAL CO	SUPPLIES	228.10
NCL OF WISCONSIN, INC	SUPPLIES	330.93
NETSYS+	PROFESSIONAL SERVICES	230.00
NEW YORK LIFE	INSURANCE	94.02
NORTHERN SAFETY CO. INC	SUPPLIES	143.45
NORTHERN TRUCK EQPT CORP	PARTS	98.00
OLSON SOD FARMS	SOD	180.00
OVERHEAD DOOR OF SIOUX CITY	REPAIRS	179.00
PAULS PLUMBING	REPAIRS	1,226.96
PCC, INC	AMBULANCE BILLING	1,407.94
PETE LIEN & SONS, INC	CHEMICALS	8,766.80
PITNEY BOWES, INC	SUPPLIES	88.48
PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
POMPS TIRE SERVICE, INC.	TIRES	233.54
PRAIRIE BERRY WINERY	MERCHANDISE	1,002.00
PRESSING MATTERS	SUPPLIES	247.00
PRINT SOURCE	SUPPLIES	93.00
PUMP N PAK	FUEL	2,716.31
QUEEN CITY WHOLESALE	SUPPLIES	87.07
QUILL	SUPPLIES	1,979.54
RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
RANDOM HOUSE, INC	BOOKS	262.71
RASMUSSEN MOTORS, INC	PARTS	111.95
RECORDED BOOKS, INC	BOOKS	435.55
REPUBLIC NATIONAL DIST	MERCHANDISE	26,167.71
RESCO	SUPPLIES	1,614.75
ROBIN HOWER	MEALS/REG REIMBURSEMENT	118.00
RUGGEDCOM INC	SUPPLIES	1,299.00
SAFETY BENEFITS INC	REGISTRATION	195.00
SANITATION PRODUCTS	SUPPLIES	407.73
SCHAEFFER MFG. CO	SUPPLIES	793.60
SCHOLASTIC LIBRARY PUBLISHING	SUPPLIES	9.40
SD ELECTRICAL COUNCIL	MEMBERSHIP DUES	40.00
SD MUNICIPAL LEAGUE	REGISTRATION	20.00
SD ONE CALL	LOCATES	381.05
SD PUBLIC ASSURANCE ALLIANCE	PROPERTY COVERAGE	1,112.00
SD RETIREMENT SYSTEM	CONTRIBUTIONS	46,811.75
SDPRA	MEMBERSHIP	20.00
SECURITY SHREDDING SERVICE	PROFESSIONAL SERVICES	35.00
SERVALL TOWEL & LINEN	SUPPLIES	29.40
SIOUX FALLS TWO WAY RADIO	REPAIRS	565.64

SPECIAL T'S AND MORE	PROFESSIONAL SERVICES	35.00
SPECTER INSTRUMENTS	ANNUAL SUPPORT	395.00
STANLEY SECURITY SOLUTIONS	LOCK CORES/KEYS	1,155.07
STATE TREASURER	UNCLAIMED PROPERTY	578.50
STERN OIL CO.	FUEL	2,123.47
STUART C. IRBY CO.	SUPPLIES	5,567.28
STURDEVANTS AUTO PARTS	PARTS	833.77
TEAM GOLF	MERCHANDISE	497.40
THATCHER COMPANY	SODA ASH	28,494.40
THE EQUALIZER	ADVERTISING	162.80
THE NEW SIOUX CITY IRON CO	SUPPLIES	406.30
TITAN ACCESS ACCOUNT	PARTS	403.38
TODAYS DISTRIBUTOR	SUPPLIES	1,020.00
TRUE VALUE	SUPPLIES	598.47
UNITED WAY	CONTRIBUTIONS	330.80
VAN DIEST SUPPLY CO	SUPPLIES	593.00
VERIZON WIRELESS	POLICE COMMUNICATIONS	212.07
VCDD	VERMILLION BUCKS	40.00
VERMILLION COMMUNITY CPR	CPR CARDS	4.00
VERMILLION CONCRETE	SIDEWALK REPAIRS	7,188.85
VERMILLION CONSTRUCTION CO	BARSTOW SKATE PARK	12,422.00
VERMILLION FORD	PARTS	177.26
VERMILLION NOW!	COMMUNITY HOUSING STUDY	23,100.50
VERMILLION ROTARY CLUB	DUES/MEALS	134.25
VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	4,777.31
VISUAL COMPUTER SOLUTIONS	ANNUAL SUPPORT	515.00
WAL-MART COMMUNITY	SUPPLIES	1,060.01
WALKER CONSTRUCTION	CONCRETE WORK	9,015.16
WALT'S HOMESTYLE FOODS, INC	SUPPLIES	93.10
WELFL CONSTRUCTION CO	LIBRARY EXP/REMODEL	238,214.00
WESCO DISTRIBUTION, INC	SUPPLIES	1,456.26
WILLSON FLORIST	GREEN PLANT	38.00
WINKLER ROOFING, INC	REPAIRS	1,254.00
YANKTON FIRE & SAFETY	ANNUAL INSPECTION	1,388.00
YANKTON JANITORIAL SUPPLY	SUPPLIES	1,271.07
ZEE MEDICAL SERVICE	SUPPLIES	43.10
ZIMCO SUPPLY CO	SUPPLIES	8,100.54
WENDY HARKNESS	BRIGHT ENERGY REBATE	50.00
PAT WINGEN	BRIGHT ENERGY REBATE	550.00
MICHAEL GILLISPIE	BRIGHT ENERGY REBATE	50.00
GAIL PAULSON	BRIGHT ENERGY REBATE	550.00

Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a bid opening date of December 10, 2012 for a Fire Department pumper truck

397-12

Alderman Zimmerman moved approval of the consensus agenda. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

13. Executive Session

Alderman Ward moved to go into executive session at 8:20 p.m. for consultation with the City Attorney on legal matters pursuant to SDCL 1-25-2(3). Alderman Osborne seconded the motion. Alderman Collier-Wise requested to be excused from the executive session due to a conflict and exited the meeting. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

398-12

Alderman Zimmerman moved to authorize the City Attorney to proceed with the writ as it applies to the property at 23 N Harvard and to disregard the proposal received tonight through the City Attorney. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

14. Adjourn

399-12

Alderman Osborne moved to adjourn the Council Meeting at 8:42 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 5th day of November, 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 _____.

**Resolution of Support
Joining Community Leaders in Addressing Housing Needs**

WHEREAS, a group of community leaders came together on April 30, 2012 to for a Community Advancement Strategic Meeting; and

WHEREAS, this group of leaders identified housing as the top item to be addressed; and

WHEREAS, the Vermillion Chamber of Commerce and Development Company identified CHLab as a available and experienced consulting firm to study the housing need and to propose ideas to address the situation; and

WHEREAS, the City Council funded the housing study to better understand the impact a lack of housing has on the growth and development of the community; and

WHEREAS, CHLab has completed their work and presented the completed study to the City Council; and

WHEREAS, the study verified the need for additional housing of different prices points and styles as vital to the future progress and growth of Vermillion.

NOW, THEREFORE, we, the governing body of the City of Vermillion, South Dakota pledge our support to addressing the housing issues experienced in the community.

BE IT FURTHER RESOLVE that the City Council calls on the community to join with the current group of community leaders, the City, and Vermillion Chamber of Commerce and Development Company in addressing the need to create additional housing opportunities of all types and price ranges in Vermillion.

Dated at Vermillion, South Dakota this 19th day of November, 2012.

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

**PROCLAMATION
APPRECIATION OF AREA FIRE DEPARTMENTS
FOR RESPONDING TO THE VERMILLION LANDFILL FIRE**

WHEREAS, on the morning of October 22, 2012 a fire was discovered at the Vermillion Landfill; and

WHEREAS, when the call for assistance was made, volunteer fire departments from Wakonda, Gayville and Volin responded to assist the Vermillion Volunteer Fire Department in extinguishing the fire; and

WHEREAS, these departments provided equipment and firefighters that played an integral part in containing and extinguishing the fire; and

WHEREAS, the City of Vermillion is thankful for the dedication, bravery and hard work demonstrated by the volunteer firefighters that responded to the fire; and

WHEREAS, volunteer firefighters put their lives at risk to protect people and property from the danger that fire poses.

NOW THEREFORE, we, the Governing Body of the City of Vermillion, South Dakota, do hereby wish to extend gratitude and appreciation for the service of the following Fire Departments in responding to the Vermillion Landfill Fire:

Vermillion Volunteer Fire Department
Gayville Volunteer Fire Department
Volin Volunteer Fire Department
Wakonda Volunteer Fire Department

Dated at Vermillion, South Dakota, this 19th day of November, 2012.

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

By: _____
John E. (Jack) Powell, Mayor

ATTEST:

By: _____
Michael D. Carlson, Finance Officer



Council Agenda Memo

From: John Prescott, City Manager

Meeting: November 19, 2012

Subject: Main Street closure from Elm Street to High Street on December 7, 2012 for the VCDC Parade of Lights

Presenter: John Prescott

Background: The Vermillion Chamber of Commerce and Development Company (VCDC) is planning is for their annual Parade of Lights. The Parade of Lights will take place this year on Friday, December 7. The parade route has been shorten for this year's event. The parade will start at Main and Elm Street and will head west to a conclusion at Market Street and W. Main Street for the tree lighting at Ratingen Platz. The Parade of Lights will begin at 6:30 pm and end around 6:45 pm. The time set for the street closure is 6:15 pm to 7:00 pm.

Discussion: The VCDC plans to contact downtown businesses to make them aware of the street closing. The VCDC staff will walk the parade route after the event to ensure that the street is clean and free from any debris. The request has been reviewed by the Fire, EMS, and Police Department. These City Departments have no concerns with the street closure request. Attached is the application and a map of the closure. Due to the short duration of this particular, staff has found it more effective to use a rolling street closure with Police and Street Department staff vs. a complete closure of the entire length of the parade route for the time parameters requested. There were no problems reports with the 2011 event.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the Main Street closing from Elm Street to High Street on December 7, 2012 from 6:15 pm to 7:00 pm.

Request to Close Public Street

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

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

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

Organization Requesting VCDC

Contact Person Ann Breitag Phone 624-5571

Contact Person Address 116 Market St., Ste. 103

Event Parade of Lights Date(s) of Event 12-7-12

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

Street Main from Elm St to High St

Street Closing Times 6:15 pm to 7:00 pm

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

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

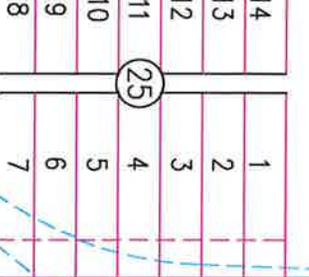
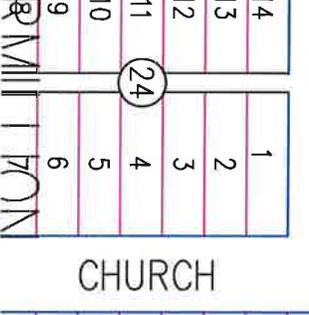
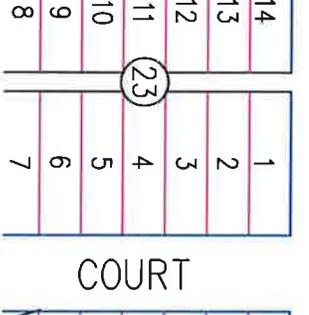
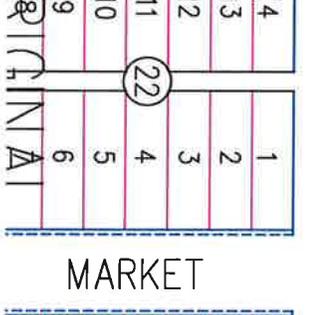
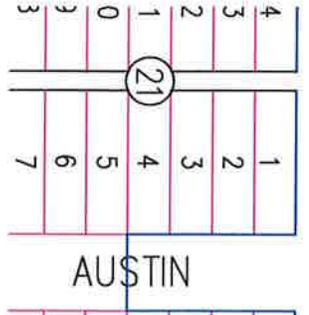
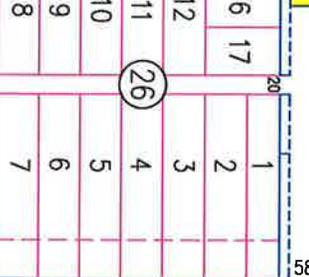
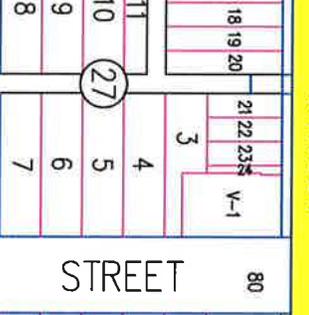
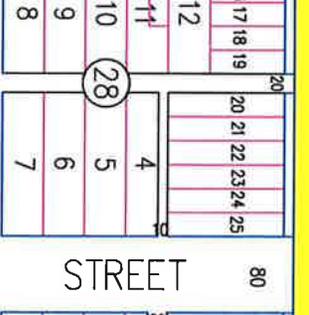
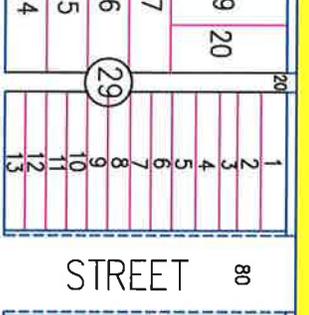
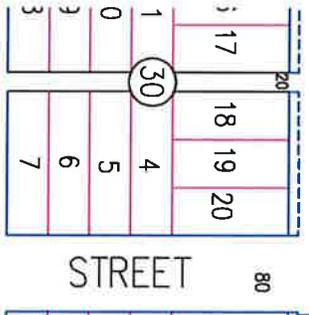
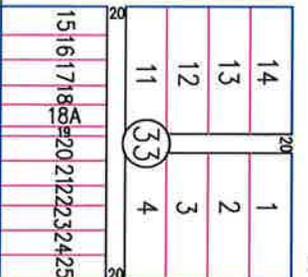
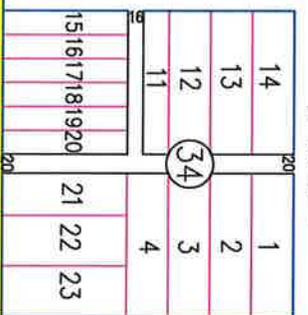
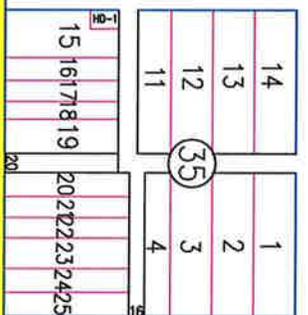
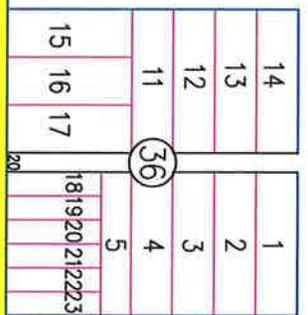
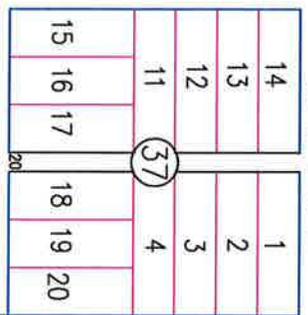
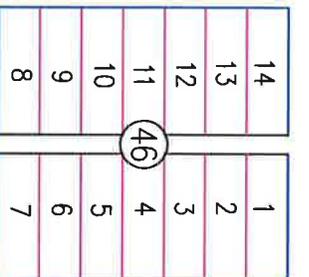
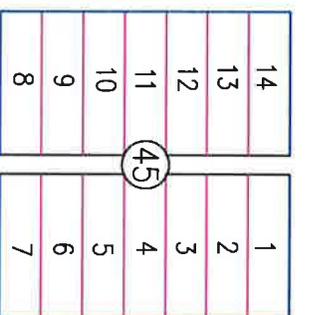
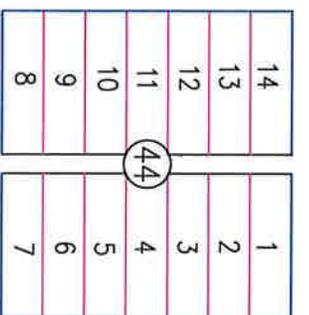
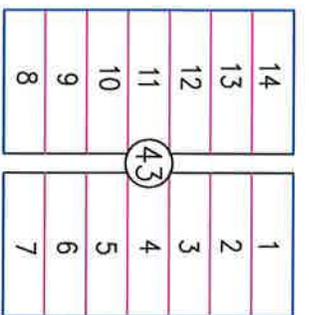
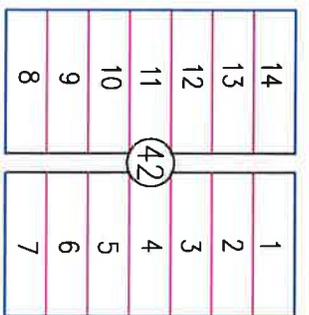
Parade begins at 6:30. Parade line up will be at City Hall east parking lot and Elm St.

from National to Main from 5:30 pm to 6:30 pm. The VCDC Special Events Committee will walk

the parade route after the event to ensure that the street is clean and free of any debris.

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

Signature of applicant _____ date 11-2-12



NATIONAL

HIGH

PROSPECT

CENTER

STREET

ELM

STREET

STREET

STREET

STREET

KIDDER

STREET

VACATED

AUSTIN

MARKET

COURT

CHURCH

MERCANTILE

MERRILL TOWN



Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: November 19, 2012

Subject: Declaration of Emergency and authorize the purchase of Fire Department Bunker Gear

Presenter: Mike Carlson

Background: When Solid Waste Director Bob Iverson presented a review of the October baler building fire at the November 5th Noon meeting, it was noted that there was considerable oil released in the building due to the fire. The baler held 900 gallons of oil for its hydraulic systems that was released. There was also 500 gallons of oil in storage. The heat melted the plastic gage causing this quantity of oil to be released. In working the fire, the fire fighters had oil that was floating on the water contaminating the fire hoses, gloves, boots, bunker gear pants and some coats. The Fire Department insurance company has reimbursed the department for the hose and the gloves that were contaminated.

The department has tried cleaning the pants and coats without any success. The concern is that cleaning the fire retardant materials to remove the oil will impact the ability to certify the continued use of the gear for firefighting. The insurance company stated that if it did reimburse the Department it would be just for the damaged pants and coats. The problem is that the coat and pants come as a set and this model is no longer produced so the individual pieces cannot be replaced but a new set will need to be purchased. The City purchased 43 sets of bunker gear in 2003 and was planning on replacing the sets again in 2014. The fire department in working with the insurance company has obtained two quotes for the purchase of coats and pants. The low quote to replace a coat is \$1,086.58 and the pants are \$728.26 for a total of \$1,814.84 for a set. As the cost of 20 sets of bunker gear exceeds \$25,000 this purchase would need to be bid unless the City Council declares an emergency. The following state law allows the governing body to declare an emergency to purchase without advertising for bids if rentals are not practicable and there exists a threat to public health, welfare or safety or for other urgent and compelling reasons.

5-18A-9. Emergency procurement. A purchasing agency may make or authorize others to make an emergency procurement without advertising the procurement if rentals are not practicable and there exists a threat to public health, welfare, or safety or for other urgent and compelling reasons. Failure to abide by the bid provisions of this chapter and chapters 5-18B, 5-18C, and 5-18D in a timely manner is not an emergency. An emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

There will be some insurance proceeds that will be provided to the city for the five coats and twenty pants based upon the low quote \$19,998.10 but the firefighters need the replacement safety clothing. When the last bunker gear was purchased in 2003 any usable gear was saved and that has been issued to firefighters that have the damaged gear but it should be noted that this gear was over ten years old when it was replaced in 2003.

Discussion: As the bunker gear is needed for the safety of the firefighters it is recommended that the City Council move forward with declaring an emergency and authorize the purchase of 20 sets of bunker gear. It should be noted that this safety equipment cannot be rented. The fire department has received two quotes for this gear which are as follows:

Heiman Fire Equipment	fire coat	\$1,086.58
Sioux Falls, SD	fire pants	<u>728.26</u>
	Total	\$1,814.84
	20 sets	36,296.80
Danko Emergency Equipment	fire coat	\$1,150.24
Sioux Falls, SD	fire pants	<u>790.72</u>
	Total	\$1,940.96
	20 sets	38,819.20

This protective clothing is not just setting on a shelf. The firefighters are measured for the coats and pants that are made for each order. If the order is placed now the delivery is projected for mid January, 2013. By declaring an emergency we can avoid the advertising time which is two weeks as well as the time it would take the low bidder to make arrangements for fitting the firefighters. This would possibly add another week or more in completing the process of getting the safety gear ordered to properly outfit our firefighters.

Financial Consideration: As this expenditure was not know at the time of planning the 2013 budget, a revision will need to be made next year to provide for the \$36,296.80 of which \$19,000 is estimated will come from insurance proceeds. Administration would recommend that the net purchase price be funded from Second Penny Sales tax.

Conclusion/Recommendations: Administration recommends that the City Council recognize the need for its firefighters to have proper protective clothing and declare an emergency exists, for the safety of the firefighters, to replace gear that was damaged. Two quotes for the replacement have been received and authorize the purchase of 20 sets of bunker gear from the low quote from Heiman Fire Equipment at \$1,814.84 each for a total of \$36,296.80.



Council Agenda Memo

From: Jose Dominguez, P.E., City Engineer
Meeting: November 19, 2012
Subject: SD Hwy 19 Temporary Construction Easement
Presenter: Jose Dominguez

Background: During the construction of the shared used path along SD Highway 50 from Stanford Street to Dakota Street, the DOT expressed concerns about the pedestrian traffic utilizing SD Highway 19 for travel. Although pedestrian traffic is allowed along the State's highway system, the combination of vehicles, trucks, pedestrians and bicycles is not safe. In order to improve safety for the users the pedestrians and bicycle traffic will be removed from the highway onto an adjacent path.

Discussion: Due to the characteristics of the users, the DOT has requested that the City utilize the remainder of the Federal grant to construct a shared used path along SD Highway 19 between West Cherry Street and SD Highway 50. The path would be constructed within the DOT's right-of-way on the east side of the road. The path would be eight feet wide and be approximately four feet of the curb line.

Since the path will be within the DOT's right-of-way no permanent easements will be required. However, the City will need to acquire temporary construction easements from the adjacent property owners (Polaris and East River Properties). The temporary easements will be valid through construction and an additional year after construction is completed. The additional year will allow the City access if a portion of the path needs to be reworked. Three easements are required for the project to proceed to the bidding process.

Financial Consideration: The City will incur a cost of \$30.00 to file the easement with the Clay County Register of Deeds. Payment to East River Properties for the easement will cost the City \$51.00.

Conclusion/Recommendations: Administration recommends signing the temporary construction easement for the construction of the shared used path along the east side of SD Highway 19 between West Cherry Street and SD Highway 50.



Council Agenda Memo

From: John Prescott, City Manager

Meeting: November 19, 2012

Subject: Library Change Order #4

Presenter: John Prescott

Background: On February 6, 2012, the City Council awarded a \$2,375,000 contract to Welfl Construction of Yankton for the addition and renovation of the Vermillion Public Library. Construction of the addition began in April, 2012. The contract has a completion date of April 1, 2013. The City Council approved Change Order #1, which provided for two south entrance doors to be of the correct size. Change Order #1 had a price of \$507, but not the 8% architectural fee. Change Order #2 was for a different carpet in the Young Adult room and tile around the fire place. The Library Board initiated both of these changes and will pay for the \$1,457, plus the 8% architect's fee, from their Fines and Gifts account.

Change Order #3 was for five different items. Changing from carpet to sheet vinyl and a custom cover for exterior column covers did not result in any additional cost. Additional steel for the east stairwell added \$436, removal of an old foundation discovered during excavation added \$1,958, and raising a ceiling added \$984 to the project cost. Change Order #3 was approved on October 1.

Discussion: Change Order #4 is for four different items. Two proposals are deductions to the contract price while the other two proposals are additions to the overall cost. None of the four items which are part of the change order result in any additional construction days.

Request for Proposal #9 arose during construction. Due to the elevation of the building in relation to the Church Street sidewalk, proposed concrete between the sidewalk and curb in front of the west entrance along Church Street was removed from the contract. The cost for this proposal reduced the contract by \$749.

Request for Proposal #11R is to provide for temporary electrical, data and communication at the interim circulation desk / work area. A provision to wire the

temporary work area for these needs was not included in the bid documents. The cost for this proposal is \$4,268.

Request for Proposal #12R is to revise the electrical and data outlets in the new Technical Center. At the time the bid specs were developed, the type of furniture to be utilized was unknown. A style has been selected which will allow the room to have the outlets where needed vs. in all of the possible locations. The cost for this proposal reduces the overall cost by \$1,140.

Request for Proposal #13A raises the four rows of pendant lights across the newly constructed main floor space by four inches. It was determined that the lights as hung and specified in the bid specs would be too close to the eight-foot book stacks. The cost for this proposal increases the contract price by \$3,188.

The contract cost for acceptance of all four proposals is \$5,567. The total cost for the five proposals is \$5,567 plus the architect's 8% fee, for a total project cost of \$6,012.

Financial Consideration: The construction project is funded by \$1.4 million of 2nd Penny Sales Tax funds, a \$200,000 CDBG award, CDs from the Library Board and over \$1 million in contributions from Edith Siegrist. The architect's fee, site testing and other items, are outside of the bid amount, but are project costs that have to be funded. The Library Foundation has also raised over \$200,000 for furnishings that are also outside the bid package.

The contingency on this project was \$118,785 and was planned for items which came up during construction. Adoption of Change Orders #1 and #3 reduced the contingency balance to \$114,630. Adoption of Change Order #4 will reduce the contingency balance to \$108,618.

Conclusion/Recommendations: Administration recommends adoption of Change Order #4 for the Library project.

**Change
Order**

Architecture Incorporated

Owner
Architect
Consultant
Field

415 South Main Avenue
P.O. Box 2140
Sioux Falls, SD 57101
(605) 339-1711

Project: Vermillion Public Library Addition and Remodel

Change Order 4

To: Welfl Construction Corporation
800 West 23rd Street
PO Box 60
Yankton, SD 57078

Date: November 14, 2012

Architect's Project No.: 2256

Contract Date: February 8, 2012

You are directed to make the following changes in this Contract:

1.	RFP #9 Site Modifications: Sidewalk changes and omit stairs and handrails	DEDUCT:	(\$749)
2.	RFP #11R Provide temporary electrical and data at the interim circulation desk	ADD:	\$4,268
3.	RFP #12R Revise electrical and data in the Tech Center 133	DEDUCT:	(\$1,140)
4.	RFP #13A Raise four rows of pendant lights 4 inches in stack area 005.	ADD:	\$3,188
TOTAL ADD:			\$5,567

The original Contract Sum was.....	\$2,375,700
Net change by previous Change Orders	\$5,342
The Contract Sum prior to this Change Order was.....	\$2,381,042
The Contract Sum will be added by this Change Order	\$5,567
The new Contract Sum including this Change Order will be.....	\$2,386,609
The Contract Time will be changed.....	0 days
The Date of Completion as of the date of this Change Order therefore is:	4/1/2013

Architect
Architecture Incorporated
415 South Main Ave.
PO Box 2140
Sioux Falls, SD 57101-2140

Contractor
Welfl Construction Corporation
800 West 23rd Street
PO Box 60
Yankton, SD 57078

Owner
City of Vermillion
25 Center Street
Vermillion, SD 57069

by: *Elyabeth Spurn* by: *[Signature]* by: _____
date: 11-14-12 date: 11-14-12 date: _____



RFP

To: Liz Squyer
Architecture Inc.
335 N. Main
PO Box 2140
Sioux Falls, SD 57101-2140
Ph: (605)339-1711 Fax: (605)339-2331

Number: 9
Date: 8/29/12
Job: 32-299 Vermillion Library
Phone:

Description: Site Modifications, Revised Drawings 2.2 and 2.3

We are pleased to offer the following specifications and pricing to make the following changes:
Reference RFP 9 from Architecture Inc.
East entry, west entry, and sidewalk modifications as per RFP and revised drawings 2.2 and 2.3.

The total amount to provide this work is \$-749.00

The schedule is not affected by this change.

If you have any questions, please contact me at (605)665-3258.

Submitted by: Kevin Schulz
Welfl Construction Corporation

Approved by: _____
Date: _____

Cc:



RFP

To: Liz Squyer
Architecture Inc.
335 N. Main
PO Box 2140
Sioux Falls, SD 57101-2140
Ph: (605)339-1711 Fax: (605)339-2331

Number: 11R1
Date: 11/5/12
Job: 32-299 Vermillion Library
Phone:

Description: Temporary Work Area Electrical

We are pleased to offer the following specifications and pricing to make the following changes:

Reference RFP from Architectural Inc.

The pricing was done according tot he plan provided by the Vermillion Public Library.

The total amount to provide this work is \$4,268.00

The schedule is not affected by this change.

If you have any questions, please contact me at (605)665-3258.

Submitted by: Kevin Schulz
Welfl Construction Corporation

Approved by: _____
Date: _____

Cc:



800 West 23rd, PO Box 60 □ Yankton, SD 57078-0060
□ Phone 605-665-3258 □ Fax: 605-665-9384
□ E-mail: welfl@welfl.com



RFP

To: Kevin Schulz
Welfl Construction Corporation
PO Box 60
800 West 23rd Street
Yankton, SD 57078
Ph: (605)665-3258 Fax: (605)665-9384

Number: 12R2
Date: 11/13/12
Job: 32-299 Vermillion Library
Phone:

Description: Revised RFP 12

We are pleased to offer the following specifications and pricing to make the following changes:
Revise RFP 12 to only include the changes to room 133.

The total amount to provide this work is \$-1,140 00

The schedule is not affected by this change.

If you have any questions, please contact me at (605)665-3258.

Submitted by: Kevin Schulz
Welfl Construction Corporation

Approved by: _____
Date: _____

Cc:



RFP

To: Liz Squyer
Architecture Inc.
335 N. Main
PO Box 2140
Sioux Falls, SD 57101-2140
Ph: (605)339-1711 Fax: (605)339-2331

Number: RFC 03
Date: 10/29/12
Job: 32-299 Vermillion Library
Phone:

Description: Raise Library Light Fixture at Rm 105

We are pleased to offer the following specifications and pricing to make the following changes:
Cost to raise one length of light fixtures in room 105.

The total amount to provide this work is \$797.00

The schedule is not affected by this change.

If you have any questions, please contact me at (605)339-1711.

Submitted by: Liz Squyer
Architecture Inc.

Approved by: _____
Date: _____

Cc:



Council Agenda Memo

From: John Prescott, City Manager
Meeting: November 19, 2012
Subject: Declare Golf Course picker surplus and authorize trade-in
Presenter: John Prescott

Background: The Bluffs Golf Course has a 2002 Yamaha picker which is used to collect range balls from the driving range. The picker is in need of replacement.

Discussion: Golf Course staff contacted two companies to obtain quotes on the cost of a new range ball picker. The low quote for a new range picker is from Yamaha Golf and Utility at \$10,227 with the trade-in of the 2002 model. In order to trade-in the current range picker, the City Council needs to declare the current piece of equipment surplus and authorize the trade-in.

Financial Consideration: The 2012 budget included funding for a number of capital improvements. The range picker would come from the \$100,000 allocated for clubhouse improvements.

Conclusion/Recommendations: Administration recommends the City Council declare the 2002 model range picker surplus and authorize the trade-in as part of the purchase of a new picker.



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: November 19, 2012
Subject: Write-off of Old Accounts Receivable
Presenter: Mike Carlson

Background: The City bills for utilities, use of the landfill, ambulance, and other miscellaneous items (weed and snow tagging, mowing or snow removal, damage to city property, utility service fees, etc.). The City also has checks that have been returned by the bank for nonsufficient funds. These billings are considered accounts receivable of the City and, as such, are recorded on the accounting records. To remove uncollectible items, the City Council must take action as required per the following state statute:

9-22-4 Assignment of delinquent accounts receivable--Disposition of uncollectible accounts. Every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts, the governing body may determine that an account is uncollectible and, by formal action, direct that the uncollectible amount be removed from the records and disclosed on that year's financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt.

Discussion: This action will remove the accounts from the accounting records but collection efforts will continue. The accounts have been sent to small claims court, or a collection agency, unless they were discharged by bankruptcy. The accounts are as follows:

Utility accounts receivable	
139 accounts	\$32,816.50
General accounts receivable	
8 accounts	983.69
Returned Checks	
4 checks	565.00

As to the ambulance billings we are recommending no write off at this time. The City contracted with PCC, Inc. for the billing and collection starting in July 2012. PCC, Inc. has been doing the monthly billing and working on reviewing all the old accounts. At this time, the recommendation is to not write off any of the ambulance accounts until we receive a report from PCC.

The lists of all these accounts are on file in the Finance Office. As utility accounts are confidential, the list of individual names and amounts has not been included in your packets.

Attached is a spreadsheet with a summary of write-offs for the last ten years.

Financial Consideration: There is no cost to the City to remove the accounts.

Conclusion/Recommendations: Administration recommends that a motion be made to remove the old utility accounts of \$32,816.50, general accounts receivable of \$983.69 and returned checks of \$565.00 from the accounting records, but to continue collection efforts.

City of Vermillion
 Summary of Accounts Receivable Writeoff
 For the Years 2003-2012

	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>	<u>2004</u>	<u>2003</u>
Utility Accounts Receivable	\$32,817	\$31,655	\$31,024	\$20,098	\$35,602	\$29,830	\$27,730	\$21,645	\$20,625	\$24,300
Number of accounts	139	119	143	131	171	134	149	123	136	137
Annual Billing	\$9,567,937	\$9,171,755	\$8,387,257	\$7,878,919	\$7,430,781	\$6,877,402	\$6,418,237	\$5,657,425	\$5,246,325	\$5,109,103
Percentage of Annual Billing	0.34%	0.35%	0.37%	0.26%	0.48%	0.43%	0.43%	0.38%	0.39%	0.48%
General Accounts Receivable	\$984	\$3,240	\$875	\$348	\$1,272	\$1,535	\$1,849	\$451	\$2,967	\$815
Number of Accounts	8	22	16	9	15	18	16	8	23	11
Return Checks amounts	\$565	\$417	\$754	\$215	\$130	\$728	\$436	\$974	\$957	\$1,792
Number of Checks	4	4	10	5	4	6	7	10	22	25
Ambulance Receivable	Note 1	\$53,544	\$33,199	\$34,885	\$23,475	\$21,939	\$32,207	\$20,764	\$21,809	\$12,732
Number of Accounts		130	90	85	49	45	64	48	42	31
Annual Ambulance Billing	\$405,420	\$396,634	\$369,740	\$306,170	\$262,837	\$223,524	\$241,175	\$230,729	\$237,009	\$185,159
Percentage of Annual Billing		13.50%	8.98%	11.39%	8.93%	9.82%	13.35%	9.00%	9.20%	6.88%

Note 1 - The City contracted for the ambulance billing and collection with PCC, Inc starting in July 2012. PCC, Inc. has been doing the monthly billing and working on reviewing all the old accounts so at this time it is the recommendation to not write off any of the ambulance accounts until we receive a report from PCC.

CITY OF VERMILLION
 INVOICES PAYABLE-NOVEMBER 19, 2012

1 ACCENT/CIGNA	REFUND AMB OVERPAYMENT	69.80
2 ARCHITECTURE INC.	PROFESSIONAL SERVICES - LIBRARY	2,715.00
3 BRANDON HANSEN	MEALS REIMBURSEMENT	38.00
4 BROADCASTER PRESS	ADVERTISING	2,163.86
5 BUREAU OF ADMINISTRATION	TELEPHONE	244.17
6 CALLE SORENSEN	MEALS REIMBURSEMENT	38.00
7 CANNON TECHNOLOGIES, INC	LOAD MANAGEMENT SUPPLIES	3,623.04
8 CANON FINANCIAL SERVICES	PLOTTER LEASE	196.27
9 CENTURYLINK	TELEPHONE	1,474.39
10 CHRIS NISSEN	SAFETY BOOTS REIMBURSEMENT	100.00
11 CLAY CO REGISTER OF DEED	FILING FEES	60.00
12 CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,084.21
13 DAN HANSON	SAFETY BOOTS REIMBURSEMENT	100.00
14 DENR	LOAN PAYMENT LANDFILL CURBSIDE	66,031.51
15 DEPT OF REVENUE	LICENSE RENEWAL	275.00
16 DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,007.06
17 D & G CONCRETE CONSTRUCTION	STANFORD STREET CONSTRUCTION	37,713.64
18 DIAMOND VOGEL PAINTS	TRAFFIC PAINT	3,424.44
19 DON LARSEN	REFUND WATER SERVICE FEE	15.00
20 GREGG PETERS	MANAGERS FEE	5,375.00
21 KNOLOGY	DIAL-UP SERVICE	49.95
22 LARRY BRADY	BIKE PATH EASEMENT	51.00
23 LEE HUBER	MEALS REIMBURSEMENT	39.00
24 LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
25 MATHESON TRI-GAS, INC	CYLINDERS	635.58
26 MIDAMERICAN	GAS USAGE	905.43
27 MIDCONTINENT COMMUNICATIONS	CABLE/INTERNET SERVICE	105.95
28 NICOLE GULLEY	MEALS REIMBURSEMENT	38.00
29 RESERVE ACCOUNT	POSTAGE FOR METER	650.00
30 SD DEPT OF REVENUE	TRANSPORTER LICENSE	25.00
31 SPRINT	CELL PHONES	1,284.98
32 STERN OIL CO.	FUEL/OIL	22,640.67
33 THE EQUALIZER	ADVERTISING	682.00
34 TONY KLUNDER	MEALS REIMBURSEMENT	38.00
35 US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
36 VEOLIA ENVIRONMENTAL SERVICES	HHW COLLECTION	23,593.92
37 VERMILLION DEVELOPMENT CO	WELDING EQPT REIMBURSEMENT	21,850.02
38 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	1,313.54
39 ALAN GAUER	BRIGHT ENERGY REBATE	275.00
40 BARB ERNST	BRIGHT ENERGY REBATE	150.00
41 VERMILLION CIVIC COUNCIL	BRIGHT ENERGY REBATE	324.00
	GRAND TOTALS	\$203,590.43

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

- Date: 11-6-12
1. Name of organization/group Career Service Advisory Council
Contact person: Name: Heidi Bennett
 2. Date(s) that tickets/chances will be sold: from 11-8-12 to 11-8-12
Cost of tickets/chances: \$1/1 ticket or \$5/6 tickets - chances will depend on # sold
 3. Date(s) of drawing(s): 11-8-12
 4. Can anyone purchase tickets? Open to all USD CSA Employees
 5. Will the prize winner(s) be selected at random? Yes No
 6. Description and approximate value of top prize: 50% of the ticket sales

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

The mission of the Career Service Advisory Council (CSAC) shall be to provide a channel of communication between career service employees and officials of the USD administration regarding areas of employment, fringe benefits, staff development, and other issues and concerns. The CSAC shall serve as an educator by providing workshops for the benefit of the career service employees. The CSAC shall serve as a group dedicated to the future by providing such programs as the Career Service Scholarship, which shows that career service employees recognize students as an essential element of our University community.

The CSAC holds annual Fall Meetings where Career Service employees at USD can hear speakers on topics such as updates on campus construction projects and other happenings on campus. Refreshments are provided. It is intended to be a fun and informative break for the employees.

Heidi Bennett
Applicant's Signature

Shelley Brunich

Approval:
John Prescott
City Manager

11-6-12
Date