



Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting
Monday, October 1, 2012
Large Conference Room
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Item - Final results of the Police Department Community Survey – Matt Betzen.**
3. **Possible Executive Session pursuant to SDCL 1-25-2(3) Pending Legal Matter.**
4. **Briefing on the October 1, 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**

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting

Monday, October 1, 2012

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. September 17, 2012 Special Session; September 17, 2012 Regular Session.
4. **Adoption of the Agenda**
5. **Visitors To Be Heard**
 - a. Public Power Week Proclamation.
 - b. Fire Prevention Week Proclamation.
6. **Public Hearings**
 - a. Special Assessment roll for nuisance abatement.
 - b. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs (Northwest Quadrant – small list).
7. **Old Business**
 - a. Second Reading of Ordinance 1288 – Amending the Width of Driveways in the Industrial zoning districts.
 - b. Second Reading of Ordinance 1289 - 2012 Supplemental Appropriations Ordinance for 911 Fund.
8. **New Business**
 - a. Final Plat of Lots 9-13, Block 2, French Addition to the City of Vermillion (East side of Norbeck Street across from Vermillion High School).
 - b. Request to DENR to Prepay the 1990 Clean Water State Revolving Loan.
 - c. Library construction / renovation project Change Order #3.
 - d. Resolution relating to wastewater revenue refunding bonds.
 - e. Request to close Prentis Avenue parking stalls from E. Clark Street to E. Main Street on Saturday, October 6, 2012 from 7:00 am to 1:00 pm. for high school band bus parking.
 - f. Resolution to purchase a Golf Course Greens Mower and a Fairway Mower off of Intergovernmental Bid.
9. **Bid Openings**
 - a. Fuel quotes.
10. **City Manager's Report**
11. **Invoices Payable**

12. Consensus Agenda

- a. Set a public hearing date of October 15, 2012 for the transfer of Retail on-off Sale Malt Beverage license from Sammelson Brothers, Inc. to Varsity Pub, LLC for the Varsity Pub at 113 E. Main Street.

13. Adjourn

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

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

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

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

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

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

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

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

Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
September 17, 2012
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, September 17, 2012 at 12:00 noon in the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Meins, Osborne, Ward (arrived at 12:04 p.m.), Willson, Zimmerman, Mayor Powell

Absent: Davies, Grayson

2. Executive Session pursuant to SDCL (1-25-2(5)) Economic Development - VCDC Executive Director Steve Howe

334-12

Alderman Willson moved to go into executive session pursuant to SDCL (1-25-2(5)) for economic development at 12:02 p.m. Alderman Zimmerman seconded the motion. Motion carried 6 to 0. Mayor Powell declared the Council in executive session.

Alderman Ward arrived at 12:04 p.m.

335-12

Alderman Meins moved to come out of executive session at 12:46 p.m. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the City Council out of executive session.

3. Briefing on the September 17, 2012 City Council Regular Meeting Agenda

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

4. Adjourn

336-12

Alderman Ward moved to adjourn the Council special session at 12:50 p.m. Alderman Willson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of September, 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
September 17, 2012
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on September 17, 2012 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Absent: Grayson

2. Pledge of Allegiance

3. Minutes

A. September 4, 2012 Special Session; September 4, 2012 Regular Session

337-12

Alderman Willson moved approval of the September 4, 2012 special session minutes and the September 4, 2012 regular session minutes. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

338-12

Alderman Collier-Wise moved approval of the agenda. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Constitution Week 2012 Proclamation

Alderman Meins read the proclamation recognizing the week of September 17 - September 23, 2012 as Constitution Week in Vermillion, SD.

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Area Arts Council on or about October 6, 2012 at 202 Washington Street for the Chili Blues event

Mike Carlson, Finance Officer, reported that an application was received for a special daily malt beverage and wine license for the Vermillion Area Arts Council on or about October 6, 2012 at 202 Washington Street for their annual Chili Blues event. The notice of hearing and Police Chief's report are included in the packet.

339-12

Alderman Zimmerman moved approval of the special daily malt beverage and wine license for the Vermillion Area Arts Council on or about October 6, 2012 at 202 Washington Street. Alderman Willson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

7. Old Business

A. Second reading of Ordinance 1285 - Correcting the title of 112.09 to read "Providing Alcoholic Beverages to Persons under 21 Years of Age"

John Prescott, City Manager, reported that this is the second reading of an ordinance to correct the title to Section 112.09 that referred to giving alcoholic beverages to persons under age 18 while the text of the section referred to under age 21. The ordinance is to correct the body to the section to persons under age 21.

340-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1285 entitled Correcting the title of 112.09 to read "Providing Alcoholic Beverages to Persons under 21 Years of Age" was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 4th day of September, 2012 and that the title was again read at this meeting,

being a regularly called meeting of the Governing Body on this 17th day of September, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED, and ordained, that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1285

AN ORDINANCE AMENDING CHAPTER 112, SECTION 112.09 PROVIDING ALCOHOLIC BEVERAGE TO PERSONS UNDER 18 YEARS OF AGE.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Section 112.09 of Chapter 112 is hereby amended the title of said section to read as follows:

§112.09 PROVIDING ALCOHOLIC BEVERAGE TO PERSONS UNDER 21 YEARS OF AGE.

Dated at Vermillion, South Dakota this 17th day of September, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Meins. Thereafter the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

B. Second reading of Ordinance 1286 - 2012 Budget Ordinance

John Prescott, City Manager, reported that this was the second reading of the 2013 Appropriations Ordinance that had first reading on September 4, 2012. John noted that this process started with the budget presentation at the first meeting in August followed by the budget hearings to finalize the documents that are being considered tonight. Discussion followed.

341-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1286 entitled 2012 Budget Ordinance was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 4th day of September, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of September, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED, and ordained, that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1286

2013 APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING THE 2013 Appropriations Ordinance for the City of Vermillion, South Dakota

BE IT ORDAINED, BY THE GOVERNING BODY, of the City of Vermillion that the following sums are appropriated to meet the obligations of the municipality.

<u>GENERAL FUND</u>	<u>2013 BUDGET</u>	
<u>REVENUES:</u>		
General Property Taxes	1,796,820	
Sales Tax	1,566,500	
Penalties & Interest	4,000	
Licenses & Permits	125,200	
Cable TV Franchise	110,000	
State Intergovernmental	271,800	
County Intergovernmental	96,900	
County Payment Emergency Communications	295,976	
Charges for Goods & Services	467,165	
Fines & Forfeits	41,050	
Miscellaneous Revenues	100,800	
TOTAL GENERAL FUND REVENUES	4,876,211	4,876,211
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General Government	513,814	
Finance Office	160,578	
Engineering	282,113	
Planning & Zoning	800	
Code Compliance	192,392	
Community Promotion	51,000	
Total Policy & Administration	1,200,697	1,200,697
<u>Public Safety & Security:</u>		

Police Administration & Invest.	432,064	
Police Patrol	1,200,712	
Emergency Communications	573,293	
Fire & Rescue	185,881	
Emergency Management	3,100	
Ambulance	<u>297,146</u>	
Total Public Safety & Security		2,692,196

Maintenance & Transportation:

Municipal Garage	131,775	
Municipal Service Center	31,310	
Street Department	688,978	
Snow Removal	70,511	
Sweeping & Mowing	107,307	
Carpentry	31,723	
City Hall Maintenance	64,950	
Old Library Maintenance	850	
Old Landfill Maintenance	12,000	
Airport	<u>67,660</u>	
Total Maintenance & Transportation		1,207,064

Human Development & Leisure Services:

Library	551,846	
Parks & Forestry	270,360	
Swimming Pool	106,772	
Recreation	166,885	
Mosquito Control	20,541	
National Guard Armory Center	<u>56,958</u>	
Total Human Development & Leisure		<u>1,173,362</u>
TOTAL GENERAL FUND EXPENDITURES		<u>6,273,319</u>

GENERAL FUND NEEDS (1,397,108)

Transfer from Electric Fund	803,117
Transfer from Water Fund	2,306
Transfer from Sewer Fund	1,402
Transfer from Liquor Fund	194,200
Transfer from Capital Projects	16,800
Transfer from Utilities Engineering Fees	136,387
Transfer from Sales Tax	27,500
Appropriation from Reserve	<u>215,396</u>

GENERAL FUND BALANCE 0

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

Revenues	1,634,500
Expenditures - Second Cent Sales Tax	782,000
Transfer in Airport Capital Projects	27,945
Transfer to General Fund	(27,500)
Transfer to Bluff Enterprise Fund	(200,000)
Transfer to Airport Capital Projects	(1,397)
Transfer to Library Capital Projects	(472,200)
Transfer to City Hall Debt Service Fund	(344,134)
Appropriation from Reserve	<u>164,786</u>

SECOND CENT SALES TAX FUND BALANCE 0

PARKS IMPROVEMENT FUND

Revenues-Recreation Fees	17,040
--------------------------	--------

Expenditures - Parks Improvements	17,040
PARKS IMPROVEMENT FUND BALANCE	<u>0</u>

BBB SALES TAX FUND

Revenues	317,500
Expenditures	280,000
Appropriation to Reserve	<u>(37,500)</u>
BBB SALES TAX FUND BALANCE	<u>0</u>

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees	193,450
Expenditures:	40,000
Appropriation to Reserve	<u>(153,450)</u>
STORMWATER FEE FUND BALANCE	<u>0</u>

LIBRARY FINE AND GIFT FUND

Revenues- Library Fine & Gifts	12,600
Expenditures - Library	9,000
Appropriation to Reserve	<u>(3,600)</u>
LIBRARY FINE AND GIFT FUND BALANCE	<u>0</u>

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT FUND

Revenues	81,348
Expenditures	70,183
Interfund Loan	118,800
Transfer to Capital Projects	(118,800)
Appropriation to Reserve	<u>(11,165)</u>
SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>

DEBT SERVICE-- TIF District No. 3

Revenues	156,000
Expenditures	<u>156,000</u>
DEBT SERVICE - TIF 3 FUND BALANCE	<u>0</u>

DEBT SERVICE - TIF District No. 4

Revenues	129,875
Expenditures	401,107
Appropriation from Reserve	<u>271,232</u>

DEBT SERVICE - TIF 4 FUND BALANCE	<u>0</u>
<u>DEBT SERVICE - CITY HALL</u>	
Revenues	10,500
Expenditures	354,634
Transfer in Sales Tax Fund	<u>344,134</u>
DEBT SERVICE - CITY HALL FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

Expenditures	110,000
Transfer to General Fund	(16,800)
Transfer from Debt Service	118,800
Appropriation from Reserve	<u>8,000</u>
CP SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	26,548
Transfer to Second Cent Sales Tax	<u>(26,548)</u>
CP AIRPORT FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - LIBRARY

Revenues	147,800
Expenditures	620,000
Transfer from Sales Tax	<u>472,200</u>
CP LIBRARY FUND BALANCE	<u>0</u>

INTERNAL SERVICE FUNDS (Information Only)

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges		21,500	72,750	403,488
Interest on Investments	100			2,000
Other Revenues				<u>284,000</u>
Total Revenues	<u>100</u>	<u>21,500</u>	<u>72,750</u>	<u>689,488</u>
<u>Expenditures</u>				
Personnel			70,492	
Operating Expenses	100	20,400	2,387	
Capital				<u>1,064,700</u>
Total Expenditures	<u>100</u>	<u>20,400</u>	<u>72,879</u>	<u>1,064,700</u>
Transfer Out (In)				(100,000)
(To) From Reserve		<u>(1,100)</u>	<u>129</u>	<u>275,212</u>
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

UTILITY AND ENTERPRISE FUNDS (Information Only)							
	Electric	Water	Wastewater	Joint Powers	Liquor	Golf Course	Curbside
	Fund	Fund	Fund	Fund	Fund	Fund	Recycling
							Fund
<u>Revenues</u>							
Sales	5,615,600	1,399,000	1,416,000	1,232,750	1,257,000	712,760	116,000
Surcharge	767,350	260,000	321,000				
Other Revenue	75,000	50,500	28,100	15,000			
Interest	188,400	13,065	10,135	10,000	1,500	54,500	
Bond Proceeds		1,350,000					
Grants		150,000					
Tax Increment						519,500	
Total Revenues	<u>6,646,350</u>	<u>3,222,565</u>	<u>1,775,235</u>	<u>1,257,750</u>	<u>1,258,500</u>	<u>1,286,760</u>	<u>116,000</u>
<u>Expenditures</u>							
Personnel	968,152	558,221	469,924	479,862		354,289	87,443
Operating							
Expenses	3,671,915	579,300	640,225	854,005	1,071,136	413,810	15,750
Capital	999,730	1,587,420	196,100	342,500	2,000		28,500
Debt Service		107,089	266,784	151,474		663,688	8,408
Debt Service							
Surcharge	<u>573,850</u>	<u>235,669</u>	<u>291,013</u>				
Total Expenditures	<u>6,213,647</u>	<u>3,067,699</u>	<u>1,864,046</u>	<u>1,827,841</u>	<u>1,073,136</u>	<u>1,431,787</u>	<u>140,101</u>
Transfers Out	(984,950)	(38,583)	(28,679)		(194,200)		
Transfers In	9,000					200,000	
(To) From Reserve	<u>543,247</u>	<u>(116,283)</u>	<u>117,490</u>	<u>570,091</u>	<u>8,836</u>	<u>(54,973)</u>	<u>24,101</u>
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

The City Manager is directed to certify the following dollar amount of tax levies in ordinance to the Clay County Auditor: \$1,809,000.

Dated at Vermillion, South Dakota this 17th day of September, 2012.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Willson. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second reading of Ordinance 1287 - 2012 Revised Budget Ordinance

John Prescott, City Manager, reported that this was the second reading of the 2012 Revised Appropriations Ordinance. John noted that the 2012 Budget was adopted in September 2011 and the revised budget is based upon actual financial information obtained thus far in 2012 and includes the revisions for such items as the bike path project and the library expansion project. Discussion followed.

342-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1287 entitled 2012 Revised Budget Ordinance was first read and the Ordinance considered substantially in its present form and content at a regularly called meeting of the Governing Body on the 4th day of September, 2012 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 17th day of September, 2012 at the City Hall Council Chambers in the manner prescribed by SDCL 9-19-7 as amended.

BE IT RESOLVED, and ordained, that said Ordinance be adopted to read as follows:

ORDINANCE NO. 1287

2012 REVISED APPROPRIATIONS ORDINANCE

AN ORDINANCE ADOPTING THE 2012 Revised Appropriations Ordinance for the City of Vermillion, South Dakota

BE IT ORDAINED, BY THE GOVERNING BODY, of the City of Vermillion that the following sums are appropriated to meet the obligations of the municipality.

2012 REVISED BUDGET

GENERAL FUND:

REVENUES:

General Property Taxes	1,708,228
Sales Tax	1,528,500
Penalties & Interest	4,000
Licenses & Permits	124,525
Cable TV Franchise	108,000
State Intergovernmental	294,650
County Intergovernmental	96,900
County Payment Emergency Communications	239,853
Charges for Goods & Services	447,665
Fines & Forfeits	41,050

Miscellaneous Revenues	102,027	
TOTAL GENERAL FUND REVENUES		4,695,398
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General Government	505,544	
Finance Office	158,057	
Engineering	286,613	
Planning and Zoning	800	
Code Compliance	187,966	
Community Promotion	48,500	
Total Policy & Administration		1,187,480
<u>Public Safety & Security:</u>		
Police Administration & Invest.	412,403	
Police Patrol	1,176,490	
Emergency Communications	479,706	
Fire & Rescue	192,544	
Emergency Management	3,100	
Ambulance	273,088	
Total Public Safety & Security		2,537,331
<u>Maintenance & Transportation:</u>		
Municipal Garage	128,194	
Municipal Service Center	29,575	
Street Department	651,389	
Snow Removal	69,073	
Sweeping & Mowing	105,187	
Carpentry	31,168	
City Hall Maintenance	64,200	
Old Library Maintenance	850	
Old Landfill Maintenance	12,000	
Airport	68,697	
Total Maintenance & Transportation		1,160,333
<u>Human Development & Leisure Services:</u>		
Library	526,593	
Parks & Forestry	281,770	
Swimming Pool	106,224	
Recreation	182,628	
Mosquito Control	19,041	
National Guard Armory Center	56,708	
Total Human Development & Leisure		1,172,964
TOTAL GENERAL FUND EXPENDITURES		6,058,108
GENERAL FUND NEEDS		(1,362,710)
Transfer from Electric Fund		803,117
Transfer from Water Fund		2,306
Transfer from Sewer Fund		1,402
Transfer from Liquor Fund		194,200
Transfer from Capital Projects		2,874
Transfer from Utilities Engineering Fees		136,387
Appropriation from Reserve		222,424
GENERAL FUND BALANCE		0
<u>SPECIAL REVENUE FUNDS:</u>		
<u>SECOND CENT SALES TAX FUND</u>		
Revenues		1,546,750
Expenditures - Second Cent Sales Tax		747,550
Transfer in Parks Capital		25,640
Transfer to Bike Path Capital Projects		(79,150)
Transfer to Bluff Enterprise Fund		(200,000)
Transfer to Library Capital Projects		(920,375)
Transfer to Airport Capital Projects		(46,068)
Transfer to City Hall Debt Service Fund		(337,654)
Appropriation From Reserve		758,407
SECOND CENT SALES TAX FUND BALANCE		0
<u>PARKS IMPROVEMENT FUND</u>		
Revenues-Recreation Fees		26,040
Expenditures - Parks Improvements		13,260
Transfer to Second Penny Sales Tax		(25,640)
Appropriation to Reserve		12,860
PARKS IMPROVEMENT FUND BALANCE		0
<u>BBB SALES TAX FUND</u>		
Revenues		311,300

Expenditures	299,400
Appropriation to Reserve	(11,900)
BBB SALES TAX FUND BALANCE	<u>0</u>
<u>STORMWATER MAINTENANCE FUND</u>	
Revenues - Stormwater Fees	191,131
Expenditures:	105,000
Appropriation to Reserve	(86,131)
STORMWATER FEE FUND BALANCE	<u>0</u>
<u>LIBRARY FINE AND GIFT FUND</u>	
Revenues- Library Fine & Gifts	12,600
Expenditures - Library	12,600
Transfer to Capital Projects - Library	(90,268)
Appropriation From Reserve	90,268
LIBRARY FINE AND GIFT FUND BALANCE	<u>0</u>
<u>STREETSCAPE FUND</u>	
Expenditures	364
Appropriation from Reserve	364
STREETSCAPE FUND BALANCE	<u>0</u>
<u>DEBT SERVICE FUNDS:</u>	
<u>DEBT SERVICE--SPECIAL ASSESSMENT FUND</u>	
Revenues	132,540
Expenditures	315,741
Interfund Loan	236,129
Transfer to Capital Projects	(236,129)
Appropriation to Reserve	183,201
SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>
<u>DEBT SERVICE-- TIF District No. 3</u>	
Revenues	137,880
Repayment of Electric Fund	(137,880)
DEBT SERVICE - TIF 3 FUND BALANCE	<u>0</u>
<u>DEBT SERVICE - TIF District No. 4</u>	
Revenues	116,631
Expenditures	52,075
Appropriation to Reserve	(64,556)
DEBT SERVICE - TIF 4 FUND BALANCE	<u>0</u>
<u>DEBT SERVICE - City Hall</u>	
Revenues	14,200
Expenditures	351,854
Transfer In Sales Tax Fund	337,654
DEBT SERVICE - CITY HALL FUND BALANCE	<u>0</u>
<u>CAPITAL PROJECTS FUNDS:</u>	
<u>CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT</u>	
Revenues	9,407
Expenditures	210,000
Transfer to General Fund	(2,874)
Transfer from Debt Service	236,129
Appropriation to Reserve	(32,662)
CP SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>
<u>CAPITAL PROJECTS FUND - BIKE PATH</u>	
Revenues	340,150
Expenditures	419,300
Transfer from Second Cent Sales Tax	79,150
CP BIKE PATH FUND BALANCE	<u>0</u>
<u>CAPITAL PROJECTS FUND - AIRPORT</u>	
Revenues	638,008
Expenditures	684,076
Transfer From Second Cent Sales Tax	46,068

CP AIRPORT FUND BALANCE 0

CAPITAL PROJECTS FUND - LIBRARY

Revenues	351,850
Expenditures	2,058,700
Appropriation to Reserve	696,215
Transfer from Second Cent Sales Tax	920,375
Transfer From Library SR Fund	90,260
CP LIBRARY FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - STANFORD STREET

Revenues	1,018,000
Expenditures	1,198,000
Transfer From Second Cent Sales Tax	180,000
CP STANFORD STREET FUND BALANCE	<u><u>0</u></u>

INTERNAL SERVICE FUNDS (Information Only)

	<u>Unemployment Fund</u>	<u>Copier - Fax- Postage Fund</u>	<u>Custodial Fund</u>	<u>Equipment Replacement Fund</u>
<u>Revenues</u>				
Internal Dept Charges		20,700	72,000	359,535
Interest on Investments	110			2,500
Other Revenues				18,250
Total Revenues	<u>110</u>	<u>20,700</u>	<u>72,000</u>	<u>380,285</u>
<u>Expenditures</u>				
Personnel			69,743	
Operating Expenses	110	19,800	2,367	
Capital				387,409
Total Expenditures	<u>110</u>	<u>19,800</u>	<u>72,110</u>	<u>387,409</u>
(To) From Reserve		(900)	110	7,124
Fund Balance	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

UTILITY AND ENTERPRISE FUNDS (Information Only)

	<u>Electric Fund</u>	<u>Water Fund</u>	<u>Wastewater Fund</u>	<u>Joint Powers Fund</u>	<u>Liquor Fund</u>	<u>Golf Course Fund</u>	<u>Curbside Recycling Fund</u>
<u>Revenues</u>							
Sales	5,498,250	1,367,000	1,388,000	1,327,320	1,238,000	692,030	114,500
Surcharge	759,750	263,000	320,400				
Other Revenue	75,000	60,000	35,800	127,650		51,701	
Interest	205,900	17,790	13,374	10,000	1,500	3,600	
Bond Proceeds		28,800	45,030	253,282			
Grants		3,200					
Tax Increment						501,000	
Total Revenues	<u>6,538,900</u>	<u>1,739,790</u>	<u>1,802,604</u>	<u>1,718,252</u>	<u>1,239,500</u>	<u>1,248,331</u>	<u>114,500</u>
<u>Expenditures</u>							
Personnel	915,589	541,763	449,599	464,984		348,180	83,187
Operating Expenses	3,505,863	579,892	599,359	867,775	1,054,957	409,775	16,900
Capital	761,448	354,213	290,280	690,982	2,000	105,000	500
Debt Service		565,050	285,609	123,655		468,550	8,408
Surcharge Debt Service	576,985	235,669	289,690				
Total Expenditures	<u>5,759,885</u>	<u>2,276,587</u>	<u>1,914,537</u>	<u>2,147,396</u>	<u>1,056,957</u>	<u>1,331,505</u>	<u>108,995</u>
Transfers Out	(884,950)	(38,583)	(28,679)		(194,200)		
Transfers In	9,000					200,000	
(To) From Reserve	96,935	575,380	140,612	429,144	11,657	(116,826)	(5,505)
Fund Balance	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

Dated at Vermillion, South Dakota this 17th day of September, 2012.

THE GOVERNING BODY OF THE
CITY OF VERMILLION, SOUTH DAKOTA

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

Adoption of the Ordinance was seconded by Alderman Davies. Thereafter, the question of the adoption of the Ordinance was put to a roll call vote of the Governing Body, and the members voted as follows: Collier-Wise-Y, Davies-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y.

Motion carried 8 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. First reading of Ordinance 1288 - Amending the Width of Driveways

Jose Dominguez, City Engineer, reported that City ordinance sets a maximum width for all driveways at 36 feet. Jose stated that the proposed change will allow driveway widths of up to 50 feet in the industrial zoned areas. The increase in width will allow for better access for larger trucks in the industrial zones. Discussion followed.

343-12

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to proposed Ordinance No. 1288 entitled An Ordinance Amending the Width of Driveways 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 17th day of September, 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.

B. Presentation of the Vermillion Area Multimodal Transportation Plan

Jose Dominguez, City Engineer, reported that, in April 2011, the City was selected to receive financial assistance through the State for the completion of a Transportation Study. The proposed study was planned to supersede the transportation study completed in December 2004. The report was created with the idea of providing multimodal forms of transportation through the community, and into the growth areas. The report addresses the vehicular, pedestrian, bicycle and public transit system. Input was gathered from the community through two public meetings. One meeting was with the Stakeholders Committee and a second meeting was held with an Advisory Team and an on-line survey was also available to gather input.

The report looked at improvements that would have to be made to the system depending on growth, safety, congestion and roadway geometrics. The recommendations were split into two categories; those that would have to be done in the first 10-years and the ones that would be done after 10-years. The major improvements occur within Highway 50 (commonly known as the Bypass). These changes include widening the highway and signaling some of the intersections. Most of the proposed work within the City is constructing roadways that would be necessary during the City's growth.

Jose noted that the cost to the City will be 20%, not to exceed \$25,000, which will be reimbursed to the DOT. Jose recommended acceptance of the Vermillion Area Multimodal Transportation Plan as presented.

344-12

Alderman Ward moved to acknowledge receipt of the Vermillion Area Multimodal Transportation Plan. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

C. Resolution Creating Public Safety Answering Point 911 Special Revenue Fund

Mike Carlson, Finance Officer, reported that the City and County created the Clay Area Emergency Services Communications Center through an Intergovernmental Agreement in 1994. The State of South Dakota established the 911 Coordination Board in 2008 to set minimum standards for operation of Public Safety Answering Points

(PSAP). The 911 Coordination Board through administrative rule requires PSAP to be maintained in a separate special revenue fund. Currently this PSAP is accounted for in the general fund of the City. Administration recommends the adoption of the resolution creating a Public Safety Answering Point 911 special revenue fund.

345-12

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

RESOLUTION CREATING PUBLIC SAFETY
ANSWERING POINT 911 SPECIAL REVENUE FUND

WHEREAS, Clay County and the City of Vermillion created the Clay Area Emergency Services Communications Center through an Intergovernmental Agreement dated September 6, 1994, as amended on May 5, 2003, to consolidate public safety communications to be designated as a Public Safety Answering Point (PSAP) for the county, and

WHEREAS, the Intergovernmental Agreement recognizes that the personal services and operating expenses of the Clay Area Emergency Services Communications Center are accounted for by the City of Vermillion with the reimbursement by Clay County for their apportionment of financial responsibility made quarterly to the City, and

WHEREAS, the South Dakota 911 Coordination Board was established to set minimum standards for operation of public safety answering points, determine criteria for reimbursement for nonrecurring costs and the amount of reimbursement, and to oversee the coordination of 911 services within the state, and

WHEREAS, the South Dakota 911 Coordination Board, by administrative rules, have established financial standards that require the operation of a PSAP to be maintained within a separate special revenue fund to be identified as the "911 Fund".

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Vermillion, that a special revenue fund be created to be known as the "911 Fund" to account for the operations of the Emergency Communication currently included in the General Fund.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to prepare a 2012 Supplemental Appropriations Ordinance for the 911 Fund to report the budget for revenues and expenditures for the year.

Dated at Vermillion, South Dakota this 17th day of September, 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 Zimmerman. 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. First Reading of Ordinance 1289 - 2012 Supplemental Appropriations Ordinance for 911 Fund

Mike Carlson, Finance Officer, reported that the resolution just adopted created the 911 Special Revenue Fund. This supplemental appropriations ordinance moved the Emergency Communications budget from the general fund to the newly created special revenue fund and the revenue from the County payment and a transfer from the general fund offset the expenses.

346-12

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. 1289 entitled An Ordinance Adopting 2012 Supplemental Appropriations Ordinance for 911 Fund 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 17th day of September, 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.

E. Request to DENR to prepay the 2004 Clean Water State Revolving Loan

Mike Carlson, Finance Officer, reported that in 2004 the City entered into a State Revolving Fund (SRF) loan agreement with the Department of Environment and Natural Resources (DENR) for the phase 1 improvements to the wastewater treatment plant. The current balance of this SRF loan is \$2,554,551.98 at 3.25% and is being repaid in equal quarterly installments. Tom Grimmond, with Dougherty & Company, LLC, has projected that by refunding this loan the City could save about \$81,000 over the remaining 14 year life of the loan. The loan agreement with the DRNR provides that written consent is required before the loan may be prepaid. To proceed with the refunding of the loan, a request to prepay the loan and a copy of the letter requesting the ability to prepay is included in the packet.

347-12

Alderman Willson moved approval of the authorization to request the prepayment of the 2004 Wastewater State Revolving Fund loan. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings

A. Solid Waste Bale bags

Mike Carlson, Finance Officer, reported that bids were opened on September 11th for a semi load (approximately 19,000 bags) of solid waste bale bags to be used with the landfill bale bagging system. Only one bid was received from Accent Envirobale totaling \$73,850. Mike noted that bids were requested from two vendors and the last time bags were bid in May 2011 two bids were received and Accent Envirobale was the low bidder for a total bid of \$72,200. Mike recommended acceptance of the only bid of Accent Envirobale.

348-12

Alderman Zimmerman moved approval of the only bid of Accent Envirobale for a semi load (approximately 19,000 bags) of solid waste bale bags for a total cost of \$73,850. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the conceptual plan for the new swimming pool at Prentis Park, along with a box for comments, is in the City Hall lobby for citizen review.

B. John reported that Stanford Street is open for north/south traffic but the connections to Westend Drive, Clark and Cornell will reopen later as the contractor has utility concerns to address.

C. John reported that the Household Hazardous Waste Collection in Vermillion will be Friday, October 12th at the Recycling Center from 2:00 p.m. to 6:00 p.m. The cost is \$10 per vehicle. The collection will be in Yankton on Saturday, October 13th.

D. John reported that the Fire/EMS Open House is Wednesday, October 3rd from 5:30 p.m. to 7:00 p.m. at the Main Station on Dakota Street.

PAYROLL ADDITIONS AND CHANGES

Communications: Wendy Carroll \$16.70/hr, Jessica Standley \$15.43/hr; Ambulance: Brandon Hansen \$36.41/1st-\$22.89/2nd, Cody Jansen \$6.00/1st-\$6.00/2nd, Jordana Lamb \$30.00/1st, \$17.00/2nd, Alex Sherlock \$30.00/1st-\$17.00/2nd, Michael Wager \$30.60/1st-\$17.34/2nd, Lisa Wood \$30.60/1st-\$17.34/2nd; Recreation: Katie Herrera \$7.75/hr, Hope Knedler \$7.75/hr; Parks: Jessica Kennedy \$14.96/hr; Library: Holly Irwin \$7.25/hr, Kayla Purdin \$7.25/hr; Clubhouse: Mollie Friedmann \$7.25/hr, John Vining \$7.25/hr; Golf Maintenance: Blake Dunfee \$7.50/hr, Brett Hogen \$8.00/hr; Curbside Recycling: Dan Hansen \$14.48/hr, Matt Puthoff \$14.80/hr

11. Invoices Payable

349-12

Alderman Willson moved approval of the following bills:

ARCHITECTURE INC.	PROFESSIONAL SERVICES	2,749.83
BEST WESTERN RAMKOTA INN	LODGING	231.00
BROADCASTER PRESS	ADVERTISING	1,604.74
BUREAU OF ADMINISTRATION	TELEPHONE	435.49
CANON FINANCIAL SERVICES	COPIER/SCANNER LEASE	196.27
CENTURYLINK	TELEPHONE	1,472.61
CITY OF VERMILLION	LANDFILL VOUCHERS	648.00
CLAY-UNION ELECTRIC CORP	ELECTRICITY	1,504.13
D-P TOOLS	TOOLS	23.16
DAVE FEDDERSON	REPAIRS	820.00
DEPT. ENVIRONMENT NATL RES	LANDFILL OPERATIONS FEE	3,189.69
GREGG PETERS	MANAGERS FEE	5,375.00
GUARANTEE ROOFING & SHEET	REPAIRS	251.25

METAL

HOMESTEAD BLDG SUPPLIES	GARAGE DOORS	2,186.32
KNOLOGY	DIAL UP SERVICE	49.95
LOREN FISCHER DISPOSAL	WASTE HAULING	140.00
MARK MILBRODT	SAFETY BOOT REIMBURSEMENT	94.99
MATHESON TRI-GAS, INC	SUPPLIES	187.91
MIDAMERICAN	GAS USAGE	588.64
MIDCONTINENT COMMUNICATIONS	CABLE/INTERNET SERVICE	105.95
McLAURY FLANNERY ENGINEERING	PROFESSIONAL SERVICES	76.00
PETE LIEN & SONS, INC	CHEMICALS	4,403.55
REPUBLIC NATIONAL DIST	MERCHANDISE	1,069.44
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SPRINT	CELL PHONES	1,237.74
STERN OIL CO.	FUEL	20,484.04
THE EQUALIZER	ADVERTISING	1,066.70
THELMA WHEELER	REFUND AMB PAYMENT	50.00
UNITED PARCEL SERVICE	SHIPPING	8.58
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
VERMILLION NOW!	COMMUNITY HOUSING LABORATORY	11,079.23
VISA/FIRST BANK & TRUST	FUEL/SUPPLIES	71.95
WALKER CONSTRUCTION	CONCRETE WORK	6,184.04
BETHANY BUELL	BRIGHT ENERGY REBATE	15.00
TOM GODDARD	BRIGHT ENERGY REBATE	175.00
JEANNE MEHLHAF	BRIGHT ENERGY REBATE	75.00

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

12. Consensus Agenda

A. Set a bid opening date of Thursday, October 11, 2012 for a Light and Power Digger Derrick truck

350-12

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

13. Adjourn

351-12

Alderman Osborne moved to adjourn the Council Meeting at 7:27 p.m. Alderman Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17th day of September, 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 _____.

**PROCLAMATION RECOGNIZING PUBLIC POWER WEEK,
OCTOBER 7 THROUGH OCTOBER 13, 2012:
CITY OF VERMILLION LIGHT & POWER HELPS OUR COMMUNITY
IN POWERFUL WAYS**

WHEREAS, we, the citizens of the City of Vermillion, place high value on local control over community services and, therefore, have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the City of Vermillion Light & Power provides our homes, businesses, industry, social services, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the City of Vermillion Light & Power is a valuable community asset that contributes, substantially, to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the City of Vermillion Light & Power is a dependable and trustworthy institution whose local operation provides many consumers protection and continues to make our community a better place in which to live and work, as well as contributes to protecting the global environment;

NOW, THEREFORE, BE IT RESOLVED: that the City of Vermillion Light & Power will continue to work to bring lower-cost, safe, and reliable electricity to community homes and businesses just as it has since 1915, the year when the utility was created to serve all the citizens of the City of Vermillion; and

BE IT FURTHER RESOLVED, that the week of October 7 through October 13, 2012 be designated the 26th Annual Public Power Week in order to honor the City of Vermillion Light & Power for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and

BE IT FURTHER RESOLVED, that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that the City of Vermillion Light & Power is good for consumers, businesses, and the community.

Dated at Vermillion, South Dakota this 1st day of October, 2012.

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

NATIONAL FIRE PREVENTION WEEK

WHEREAS, the City of Vermillion, Clay County, South Dakota, is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,600 people in the United States in 2010, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,000 home fires; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will, therefore, be more likely to survive a fire; and

WHEREAS, only one-third of Americans have both developed and practiced a home fire escape plan, and

WHEREAS, almost three-quarters of Americans do have an escape plan; however, less than half have actually practiced it, and

WHEREAS, one-third of Americans households who made one and estimate they thought they would have at least 6 minutes before a fire in their home would become life threatening. The time available is often less, and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the Vermillion Volunteer Firefighters are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the City of Vermillion residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice a home fire escape plans during Fire Prevention Week and year-round.

THEREFORE, we, the Governing Body of the City of Vermillion, South Dakota, do hereby proclaim October 7-13, 2012, as

FIRE PREVENTION WEEK

and we urge all the people of the City of Vermillion to practice their home fire escape plan during Fire Prevention Week 2012, and to support the many public safety activities and efforts of the City of Vermillion fire and emergency services.

Dated at Vermillion, South Dakota, this 1st day of October, 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: Mike Carlson, Finance Officer

Meeting: October 1, 2012

Subject: Resolution Approving Special Assessment Roll for Nuisance Abatement

Presenter: Mike Carlson

Background: On September 4th, the City Council adopted a resolution setting a public hearing date of October 1st for nuisance abatement special assessments. The notice was published and letters were sent by first class mail. The hearing is required by the following state statute:

9-43-91. Approval, equalization, amendment, or rejection of assessment roll. At the time and place fixed for the hearing, the governing body shall meet to consider the assessment roll and hear any objections. At the hearing, the governing body may approve, equalize, amend, or reject the assessment roll.

Discussion: The individual billings for each property are listed in the resolution, including the date of the corrective action or the tagging.

The City Council sets the tagging fee. The mowing/snow removal amount is the fee charged to the City by a contractor. The property clean up is a fee paid to a contractor or the city labor for equipment and disposal fees to correct the situation. If the City Council would adjust the amounts, it might set a precedent for property owners to wait until the City does the mowing, snow removal or property clean up and then question the costs at the hearing to reduce the cost of the cleanup.

Attaching a special assessment may seem harsh, but it provides the City the ability to encourage the property owners to clear the snow from the sidewalk, mow their property and remove nuisances. If nothing is done by the owner(s), the City is forced to take action and the amount will be assessed against the property. The assessments become a lien against the property and will remain so until paid. If the owner sells the property after it is assessed, the City is protected by the special assessment lien on the property.

Financial Consideration: The assessments are for the costs incurred by the City.

Conclusion/Recommendations: It is recommended that the City Council receive any public comments and consider the information. Administration is not aware of any information that has not been previously presented with respect to any of the proposed special assessments that would warrant reducing the amount. After adoption, a copy of the resolution is mailed to the property owners.

RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL
AND NOTICE OF SPECIAL ASSESSMENTS
FOR NUISANCE ABATEMENT
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS, the Governing Body of the City of Vermillion, Clay County, South Dakota, has established a special assessment roll for defraying the cost of nuisance abatement against the several tracts of real property upon:

NUISANCE ABATEMENT,

as listed at the end of this Resolution, in the City of Vermillion, Clay County, South Dakota. The assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 4th day of September 2012.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment roll for the 1st day of October, 2012, and directed the City Finance Officer, of the City of Vermillion, Clay County, South Dakota, to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment roll, the time and place for the hearing, that the assessment roll would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment roll for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

WHEREAS, it now appears that the Finance Officer has caused notice of the hearing to be given in the manner provided by the aforementioned Resolution and Notice, and by law.

WHEREAS, all persons interested have been given an opportunity to appear and show cause why the Governing Body should not approve the assessment roll, and the assessments against the respective premises of the owners, and the Governing Body has determined that the assessment roll is, in all respects, true and correct, and according to law.

NOW, THEREFORE, IT IS RESOLVED, by the Governing Body of the City of Vermillion, Clay County, South Dakota, that the special assessment roll is hereby approved without amendment or change.

BE IT FURTHER RESOLVED, that the approved assessment roll be filed in the office of the City Finance Officer the day after approval of the assessment roll. The City Finance Officer shall publish once in the official newspaper of Vermillion, South Dakota, a copy of this Resolution and Notice, along with the approved assessment roll.

BE IT FURTHER RESOLVED, that the City Finance Officer shall immediately mail to the owner, or owners, of each lot, parcel or piece of ground, as shown by the assessment roll, a copy of this Resolution and Notice along with the approved assessment roll.

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment roll will be payable according to the provisions of Plan One as set forth in Sections 9-43-30 to 9-43-41, inclusive of the Compiled Laws of 1967 of the State of South Dakota.

NOTICE IS FURTHER GIVEN, that any assessment under Plan One, or any installment thereof, may be paid without interest to the City Finance Officer whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, South Dakota, at any time, within thirty (30) days after the filing of the approved assessment roll in the office of said City Finance Officer. Thereafter, and prior to the due date of the first installment, the entire assessment remaining, plus interest thereon, from the filing date to the date of payment, may be paid to the said City Finance Officer. No installment under Plan One shall be paid to said City Finance Officer on or after its due date, and, on and after said date, such installment shall be paid only to the County Treasurer with interest.

NOTICE IS FURTHER GIVEN, that the approved assessment roll will be filed with the City Finance Officer on 2nd day of October, 2012. The assessment is payable in one (1) installment at ten percent (10%) per annum interest on unpaid installments. The first installment due date is January 1, 2013.

The assessment roll herein referred to is attached.

Dated at Vermillion, South Dakota, this 1st day of October 2012.

THE GOVERNING BODY OF THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA

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

ATTEST:

Michael D. Carlson, Finance Officer

(SEAL)

CERTIFICATE OF ADOPTION

Adoption of the above and foregoing Resolution and Notice was moved by Alderman _____, seconded by Alderman _____, and said Resolution and Notice was thereafter put to a vote of the Governing Body, whereupon ___ members voted in favor thereof and ___ members voted in opposition thereto; said Resolution and Notice being by the Mayor declared adopted.

Michael D. Carlson, Finance Officer

City of Vermillion Special Assessment Roll

<u>Name</u>	<u>Property Address</u>	<u>Service</u>	<u>Amount</u>
Jeanine Halverson	10 S University	grass/weed removal 7/28/11	148.40
		debris removal 8/26/11	480.55
		grass/weed removal 5/1/12	79.50
		debris removal 6/14/12	201.40
		grass/weed removal 6/15/12	121.90
Timothy N. Peterson & Elizabeth A. Goehring	716 Maple	grass/weed removal 8/17/11	137.80
		grass/weed removal 9/7/11	159.00
		dangerous structure removal 11/21-11/22/11	12,765.52
		grass/weed removal 5/1/12	79.50
		grass/weed removal 6/15/12	121.90
Dorothy J. Rosenbaum	1407 E Main	grass/weed removal 8/17/11	153.70
		grass/weed removal 5/1/12	164.30
		grass/weed removal 6/16/12	227.90
Megan Skeen	326 Center	grass/weed tagging 6/9/11	10.60
		grass/weed tagging 8/11/11	31.80
		grass/weed removal 8/30/11	108.46
		grass/weed removal 9/8/11	116.60
		grass/weed removal 5/1/12	100.70
		grass/weed removal 5/21/12	143.10
		grass/weed removal 6/15/12	143.10
Marion Specher	412 E Main	grass/weed removal 5/15/12	206.70
Brian Steele	112 E Main	Abandoned sign removal 6/26/12	185.50

Charlie Vanwardhuizen

709 W Main

grass/weed tagging 7/21/11

53.00

The amount of the assessment is payable, under Plan One, at the office of the Clay County Treasurer, in the Courthouse, in the City of Vermillion, Clay County, South Dakota, UNLESS paid to the City Finance Officer, whose office is located in the Municipal Building at 25 Center Street in the City of Vermillion, Clay County, South Dakota, within 30 days after the approved assessment roll is filed in the office of the City Finance Officer. Whenever the word "Lot" appears in this exhibit, it shall be construed to include tracts and other parcels of land.



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: October 1, 2012

Subject: Resolution of Necessity and Notice of Hearing for Sidewalk Repairs
(Northwest Quadrant – small list)

Presenter: Jose Dominguez

Background: The City instituted a new Sidewalk Inspection Program, in 2010, which is meant to bring deficient portions of sidewalks up to a proficient standard. Prior to this program, the City's sidewalk repair/replacement policy was complaint-based. The previous program was reactive and costly. The City's liability insurance carrier had recommended the City begin a sidewalk inspection program to address hazards before accidents occur and claims are presented. The sidewalk inspection program is intended to protect property owners because insurance claims are often presented against property owners and the City.

The new Sidewalk Inspection Program was first presented to the City Council in 2010 and comments and discussion helped create the program used today. The program divided the City into quadrants with the northwest quadrant (north of National Street and west of Dakota Street) being inspected this year. During City inspections, staff looks for two types of deficiencies: trippers and surface conditions. In addition, sidewalk tiles were inspected more closely to verify that they were functioning as originally constructed. If the panels were found to be deficient, they were also marked for replacement.

The City Council passed a Resolution of Necessity and Notice of Hearing on September 4, 2012 for the sidewalk repairs. The Resolution of Necessity set October 1, 2012 for the public hearing.

Discussion: The property owners were notified by first class mail and the notice of hearing has been published in the Plain Talk. An information packet has also been placed on the City's website for public review. This packet was also mailed to several people upon their request.

The property owners will be given until June 28, 2013 to complete the project or demonstrate that they have the work under contract to be completed by the end of 2013. The owner will be given no later than the end of the year to complete the repairs.

Following the completion of repairs completed by a City hired contractor, the City Council will adopt a resolution approving the special assessment roll with any added adjustments in the amounts. Some property owners have already responded to the notification mailing that they prefer to have the City hire the contractor and assess them for repairs.

Financial Consideration: The cost will include postage and the publication of the notice. The City has budgeted the necessary funds in 2013 to repair sidewalks throughout the community which did not pass inspection.

Conclusion/Recommendations: Administration recommends adoption of the Resolution Adopting a Resolution of Necessity for Sidewalk Repairs.

RESOLUTION ADOPTING RESOLUTION
OF NECESSITY FOR SIDEWALK REPAIRS
IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 1ST day of October, 2012, that the necessity has arising for sidewalk repairs along the parcels of land hereinafter named, viz:

Violation Address	Violation Legal Description	Violation Addition	Violation Parcel Number
519/521 Elm Street	Lot 7 of Replat of Lot 7, Blk. 86	Addition to Snyder's	15730-08600-070-33
525 W. Clark Street	Lot 4, Blk. 2	Lamberts Subdivision	15370-00200-040-00
916 N. Dakota Street	N. 105.32' of the S. 320' of the E. 4' of Lot 5 & N 105.32' of the S. 320' of Lot 3 & S. 16.73' of the N. 122.05' of the S. 320' of the W. 22.28' of the E. 111.53' of Lot 3 & S. 30.68' of the N. 136' of the S. 320' of the E. 89.26' of Lot 3, All in Blk. 1	Johnson's Addition	15340-00100-030-06
21 Walnut Street	Lots 6, 7, 8, 9 & 10, Blk. 1, except the N. 95' & the N. 1/2 of Vacated Alley South of Lots 9 & 10	Jones Addition	15350-00100-060-00; 15350-00100-100-00
1128 Westend Drive	E. 1/2 of Lot 2 and all of Lot 3	Larson's Subdivision	15390-00000-030-00; 15390-00000-020-02
218 Hall Street	The S. 64' of Lot 26, all of Lot 27 and Lot 50	Larson's Subdivision	15390-00000-260-00; 15390-00000-500-00
120 Franklin Street	S. 1/2 of Lots 1, 2 & 3, Blk. 40	Snyder's Addition	15720-04000-030-00
210 Washington Street	The S. 19' of Lot 3, all of Lots 4 & 5 and the N. 4' of Lot 6, Blk. 52	Snyder's Addition	15720-05200-060-00
310 Center Street	S. 1/2 of Lot 4 and Lot 5, Blk. 58	Snyder's Addition	15720-05800-040-00; 15720-05800-050-00
406 High Street	S. 58.5' of the N. 117' of Lot 1, Blk. 84	Addition to Snyder's	15730-08400-010-03
432 Cottage Avenue	S. 10' of the E. 165' of Lot 7 and the N. 1/3 of the E. 1/2 of Lot 8, & the W 2/3 of the W 1/2 of Lot 8, Blk. 85	Addition to Snyder's	15730-08500-080-09; 15730-08500-080-12
23 W. Dartmouth Street	W. 85' of Lot 10, Blk. 85	Addition to Snyder's	15730-08500-100-00
427 Cottage Avenue	N. 60' of Lot 4 and the N. 60' of the W. 40' of Lot 5, & 70' x 104' of Lot 5, Blk. 86	Addition to Snyder's	15730-08600-050-00; 15730-08600-050-02

607 Cottage Avenue	Comm at pt. 264' S. & 200' W. of the NE Corner, Blk. 87, thence W. 130'; thence S. 54'; thence E. 130'; thence N. 54' to POB, Blk. 87	Addition to Snyder's	15730-08700-000-00
603 Cottage Avenue	W. 88' of the E. 200' of the N. 66' of the S. 132' & W. 130' of the N. 12' of the S. 78', Blk. 87 & W. 218' of the N. 46' of the S. 66', Blk. 87	Addition to Snyder's	15730-08700-000-06
535 W. Cedar Street	Lot 1, Blk. 1 and the EC-1 of the SW ¼ of the SW ¼, S13-T92-R52	Lambert's Subdivision	15370-00100-010-00; 15770-09252-133-21
511 W. Cedar Street	E. 55' of the S. ½ of IS-1 of the SW ¼, S13-T92-R52	Torstenson's Unplatted Addition	15770-09252-133-45
525 W. Cedar Street	Lots IS-3 in the SW ¼ of S13-T92-R52, except the N. 150'	Torstenson's Unplatted Addition	15770-09252-133-57
713 W. Main Street	Lot CK-2 & CK-3, a part of Lot 4, Blk. 13, & Lot CK-4 of Outlot, Torstenson's Addition	Van Meter's Addition	15810-01300-000-03
1831 Constance Drive	Lot 9, Blk. 4	Westgate Addition	15840-00400-090-00
1851 Constance Drive	Lot 12, a Replat of Lot X, Blk. 4	Westgate Addition	15840-00400-120-00
1846 Constance Drive	Lot 13 and Lot 13A, Blk. 5	Westgate Addition	15840-00500-130-00; 15840-00500-130-03
5 W. Cherry Street	Lot 1, Blk. 1, in the S. ½ of the SE ¼ of the NW ¼ & the S. ½ of the SW ¼ of the NE ¼, S13-T92-R52	Misc. Entries Addition	15880-09252-130-01
807 Cottage Avenue	Lots 5, 6, 7, 8, 9 & 10, Blk. 4 & the N. ½ of Vacated Spruce Street & the W. ½ of Vacated Elm Street & Vacated alley between Lots 5, 6, 7 & 8 and the W. ½ of Vacated Alley adjacent to end of Lots 9 & 10	Parks Addition	15550-00400-100-00
611 Olive Drive	Lots 6, 7 & 8, Blk. 1 of Lot E in the NW ¼ of the SE ¼, S14-T92-R52	Misc. Entries Addition	15880-09252-144-26
1312 Westgate Drive	Lots 1, 2, 3 & 4, Replat of Lot C in the SW ¼ of the NE ¼, S14-T92-R52; Lot G in the SW ¼ of the NE ¼, S14-T92-R52; Lot H in the SW ¼ of the NE ¼, S14-T92-R52; Lot D, except Lot 1, Anderson Addition, S14-T92-R52	Misc. Entries Addition	15880-09252-141-04; 15880-09252-141-07; 15880-09252-141-08; 15880-09252-141-10; 15880-09252-141-16; 15880-09252-141-17; 15880-09252-144-17

1001 James Street	Lot 5, Blk. 2	Westgate Addition	15840-00200-050-00
1800 Constance Drive	Lots 2, 3, 4, 5 & 5A, Blk. 5	Westgate Addition	15840-00500-020-00
25 Franklin Street	N. 9' of the W. 100' of Lot 13 and the W. 100' of Lot 14, Blk. 38	Snyder's Addition	15720-03800-140-00

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 4th day of September 2012 is approved and that the Engineer shall proceed with the work in the manner provided by law.

BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be completed by the 28th day of June, 2013, or be under contract to be completed no later than the end of 2013.

Dated this 1st day of October, 2012.

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

John E. (Jack) Powel, Mayor

ATTEST:

Michael D. Carlson, Finance Officer



Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: October 1, 2012
Subject: Second Reading of Ordinance 1288 - Amendment to the Allowable Driveway Widths in the Subdivision Ordinance
Presenter: Jose Dominguez

Background: The current City ordinance sets a maximum width for all driveways at 36-feet. The width is measured at the back of the sidewalk. This width has been utilized for, at least, the last couple of decades. The width was set to provide a level of safety for pedestrians, or bicyclists, utilizing the sidewalk.

The first reading of this ordinance was approved on September 17, 2012.

Discussion: The proposed changes will allow uses within industrial zoned areas of the City to have a wider driveway width. The width of the driveways, within residential and commercial zones will remain at a maximum of 36-feet. The driveway width, within industrial zoned sites, will be allowed to have a width not to exceed 50-feet. The increase in width will allow for larger truck traffic to better access some of the locations.

The increase in width is not expected to pose a threat to pedestrian, or bicycle, traffic due to the fact that the traffic through industrial areas is mainly vehicular. All of the other ordinances governing access control will still be applicable to all zoning areas.

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

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1288. As this is a second reading, a roll call is required.

ORDINANCE NO. 1288

AN ORDINANCE AMENDING TITLE 15, CHAPTER 154, SUBDIVISION REGULATIONS, SECTION 154.11.1.E.1.d AND SECTION 154.11.1.E.2.e, DESIGN STANDARDS – STREETS/URBAN, FOR THE CITY OF VERMILLION, SOUTH DAKOTA, BY AMENDING THE ACCESS SIZE FOR DRIVEWAY WIDTHS FOR INDUSTRIAL USES.

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

That Sections 154.11.1.E.1.d and 154.11.1.E.2.e are hereby amended to read as follows:

The maximum driveway width for residential and commercial uses (as defined in the Zoning Ordinance) shall be 36 feet (36'). Driveway widths for industrial uses will be determined on a case-by-case basis depending on the size of vehicles and frequency of vehicles utilizing the driveway access. At no point, shall the driveway width exceed 50 feet (50'). The distance does not include the tapers at the access cut.

Dated at Vermillion, South Dakota this 1st day of October, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

First Reading: September 17, 2012
Second Reading: October 1, 2012
Publication: October 12, 2012
Effective Date: November 1, 2012



Council Agenda Memo

From: Mike Carlson

Meeting: October 1, 2012

Subject: Second Reading of Ordinance No. 1289 - 2012 Supplemental Appropriation for 911 Fund

Presenter: Mike Carlson

Background: With the creation of the 911 Special Revenue Fund to comply with the 911 Coordination Board, a supplemental appropriations ordinance is needed to establish the budget for this new fund. First reading of this supplemental appropriation ordinance was approved on September 17.

Discussion: The supplemental appropriation ordinance moves the County payment and the Emergency Communications expenditures from the General Fund to the new 911 Special Revenue Fund and provides a transfer from the General Fund to the 911 Fund for the City's share of the operations. The net result will be no change to the total general fund budget and the new 911 fund expenditures are offset by the County Payment and the transfer from the general fund for the City share of the operations.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends approval of the second reading of Ordinance No. 1289 Supplemental Appropriation Ordinance for the 911 Special Revenue Fund. As this is second reading of the ordinance, a roll call vote is required.

ORDINANCE NO. 1289
2012 SUPPLEMENTAL APPROPRIATIONS ORDINANCE

AN ORDINANCE, adopting a 2012 Supplemental Appropriations Ordinance, for the City of Vermillion, South Dakota.

The supplemental appropriations ordinance is to report the budget for the operations of Emergency Management in the newly created special revenue 911 Fund for 2012.

BE IT ORDAINED, BY THE GOVERNING BODY of the City of Vermillion, that the following sums are appropriated to meet the obligations of the municipality.

	<u>2012 Budget</u>	<u>Proposed Budget</u>	<u>Amount of Supplemental Budget</u>
<u>General Fund</u>			
Revenues:			
County Payment			
Emergency Communications	239,853	0	(239,853)
Expenditures:			
Emergency Communications	479,706	0	(479,706)
Transfer to 911 Special Revenue Fund	0	239,853	239,853
<u>911 Special Revenue Fund</u>			
Revenues:			
County Payment			
Emergency Communications	0	239,853	239,853
Transfer from General Fund	0	239,853	239,853
Expenditures			
Emergency Communications	0	479,706	479,706

Dated at Vermillion, South Dakota this 1st day of October, 2012.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

First Reading: September 17, 2012
Second Reading: October 1, 2012
Published: October 12, 2012
Effective: November 1, 2012



Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: October 1, 2012

Subject Final Plat of Lots 9-13, Block 2, French Addition to the City of Vermillion, Clay County, South Dakota

Presenter: Jose Dominguez

Background: Brandt Land Surveying has submitted a final plat on behalf of the owner. The area to be platted is roughly 0.72 acres in area and is bordered on the north by the proposed north leg of French Drive and on the west by Norbeck Street. The southern border is Lot 8, Block 2 of French Addition. The area is east of Vermillion High School. The proposed plat will subdivide the area into 5-lots. It is planned for townhouses to be built on the lots.

The preliminary plat was reviewed and approved by the Planning Commission at the meeting held on August 13, 2012. The final plat was reviewed by the Planning Commission at their meeting held September 24th. A recommendation to approve the final plat has been forwarded to the City Council.

Discussion: Staff reviewed the final plat and find that it complies with all code provisions. The applicant will also be dedicating all of the required utility easements around the lots. In addition, the applicant will dedicate the necessary land for the dedication of French Drive. One of the goals of the Comprehensive Plan is to focus on developing undeveloped areas within City limits. The preliminary plat is the first step in the process to develop vacant land for residential use.

The owner has also been made aware that a Developer's Agreement will be required prior to any construction taking place. The agreement will allow the owner to develop without all of the utilities or street being constructed along French Drive.

Financial Considerations: All plat fees have been paid by the applicant.

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

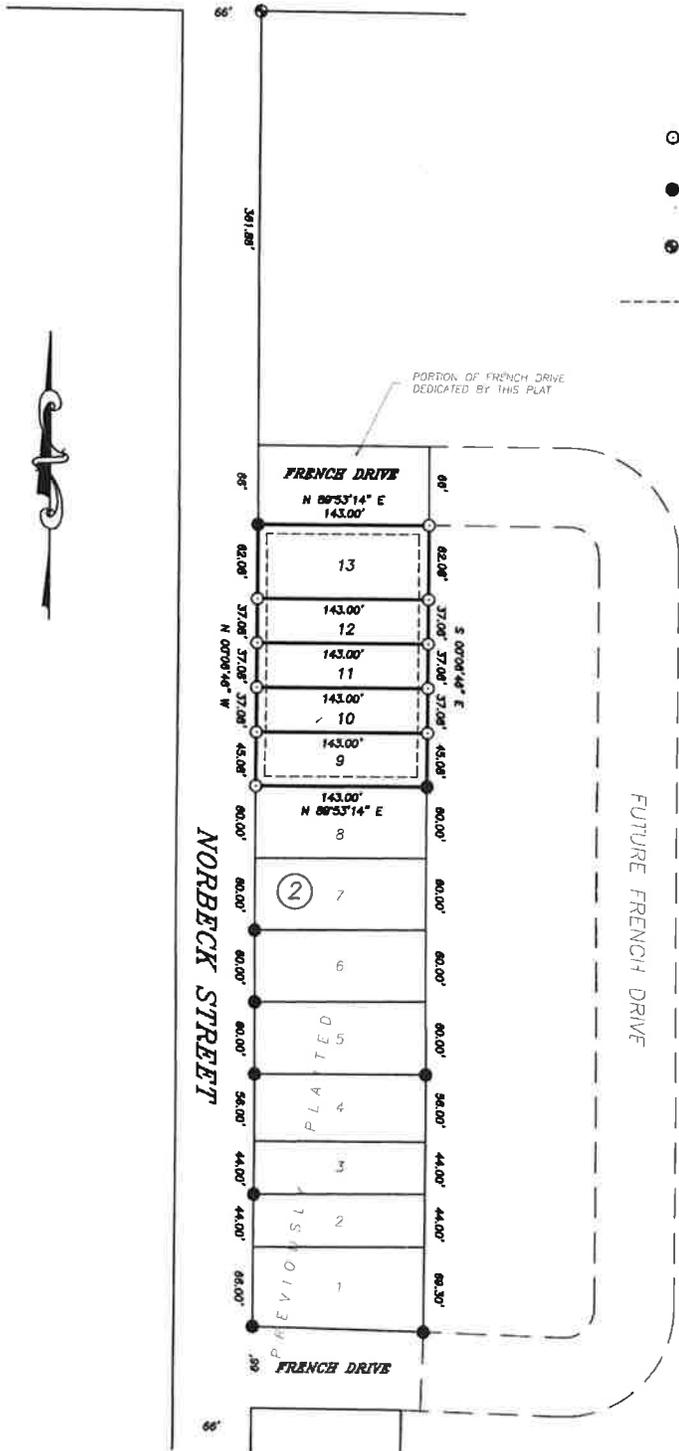
PLAT OF LOTS 9-13, BLOCK 2, FRENCH ADDITION TO THE CITY OF
VERMILLION, CLAY COUNTY, SOUTH DAKOTA.

MAIN STREET

LEGEND

- SET 5/8" REBAR WITH L.S. CAP STAMPED "R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP STAMPED "GILLEN 1342"
- ⊙ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "EFM 4478"

----- 8' UTILITY EASEMENT



NOTE:
BASIS OF BEARING
BY GPS OBSERVATION

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: October 1, 2012
Subject: Request to DENR to Prepay the 1990 Clean Water State Revolving Loan
Presenter: Mike Carlson

Background: The City has borrowed funds to make improvements to the water and wastewater utilities through the Department of Environment and Natural Resources State Revolving Fund (SRF) loan program. The 1990 Clean Water (SRF) loan was for the replacement of the interceptor sewer main along Chestnut Street. The Clean Water SRF loan was approved for \$125,000 and the current principal outstanding balance is \$4,120.25. The loan agreement pledges wastewater fund revenues to repay the loan. The City has been making equal quarterly payments at 3% interest with the final payment due March 1, 2013.

Discussion: In communication with Lynn Endorf, with Dorsey & Whitney, LLC, Bond Counsel, on the refunding of the 2005 wastewater SRF loan, it was suggested that prepaying the 1990 SRF loan would reduce the disclosure required for the refunding bond. The loan principal balance is \$4,120.25 and could be paid from wastewater reserves.

The prepayment section of the loan agreement is as follows:

Section 5.3 Prepayments. So long as no Loan Prepayments or Administrative Expense Surcharge is delinquent, the Borrower may upon 30 days' notice to the Issuer and the Trustee at any time prepay to the Trustee all or any part of the outstanding principal amount of the Loan without penalty, provided such prepayment must be accompanied by payment of accrued interest and Administrative Expense Surcharge to the date of prepayment on the amount of principal prepaid. If the Loan is prepaid in part, principal payments shall be reduced in inverse order of maturity.

Jim Feeney, with DENR, was contacted and indicated that the Board has not withheld the approval for the prepayments.

Attached is the letter to DENR requesting the prepayment of the loan.

As the 1990 SRF loan needs to be paid off prior to the pricing of the new refunding bond, it is requested that the Finance Officer be authorized to make the final payment upon receipt of approval from DENR.

Financial Consideration: The cost will be the principal of \$4,120.25, plus the 3% interest, from September 1, 2012 to the closing date.

Conclusion/Recommendations: Administration recommends approval of the authorization to request the prepayment of the 1990 Clean Water State Revolving Fund loan and, upon approval, authorize the Finance Officer to make the prepayment to close the loan.



25 Center Street · Vermillion, SD 57069
Ph: 605-677-7050 · Fax: 605-677-5461
Info@cityofvermillion.com
www.vermillion.us

October 2, 2012

Jim Feeney, Natural Resources Administrator
PMB 2020
SD DENR
Joe Foss Building
523 E Capitol
Pierre, SD 57501

Dear Jim,

To reduce the disclosure needed for the refunding bond the City is providing the 30 day notice of its intent to prepay the 1990 SRF loan original principal \$125,000 with current amount outstanding of \$4,120.25. The City will use wastewater reserves for the prepayment.

Thank you for your consideration and should you need any further information, please feel free to contact me.

Sincerely,

Michael Carlson
Finance Officer

Cc: The First National Bank in Sioux Falls, Trust Department



Council Agenda Memo

From: John Prescott, City Manager

Meeting: October 1, 2012

Subject: Library Change Order #3

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.

Discussion: Change Order #3 is for five different items. The first two proposals, which are part of the change order, do not result in any additional construction days or cost.

Request for Proposal #3 was developed to change from carpet to sheet vinyl in the Children's Activity room. There is no cost to the contract for this change.

Request for Proposal #5 is for a custom color on the exterior column covers. There is also no change in contract price for proposal #5.

Request for Proposal #6 arose during construction. The east stairwell was in need of additional structural steel to provide the proper support. The additional steel has a cost of \$436.

Request for Proposal #7 also arose during construction. An old foundation was discovered below ground when the new Church Street entrance was being constructed. The cost to remove the old foundation and replace with fill came to \$1,958.

Request for Proposal #8 also came about during construction. The ceiling outside of the new restrooms needed to be lowered so that the HVAC coming up from the basement could pass through the ceiling of the area outside of the restrooms and on through the ceiling of the restrooms as planned. The cost for this proposal is \$984.

The contract cost for acceptance of all five proposals is \$3,378. The total cost for the five proposals is \$3,378, plus the architect's 8% fee, for a total project cost of \$3,648.

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. The only charge against this amount, to date, was \$507 for the doors provided for with Change Order #1. Adoption of Change Order #3 will reduce the contingency balance to \$114,630.

Conclusion/Recommendations: Administration recommends adoption of Change Order #3 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 No: 3

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

Date: September 12, 2012

Architect's Project No.: 2256

Contract Date: February 8, 2012

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

RFP #3	Change from carpet in Children Activity Room 121 to sheet vinyl.	ADD:	\$0
RFP #5	Provide a custom color on the exterior column covers.	ADD:	\$0
RFP #6	Install additional structural steel at Stair 107.	ADD:	\$436
RFP #7	Remove existing foundation wall west of the entry and replace with fill.	ADD:	\$1,958
RFP #8	Extend soffits at the toilet room entry to allow for an 8-foot high ceiling.	ADD:	\$984
TOTAL ADD:			\$3,378

The original Contract Sum was.....	\$2,375,700
Net change by previous Change Orders	\$1,964
The Contract Sum prior to this Change Order was.....	\$2,377,664
The Contract Sum will be added by this Change Order	\$3,378
The new Contract Sum including this Change Order will be.....	\$2,381,042
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: *Elizabeth Squym*
date: 9.12.12

by: *[Signature]*
date: 9-21-12

by: _____
date: _____



Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: October 1, 2012
Subject: Resolution Relating to Wastewater Revenue Refunding Bonds
Presenter: Mike Carlson

Background: The City has borrowed funds to make improvements to the water and wastewater utilities through the Department of Environment and Natural Resources State Revolving Fund (SRF) loan program. The 2004 Clean Water (SRF) loan was for Phase I of the wastewater treatment plant improvements. The Clean Water SRF loan was approved for \$3,548,351 and the current principal outstanding balance is \$2,518,346.64. The loan agreement pledges wastewater fund revenues to repay the loan. The City is scheduled to make equal quarterly payments at 3.25% interest until July 1, 2026 as repayment. Tom Grimmond, with Dougherty & Company, LLC, has projected, at current market rates, that by refunding this loan, the City can save just about \$81,000 over the remaining 14 year life of the loan. The City Council authorized the request to be made to DENR for the prepayment of the 2004 SRF loan, which has been granted by the DENR. A resolution authorizing the sale of wastewater refunding bonds needs to be adopted.

Discussion: Lynn Endorff, with Dorsey & Whitney, Bond Counsel, has prepared the attached resolution relating to the wastewater revenue refunding bonds that, after adoption, would become effective 20 days after publication or November 2, 2012.

The resolution will allow for bonds to be issued to refund the existing SRF loan and pay the expenses of issuing the bonds for underwriting, bond counsel, rating agency and paying agent. The resolution requires the establishment of a 10% Reserve Account in section 4.6. The City will need to reserve about \$225,000 of the existing wastewater reserve to fund this account. Our electric transmission line, TIF and City Hall bonds all have this similar 10% reserve requirement.

The resolution also establishes a replacement and depreciation reserve of 5% of the operating expenses from the preceding fiscal year. Based upon the 2011 financial statement, this would be about \$46,500 that would be restricted from the existing

wastewater reserve. This was originally proposed at 10% and I questioned this as this reserve is not on any of our existing bonds. It was noted that, to obtain the best interest rate, the bonds will need to be rated and the rating agencies are wanting to see reserve funds to maintain the system as well as meet the debt service requirements. It was agreed to reduce this to 5%.

The resolution provides that the City Council will maintain rates to generate the gross revenues sufficient to pay all expenses of the operation and maintenance of the utility and all principal and interest on outstanding obligations.

The resolution has been reviewed by Jim McCulloch, City Attorney.

Financial Consideration: Based upon current projections, the City will save \$81,000 over the remaining 14 year life of the bond after paying the costs of the refunding. The current SRF loan is at 3.25% while the projected average rate on the refunding bond would be 2.384%. The resolution calls for the establishment of bond and depreciations reserves of about \$275,000 of the current \$790,000 wastewater fund reserve.

Conclusion/Recommendations: Administration recommends approval of the Resolution relating to wastewater revenue refunding bonds as presented.

RESOLUTION RELATING TO WASTEWATER REVENUE REFUNDING BONDS;
AUTHORIZING AND DIRECTING THE ISSUANCE AND SALE THEREOF AND
DEFINING THE TERMS AND MANNER OF PAYMENT OF THE SERIES 2012 BONDS
AND THE SECURITY THEREOF

BE IT RESOLVED, by the City Council, of the City of Vermillion, South Dakota (the “City”), as follows:

SECTION 1. RECITALS, AUTHORIZATION AND FINDINGS.

1.1. Recitals and Authorization.

- (a) The City currently operates a wastewater collection system and wastewater treatment facilities (collectively, the “Utility”), for municipal, industrial and domestic purposes.
- (b) The City is authorized to borrow money and issue its revenue bonds under South Dakota Codified Laws, Chapter 9-40 (the “Act”), in order to defray the cost of acquiring and constructing improvements to the Utility.
- (c) Pursuant to the Act, the City has heretofore issued the following revenue bonds to evidence loans from the State of South Dakota’s clean water revolving fund program under loan agreements entered into with the South Dakota Conservancy District (the “District”), the proceeds of which were used to finance improvements to the Utility (the “Improvements”):

<u>Date of Loan Agreement and Revenue Bond</u>	<u>Principal Amount Outstanding</u>	
April 24, 2003	\$ 186,547.14	(the “2003 Bond”)
September 30, 2004	2,518,346.64	(the “2004 Bond”)
September 2, 2009	233,122.89	(the “2009 Bond”)

The 2004 Bond is referred to herein as the “Refunded Obligation.” The 2003 Bond and the 2009 Bond are referred to collectively as the “Prior Obligations.”

- (d) As authorized by the Act, the City has determined that it is necessary and desirable to issue its revenue bonds in one or more series (hereafter, collectively, the “Series 2012 Bonds”), the proceeds of which will be used, together with such available funds of the Utility as may be required, to refund in a current refunding the outstanding aggregate principal amount of the Refunded Obligation. The Series 2012 Bonds, and the Prior Obligations, are referred to, collectively, as the “Parity Obligations.”
- (e) The City is authorized to make all pledges, covenants and agreements authorized by law for the protection of the owners of the Series 2012 Bonds, including, without limitation, those covenants set forth in Sections 9-40-16 and 9-40-17 of the Act. The Series 2012

Bonds are payable solely from the revenue or income derived from the Net Revenues of the Utility.

1.2. Findings.

It is hereby found, determined and declared to be in the best interests of the City to issue the Series 2012 Bonds in two series, to be denominated City of Vermillion, South Dakota Wastewater Revenue Refunding Bonds, Series 2012A (the “Series 2012 Tax-Exempt Bonds”), and City of Vermillion, South Dakota Taxable Wastewater Revenue Refunding Bonds, Series 2012B, in accordance with the Act and under the terms and conditions set forth in this resolution (the “Resolution”).

SECTION 2. SALE, BOND PURCHASE AGREEMENT AND OFFICIAL STATEMENT.

2.1. Sale.

The Series 2012 Bonds, authorized by this Resolution, shall be sold to Dougherty & Company LLC, of Minneapolis, Minnesota (the “Underwriter”) at a purchase price, exclusive of original issue discount, of not less than 98.5% of par, plus accrued interest, if any. The aggregate principal amount of the Series 2012 Bonds shall not exceed the amount necessary to accomplish the refunding of the Refunded Obligation, to pay the costs of issuing the Series 2012 Bonds (including an original issue discount not to exceed 2% of the par amount of the Series 2012 Bonds and any bond insurance premium as may be required) and, if necessary, to make a deposit to the Reserve Account described in Section 4.5 hereof. The Series 2012 Bonds will bear interest at a rate, or rates, per annum, resulting in a combined average yield not greater than 3.00%, per annum, and will mature over a period not to exceed 14 years. The Mayor and Finance Officer are hereby authorized and directed to agree with the Underwriter upon the exact purchase price, principal amount, maturities, interest rate or rates, payment dates and redemption provisions for the Series 2012 Bonds, within the parameters set forth in this Section.

2.2. Bond Purchase Agreement.

The execution of a Bond Purchase Agreement setting forth such final terms, by the Mayor and Finance Officer, is hereby approved and authorized and such execution shall be conclusive evidence of such agreement and shall be binding upon the City. The provisions of the Bond Purchase Agreement, as so executed, including all Exhibits and Appendices thereto, are incorporated herein by reference. The law firm of Dorsey & Whitney LLP, of Minneapolis, Minnesota (“Bond Counsel”), is hereby appointed as Bond Counsel and disclosure counsel for purposes of this issue of Series 2012 Bonds.

2.3. City Officers Authorized to Execute Documents.

The Mayor, Finance Officer and City Attorney are hereby authorized and directed to execute and deliver the Bond Purchase Agreement and the documents required, thereunder, the Official Statement, the Series 2012 Bonds and any other documents required to complete the financing contemplated hereby. Execution and delivery of such documents by the Mayor, Finance Officer and City Attorney shall constitute evidence that such items are consistent

with the terms of this Resolution and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. The Mayor, Finance Officer and City Attorney are further authorized to take such other actions as may be required to effectuate the terms and intent of this Resolution. In the event of the absence or disability of the Mayor, Finance Officer or City Attorney, the acting Mayor, the Assistant to the Finance Officer or the Deputy City Attorney are hereby authorized to act in the place and stead of the Mayor, Finance Officer and City Attorney, and to take all actions and execute all documents approved hereby.

2.4. Official Statement.

The Finance Officer and other officers of the City, in cooperation with the Underwriter, are hereby authorized and directed to prepare a Preliminary Official Statement to be distributed by the Underwriter to potential purchasers of the Series 2012 Bonds. The Finance Officer is hereby authorized, on behalf of the City, to deem the Preliminary Official Statement a "final" official statement, as of its date, in accordance with Rule 15c2-12(b)(1) promulgated by the Securities and Exchange Council under the Securities Exchange Act of 1934.

SECTION 3. TERMS, EXECUTION AND DELIVERY.

3.1. Date, Maturities and Interest Rates.

The Series 2012 Bonds shall be issued in the denomination of \$5,000 each, or any integral multiple thereof, shall mature on the dates and in the respective years and amounts, and shall bear interest from date of original issue until paid or duly called for redemption payable on the dates and at the respective annual rates stated opposite such maturity years as shown on Exhibit A to the Bond Purchase Agreement. The Series 2012 Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein.

3.2. Dates and Interest Payment Dates.

Each Bond shall bear a date of original issue as of the date on which the Series 2012 Bonds are delivered to the Underwriter. Upon the initial delivery of the Series 2012 Bonds pursuant to Section 3.6 and upon any subsequent transfer or exchange pursuant to Section 3.5, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. The interest on the Series 2012 Bonds shall be payable on the interest payment dates specified in the Bond Purchase Agreement to the owner of record thereof as the close of business on the first day of the month if interest is paid on the fifteenth day of the month and the fifteenth day of the immediately preceding month if interest is paid on the first day of the month, whether or not such day is a business day.

3.3. Redemption.

The Series 2012 Bonds shall be subject to redemption prior to maturity, at the option of the City, in the years and at the redemption prices set forth in Exhibit A to the Bond Purchase

Agreement in such order of maturities as may be designated by the City and, within any maturity, in \$5,000 principal amounts selected by the Registrar by lot, assigned in proportion to their principal amounts.

The Finance Officer shall cause notice of the call for redemption thereof to be published as and if required by law, and, at least thirty days prior to the designated redemption date, shall cause notice of the call thereof for redemption to be mailed, by first class mail, to the registered owners of any Series 2012 Bonds to be redeemed at their addresses as they appear on the bond register described in Section 3.5 hereof, but no defect in or failure to give such mailed notice shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. The notice of redemption shall specify the redemption date, redemption price, the numbers, interest rates and CUSIP numbers of the Series 2012 Bonds to be redeemed and the place at which the Series 2012 Bonds are to be surrendered for payment, which is the principal office of the Registrar.

Official notice of redemption having been given as aforesaid, the Series 2012 Bonds or portions of Series 2012 Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Series 2012 Bonds or portions of Series 2012 Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

3.4. Appointment of Initial Registrar.

The City hereby appoints The First National Bank in Sioux Falls as bond registrar, transfer agent and paying agent (the "Registrar") for the Series 2012 Bonds. The Mayor and the Finance officer are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. No resignation or removal of the Registrar shall become effective until a successor Registrar has been appointed and has accepted such appointment.

3.5. Registration.

The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

- (a) Register. The Registrar shall keep at its principal corporate trust office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

- (b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.
- (c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount, interest rate and maturity, as requested by the registered owner or the owner's attorney duly authorized in writing.
- (d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.
- (e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument-of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.
- (f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.
- (g) Taxes, Fees and Charges. For every transfer or exchange of Bonds, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.
- (h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the

City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

3.6. Execution, Authentication and Delivery.

The Series 2012 Bonds shall be prepared under the direction of the Finance Officer and shall be executed on behalf of the City by the signatures of the Mayor and the Finance Officer, and countersigned by an attorney actually residing in the State of South Dakota and duly licensed to practice therein; provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Bond has been duly executed by the Registrar by the manual signature of its authorized representative. Bonds of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Series 2012 Bonds have been so prepared, executed and authenticated, the Finance Officer shall deliver the same to DTC on behalf of the Underwriter upon payment of the purchase price in accordance with the provisions of the Bond Purchase Agreement and the Underwriter shall not be obligated to see to the application of the purchase price.

3.7. Form of Series 2012 Bonds.

The Series 2012 Bonds shall be prepared in substantially the form presented to and approved by the Council and on file in the office of the Finance Officer.

3.8. Securities Depository.

The Series 2012 Bonds shall be issued in book-entry only form.

(a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC’s Operational Arrangements.

- (b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this Resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC’s Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.
- (c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

- (d) The execution and delivery of the Representation Letter to DTC by the Mayor or Finance Officer is hereby authorized and directed.
- (e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

SECTION 4. USE OF PROCEEDS; WASTEWATER FUND.

4.1. Use of Proceeds.

Upon payment for the Series 2012 Bonds by the Underwriter, a portion of the proceeds of the Bonds are irrevocably appropriated in the amount necessary for the payment of all principal and interest to become due on the Refunded Obligations to and including the Redemption Date (as hereinafter defined). Any proceeds of the Series 2012 Bonds remaining after payment of costs of issuance of the Series 2012 Bonds as provided for in Section 4.3 hereof, shall be deposited in the Revenue Bond Account described in Section 4.5 hereof and used to pay interest on the Series 2012 Bonds.

4.2. Bond Proceeds and Revenues Pledged and Appropriated.

A fund designated as the Wastewater Fund (the "Fund") has been established and shall be maintained as a separate and special bookkeeping account on the official books of the City until the Prior Obligations, the Series 2012 Bonds and any Additional Bonds payable from the Net Revenues of the Utility as provided in Section 5 hereof (the Prior Obligations, the Series 2012 Bonds and any Additional Bonds are referred to collectively herein as the "Outstanding Parity Obligations") and interest and redemption premiums due thereon have been fully paid, or the City's obligation with reference to the Outstanding Parity Obligations has been discharged as provided in this Resolution. All proceeds of the Series 2012 Bonds and all other funds hereafter received or appropriated for purposes of the Improvements are appropriated to the Fund. All gross revenues derived from the operation of the Utility are irrevocably pledged and appropriated and shall be credited to the Fund as received. As described in Section 6.12 hereof, the City shall impose rates and charges for the availability, benefit and use of the Utility and shall aggregate the gross revenues derived from such rates and charges, together with the expenses of operation and maintenance of the Utility and shall account for them as provided in this Resolution. Such gross revenues shall include all gross income and receipts from rates, fees, charges and rentals imposed for the availability, benefit and use of the Utility as now constituted and of all replacements and improvements thereof and additions thereto, and from penalties and interest thereon, and from any sales of property acquired for the Utility and all income received from the investment of such gross

revenues; but not any taxes levied or amounts borrowed or received as grants for construction of any part of the Improvements. The Fund shall be subdivided into separate accounts as designated and described in Sections 4.2 to 4.6, to segregate income and expenses received, paid and accrued for the respective purposes described in those sections. The gross revenues received in the Fund shall be apportioned monthly or as soon as possible after the first day of each month, commencing the first calendar month following the delivery of the Series 2012 Bonds, which apportionment is hereinafter referred to as the “monthly apportionment.”

4.3. Construction Account.

Upon delivery of the Series 2012 Bonds, a portion of the proceeds shall be deposited in the Construction Account and applied to the payment of costs of issuance of the Series 2012 Bonds. To the Construction Account shall be credited as received all amounts received from any claim with respect to the Utility received pursuant to Section 6.3 hereof and applied to repair, replacement and restoration of the Utility; any amount in excess of that necessary for such repair, replacement and restoration shall be transferred to the Revenue Bond Account.

4.4. Operating Account.

On each monthly apportionment there shall first be set aside and credited to the Operating Account, as a first charge on the gross revenues of the Utility, such amount as may be required over and above the balance then held in the Operating Account to pay the reasonable and necessary operating expenses of the Utility which are then due and payable, or are to be paid prior to the next monthly apportionment. The term “operating expenses” shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the Utility, calculated in accordance with generally accepted accounting principles, and shall include, without limitation, administrative expenses of the City relating solely to the Utility, premiums for insurance on the properties thereof, labor and the cost of materials and supplies used for current operation and for maintenance, and charges for the accumulation of a appropriate reserves for current expenses which are not recurrent monthly but may reasonably be expected to be incurred in accordance with generally accepted accounting principles. Such operating expenses shall not include any allowance for depreciation or renewals or replacements of capital assets of the Utility and shall not include any portion of the salaries or wages paid to any officer or employee of the City, except such portion as shall represent reasonable compensation for the performance of duties necessary to the operation of the Utility, nor any amount properly payable from any other account of the Fund. Moneys in the Operation Account shall be used solely for the payment of current operation expenses of the Utility, as herein defined. The Net Revenues of the Utility, as referred to in this Resolution, are hereby defined to include the entire amount of such gross revenues remaining after each such monthly apportionment, after crediting to the Operating Account the amount required hereby.

4.5. Revenue Bond Account.

Upon each monthly apportionment there shall be set aside and credited to the Revenue Bond Account, out of the Net Revenues of the Utility, an amount equal to not less than one-twelfth of the total sum of the principal and interest to become due within the then next succeeding twelve months on all Outstanding Parity Obligations. Moneys from time to time held in the Revenue Bond Account shall be disbursed only to meet payments of principal and interest on Bonds as such payments become due; provided, that on any date when all Outstanding Parity Obligations are due or prepayable by their terms, if the amount then on hand in the Revenue Bond Account and the Reserve Account is sufficient, with other moneys available for the purpose, to pay all Outstanding Parity Obligations and the interest accrued thereon in full, it may be used for that purpose. If any payment of principal or interest becomes due when moneys in the Revenue Bond Account are temporarily insufficient therefor, such payment shall be advanced first from the Reserve Account, and if the amounts on hand in the Reserve Account are insufficient, then out of any Net Revenues theretofore segregated and then on hand in the Replacement and Depreciation Account or the Surplus Account. In the event that sufficient moneys are not available from the aforementioned sources, the City, to the extent it may at the time legally do so, may, but shall not be required to, temporarily advance moneys to the Revenue Bond Account either from other revenues of the Utility or from other funds of the City on hand and legally available for the purpose, but any such advance shall be repaid from Net Revenues of the Utility within 24 months.

4.6. Reserve Account.

There is hereby set aside within the Wastewater Fund the Reserve Account. There shall be credited to the Reserve Account from either the proceeds of the Series 2012 Bonds or from available funds of the City, an amount equal to the lesser of: (1) the maximum amount of principal and interest to become due on the Series 2012 Bonds in the then current or any future calendar year, or (2) an amount equal to ten percent (10%) of the proceeds of the Series 2012 Bonds (the "Reserve Requirement"). Thereafter, in the event that the amount on deposit in the Reserve Account shall thereafter fall below the Reserve Requirement, additional deposits shall be made from Net Revenues of the Utility, after the requirements of the Revenue Bond Account have been satisfied, to the Reserve Account until the Reserve Requirement is again reached. Upon the issuance of any Additional Bonds, the Reserve Requirement shall be increased to reflect the issuance thereof. The balance required shall be funded on the delivery date of the Additional Bonds. Moneys on hand in the Reserve Account shall be used only to pay maturing principal and interest on the Series 2012 Bonds and any Additional Bonds when other moneys in the Revenue Bond Account are insufficient therefor.

4.7. Replacement and Depreciation Account.

There shall next be set aside and credited, upon each monthly apportionment, to the Replacement and Depreciation Account such portion of the Net Revenues, in excess of the current requirements of the Revenue Bond Account (which portion of the Net Revenues is referred to herein as "Surplus Net Revenues"), as the City Council shall determine to be required for the accumulation of a reasonable reserve for renewal of worn out, obsolete or damaged properties and equipment of the Utility, which reserve shall be accumulated and

maintained in an amount not less than 5% of the Operating Expenses for the preceding Fiscal Year. Moneys in this account shall be used only for the purposes above stated or, if so directed by the City Council, to redeem Bonds which are prepayable according to their terms, to pay principal or interest when due thereon as required in Section 4.4 hereof, or to pay the cost of improvements to the Utility; provided, that in the event that the City shall hereafter issue bonds for the purpose of financing the construction and installation of additional improvements or additions to the Utility, but which additional bonds cannot, upon the terms and conditions provided in Section 5, be payable from the Revenue Bond Account, Surplus Net Revenues from time to time received may be segregated and paid into one or more separate and additional accounts from the payment of such bonds and interest thereon, in advance of payments required to be made into the Replacement and Depreciation Account.

4.8. Surplus Account.

Any amount of the Surplus Net Revenues from time to time remaining after the above required applications thereof shall be credited to the Surplus Account, and the moneys from time to time in that account, when not required to restore a current deficiency in the Revenue Bond Account as provided in Section 4.4 hereof, may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay Bonds when and as such Bonds become prepayable according to their terms;
- (b) To purchase Bonds on the open market, whether or not the Bonds so purchased or other such Bonds may then be prepayable according to their terms; and, if the balances in the Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the current fiscal year, then;
- (c) To pay for repairs of or for the construction and installation of Utility or additions to the Utility; and, if the balances in the Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the then current fiscal year, then;
- (d) To be held as a reserve for redemption and prepayment of the Bonds which are not then but will later be prepayable according to their terms; or
- (e) To be used for any other authorized municipal purpose designated by the City Council.

No moneys shall at any time be transferred from the Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special Utility bonds or other obligations payable from other funds, except as provided in this Section 4.6.

4.9. Deposit and Investment of Funds.

The City Finance Officer shall cause all moneys pertaining to the Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, SDCL, in a deposit account or accounts, which shall be maintained separate and apart from all other account of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as authorized in this Resolution; except that moneys from time to time on hand in the Fund may at any time, in the discretion of this Council, be invested in securities permitted by the provisions of Section 4-5-6, SDCL; provided, that the Replacement and Depreciation Account and the Surplus Account may be invested in such securities maturing not later than ten years from the date of the investment; and provided further, that moneys in the Surplus Account may, in the discretion of this Council, be invested in any securities which are direct, general obligations of the City. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys and deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account, provided that any investment income on amounts held in the Reserve Account shall be transferred to the Revenue Bond Account on each date that principal of the Bonds is payable, except that no such transfer shall be made if it would cause the balance in the Reserve Account to be less than the Reserve Requirement. The investment of the moneys on deposit in the Revenue Bond Account is further restricted by the provisions of Section 9.2 hereof.

4.10. Additional Revenues or Collateral.

The City reserves the right at any time to pledge additional moneys, revenues or collateral as security for the Series 2012 Bonds and any Additional Bonds. Such pledge shall not be effective unless and until the City receives and provides to the Registrar an opinion of nationally recognized bond counsel stating that such pledge will not adversely affect the validity or tax exemption of the Series 2012 Bonds and any Additional Bonds then outstanding.

SECTION 5. PRIORITIES AND ADDITIONAL BONDS.

5.1. Priority of Bond Payments.

Each and all of the Bonds shall be equally and ratably secured by and payable out of the Net Revenues of the Utility without preference or priority of any one Bond over any other by reason of serial number or otherwise; provided, that if at any time the Net Revenues of the Utility are insufficient to pay principal and interest then due on all Bonds, any and all moneys then on hand shall be first used to pay the interest accrued on all Outstanding Parity Obligations, and the balance shall be applied toward payment of the maturing principal of Bonds in order of their maturities, the earliest maturing Bonds to be paid first, and pro-rata in payment of Bonds maturing on the same date.

5.2. Refunding Revenue Bonds.

The City reserves the right and privilege of refunding any or all of the Bonds, but only subject to the following terms and conditions:

- (a) Any matured Bonds may be refunded if moneys available for the payment thereof at maturity, within the limitation prescribed in Section 5.1 hereof, should at any time be insufficient to make such payment in full.
- (b) Any Bonds may be refunded prior to maturity, as and when they become prepayable according to their terms.
- (c) Provision may be made for the payment and refunding of any unmatured Bonds by the deposit with a duly qualified depository bank, as escrow agent, of a sufficient amount of cash, or of Bonds or other general obligations of the United States, or of securities whose principal and interest payments are guaranteed by the United States, to pay the principal amount of such outstanding Bonds with interest to the earliest subsequent date, if any, upon which the same may be called for redemption and prepayment, and with interest to the maturity of any such Bonds which are not subsequently pre-payable.
- (d) Any refunding revenue bonds issued for the above purposes may be made payable from the Net Revenues of the Utility on a parity as to interest with all then outstanding Parity Obligations, provided that (1) the maturity of each refunding revenue bond shall be subsequent to the last maturity of any then outstanding Parity Obligations which are not refunded or to be refunded out of moneys on deposit with such escrow agent, and (2) no bondholder shall be required to accept a refunding revenue bond in exchange for any Bond owned by him.
- (e) So long as (i) the final maturity of the refunding bonds does not exceed the final maturity of the bonds being refunded, and (ii) maximum annual debt service on the refunding bonds is not more than 125% of the maximum annual debt service on the bonds being refunded, the refunding bonds need not meet the Net Income test for Additional Bonds set forth in Section 5.3.

5.3. Other Parity Bonds.

The City reserves the right to issue additional bonds, payable from the Revenue Bond Account of the Fund, on a parity as to both principal and interest with the Prior Obligations and the Series 2012 Bonds (the "Additional Bonds"), if (i) no default has occurred and is continuing under this Resolution, and (ii) the Net Income of the Utility, as defined herein, for the last complete fiscal year of the City preceding the issuance of such Additional Bonds has equaled at least 125% of the average annual principal and interest payable from the Revenue Bond Account in any subsequent calendar year during the term of the outstanding Parity Obligations, on all Bonds then outstanding and on the Additional Bonds proposed to be issued. The Net Income of the Utility is hereby defined to mean, for any fiscal year, the total operating revenues of the Utility, less the total operating expenses thereof, to which shall be added investment income, depreciation and interest expense, all as determined in accordance with generally accepted accounting principles. For the purpose of the foregoing computation, the Net Income for the fiscal year preceding the issuance of Additional Bonds

shall be the Net Income shown by the official books and records of the City, except that if the rates and charges for services provided by the Utility have been changed since the beginning of such preceding fiscal year, then the rates and charges in effect at the time of issuance of the Additional Bonds shall be applied to the quantities of service actually rendered and made available during such preceding fiscal year to ascertain the gross revenues, from which there shall be deducted to determine the Net Income the actual operation and maintenance cost for the last complete fiscal year as shown by the official books and records of the City plus any additional annual costs of operation and maintenance which the engineer for the City estimates will be incurred because of the improvement or extension of the Utility to be constructed from the proceeds of the Additional Bonds proposed to be issued. In no event shall any Additional Bonds be issued and made payable from the Revenue Bond Account if the City is then in default in any payment of principal or interest deficiency in the balances required by this Resolution to be maintained in any of the accounts of the Fund. Notwithstanding the provisions of Section 7 hereof requiring consent of the registered owners of all Outstanding Parity Obligations, the provisions of this Section may, with respect to the issuance of Additional Bonds, be waived or amended with the written consent of the registered owners of not less than three-quarters in principal amount of the outstanding Parity Obligations.

5.4. Subordinate Lien Bonds.

Notwithstanding the above provisions of Section 5, nothing contained in this Resolution or in the Series 2012 Bonds shall be construed to preclude the City from issuing bonds when necessary for the enlargement, improvement or extension of the Utility, provided such bonds, whether constituting a general obligation of the City or payable solely from wastewater revenues, are expressly made a charge on and are payable only from the Surplus Net Revenues of the Utility as defined in Section 4.6 of this Resolution, and are not superior to or on a parity with the Prior Obligations and the Series 2012 Bonds.

SECTION 6. COVENANTS.

6.1. General.

The City covenants and agrees with the registered owners from time to time of all Bonds that the recitals contained in Section 1 are correct; and that, subject to Section 6.5 hereof, until all Bonds are fully discharged as provided in this Resolution, it will continue to hold, maintain and operate the Utility, and the Improvements as a part thereof, as a public utility and convenience, free from all liens thereon or on the income therefrom other than the liens herein granted or provided for, will observe prudent utility practices, and will maintain, expend and account for the Fund and the several accounts therein as provided in Section 4, and will issue no Additional Bonds or other obligations constituting a lien or charge on the Net Revenues of the Utility except upon the conditions and in the manner prescribed in Section 5, and will perform and cause all officers and employees of the City to perform and enforce each and all of the additional covenants and agreements set forth in this Section 6.

6.2. Competing Service.

The City will not establish or authorize the establishment of any other system for the public supply of service or services in competition with any or all of the services supplied by the facilities of the Utility or the Improvements.

6.3. Property Insurance.

The City will cause all buildings, properties, fixtures and equipment constituting a part of the Utility or the Improvements to be kept insured with a reputable insurance carrier or carriers, qualified under the laws of South Dakota, or a qualified municipal insurance pool, in such amounts as are ordinarily carried, and against loss or damage by such hazards and risks as are ordinarily insured against by public utilities owning and operating properties of a similar character and size; provided that if at any time the City is unable to obtain insurance, it will obtain insurance in such amounts and against risks as are reasonably obtainable. The proceeds of all such insurance shall be available for the repair, replacement or reconstruction of damaged or destroyed property, and any proceeds attributable to the Improvements shall be deposited in the Construction Account and applied as provided in Section 4.2 hereof, and until paid out in making good such loss or damage, are pledged as security for the outstanding Parity Obligations issued hereunder. All insurance proceeds received with respect to the Improvements in excess of the amount required for restoration of the loss or damage compensated thereby shall be and become part of the revenues appropriated to the Fund. If for any reason insurance proceeds are insufficient for the repair, replacement and reconstruction of the insured property constituting a part of the Improvements, the City shall supply the deficiency from revenues on hand in the Replacement and Depreciation Account and the Surplus Account, and may supply it from any other City funds, but is not obligated to the registered owners so to do unless the deficiency results from breach of the covenant in this Section 6.3.

6.4. Liability Insurance and Surety Bonds.

The City will carry insurance against liability of the City and its employees for damage to persons and property resulting from the operation of the Utility, and the Improvements as a part thereof, in amounts the City determines from time to time to be necessary or advisable by reason of the character and extent of such operation. It will also cause all persons handling money and other assets of the Utility and the Fund to be adequately bonded for the faithful performance of their duties and to account for and pay over such money to the City. All amounts received under such insurance and bonds shall be applied to the payment of the loss or damage covered thereby. The premiums for all insurance and bonds required by this Section 6.4 and Section 6.3 constitute part of the Operating Expenses of the Utility, but no insurance liabilities of the City in excess of amounts received under such insurance and bonds shall constitute a lien or charge on revenues or any other assets herein or otherwise pledged to the Revenue Bond Account. Such insurance may be obtained through a qualified municipal insurance pool.

6.5. Disposition of Property.

The City will not mortgage, lease, sell or otherwise dispose of any real or personal properties of the Improvements, unless:

- (a) Prior to or simultaneous with such mortgage, lease, sale or other disposition, all of the outstanding Parity Obligations shall be discharged as provided in Section 8; or
- (b) The properties to be mortgaged, leased sold or otherwise disposed of are unserviceable, inadequate, obsolete or no longer required for use in connection with the Improvements, and all proceeds of the mortgage, lease, sale or other disposition of such properties are deposited into the Fund.

6.6. Books and Records.

The City will cause proper and adequate books of record and account to be kept showing complete and correct entries of all receipts, disbursements and other transactions relating to the Utility, and the Utility as a part thereof, the gross revenues derived from the operation of the Utility, and the segregation and application of the gross revenues in accordance with this Resolution, in such reasonable detail as may be determined by the City in accordance with generally accepted accounting practice and principles. It will cause such books to be maintained on the basis of a fiscal year commencing January 1 and ending December 31, or such other period as this Council may determine, and to be audited annually.

6.7. Cost of Insurance and Accounting.

The insurance and fidelity bond premiums and the cost of the bookkeeping and audits herein provided for and of the billings and collection of the water utility rates, charges and rentals, with respect to the Utility, shall be payable from the Operating Account.

6.8. Handling of Funds.

The employees of the City, under the direction and control of the City Finance Officer, shall keep books of accounts, issue statements and collect bills for the rates, charges and rentals for the services and facilities provided by the Utility and for other money currently receivable on account thereof and shall, to the extent required by Section 6.10, provide for the discontinuance of service in case of nonpayment for services or noncompliance with regulations. All money collected with respect to the Utility shall be deposited daily with the Finance Officer. In the event of default on the part of the City in the payment of principal of or interest on any Bond promptly as each falls due, or in the keeping of any covenants herein contained, and if such default shall continue for a period of ninety days the Council will appoint a special superintendent for the Utility, with the power and responsibility to operate the Utility for the City, and to recommend to the Council such revisions of the rates and charges and operating policies as may be necessary to comply with this Resolution, and to assure that the Net Revenues will be sufficient to pay all principal of and interest on Bonds, and he shall in all things so operate the Utility as to comply fully with all the requirements and provisions of this Resolution. The right of the registered owners of the Bonds to require employment of such a superintendent shall not be exclusive, and in the event of a default as herein outlined, such registered owner or owners shall have the right to proceed at law or in equity to require the performance of the covenants herein contained, in any form of action which shall to them seem appropriate. The rights and obligations of this Section shall be subject to the provisions of Section 9-40-33 of the Act.

6.9. Rules and Regulations.

The rules and regulations for operation of the Utility and the use of Utility service from the Utility shall be as provided in the existing resolutions and resolutions of the City, and any resolutions and resolutions subsequently adopted amendatory thereof or supplemental thereto.

6.10. Billings.

The charges for wastewater utility services will be billed at least monthly, and if the bill is not paid within sixty days of the date of billing, or if the customer fails to comply with all rules and regulations established for the Utility within sixty days after notice of violation thereof, the City shall take all appropriate legal action to collect the unpaid charges.

6.11. Remedies.

Any registered owner of any Bond shall have the right, either at law or in equity, by suit, action or other proceedings, to protect and enforce the rights of all registered owners of the Bonds and to compel the performance of any and all of the covenants required herein to be performed by the City, and its officers and employees, including but not limited to the fixing and maintaining of rates, fees and charges and the collection and proper segregation of gross revenues and the application and use thereof. The registered owners of a majority in principal amount of outstanding Parity Obligations shall have the right to direct the time, method and place of conducting any proceeding for any remedy available to the bondholders or the exercise of any power conferred on them, and the right to waive a default in the performance of any such covenant, and its consequences, except a default in the payment of the principal of or interest on any Bond when due. However, nothing herein shall impair the absolute and unconditional right of the registered owner of each Bond to receive payment of the principal of and interest on the Bond as such principal and interest respectively become due, and to institute suit for any such payment, any court having jurisdiction of the action may appoint a receiver to administer the Utility on behalf of the City with power to charge and collect rates, fees and charges sufficient to provide for the payment of the operating expenses and for the payment of any bonds or obligations outstanding against the Utility, and to apply the gross revenues in conformity with this Resolution and the laws of the State of South Dakota.

6.12. Rates and Charges.

The City through the City Council will maintain, revise, charge and collect rates and other charges for service furnished and made available by the Utility, according to schedules such that the gross revenues derived therefrom will be sufficient, when combined with other available funds, to pay when due all expenses of the operation and maintenance of the Utility, and all principal of and interest on the Outstanding Parity Obligations, to provide for the establishment and maintenance of adequate reserves therefor, and to provide an allowance adequate for recurring renewals and replacements of the Utility, and to fulfill the terms of all other agreements with registered owners of the City's bonds. Such rates and charges shall at all times be sufficient to produce Net Revenues (as defined in Section 4.3)

for each fiscal year at least equal to (i) 100% of the principal of and interest on the Outstanding Parity Obligations coming due in such fiscal year, and (ii) together with the balance in the Surplus Account carried over from the preceding fiscal year, 115% of the principal of and interest on the Bonds coming due in the fiscal year.

SECTION 7. AMENDMENTS.

7.1. Amendments Without Bondholder Consent.

- (a) The City may amend this Resolution, if such amendment is required by a bond rating agency as a condition to its release of a rating on the Series 2012 Bonds, or by a municipal bond policy insurer as a condition of its issuance of a bond insurance policy with respect to the Series 2012 Bonds.
- (b) The City reserves the right to amend this Resolution, from time to time and at any time, for the purpose of (i) curing any ambiguity or of curing, correcting or supplementing any defective provision contained herein, or (ii) making such provisions with regard to matters or questions arising hereunder as the City may deem necessary or desirable and not inconsistent with this Resolution, and which shall not adversely affect the interests or security of the registered owners of Outstanding Parity Obligations, or (iii) adding to the covenants and agreements herein contained, or to the gross revenues herein pledged, other covenants and agreements thereafter to be observed and additional gross revenues thereafter appropriated to the Fund, or (iv) surrendering any right or power herein reserved to or conferred upon the City, or (v) authorizing the issuance of Additional Bonds in the manner and subject to the terms and conditions prescribed in Section 5. Any such amendment may be adopted without the consent of the registered owners of any of the Bonds.

7.2. Amendments With Bondholder Consent.

With the consent of the registered owners of Bonds as provided in Section 7.3, the City may from time to time and at any time amend this Resolution by adding any provisions hereto or changing in any manner or eliminating any of the provisions hereof or of any amending resolution; provided, however, that no amending resolution shall be adopted at any time without the consent of the registered owners of all Bonds which are then outstanding, if it would extend the maturities of any Bonds, would reduce the rate or extend the time of payment of interest thereon, would reduce the amount or extend the time of payment of the principal or redemption premium thereof, would give to any Bond or Bonds any privileges over any other Bond or Bonds, would reduce the sources of gross revenues appropriated to the Fund, would authorize the creation of a pledge of said gross revenues prior to or on a parity with the Outstanding Parity Obligations (except as is authorized by Section 5), or would reduce the percentage in principal amount of such Bonds required to authorize or consent to any such amendment.

7.3. Notice and Consent.

Any amendment adopted pursuant to Section 7.2 shall be mailed to each registered owner of a Bond affected thereby, and shall become effective only upon the filing of written consents

with the City Finance Officer, signed by the registered owners of not less than two-thirds in principal amount of the Bonds which are then outstanding or, in the case of an amendment not equally affecting all outstanding Parity Obligations, by the registered owners of not less than two-thirds in principal amount of the Bonds adversely affected by such amendment. Any written consent to an amendment may be embodied in and evidenced by one or any number of concurrent written instruments of substantially similar tenor signed by registered owners in person or by agent duly appointed in writing, and shall become effective when delivered to the City Finance Officer. Any consent by the registered owner of any Bond shall bind him and every future registered owner of the same Bond with respect to any amendment adopted by the City pursuant to such consent; provided that any registered owner may revoke his consent with reference to any Bond by written notice received by the City Finance Officer before the amendment has become effective. In the event that unrevoked consents of the registered owners of the required amount of Bonds have not been received by the City Finance Officer within one year-after the mailing of notice of the amendment, the amendment and all consents theretofore received shall be of no further force and effect.

7.4. Proof.

Proof of the execution of any consent, or of a writing appointing any agent to execute the same, or of the ownership by any person of Bonds, shall be sufficient for any purpose of this Resolution and shall be conclusive in favor of the City if made in the manner provided in this section. The fact and date of the execution by any person of any such consent or appointment may be proved by the affidavit of a witness of such execution or by the certification of any notary public or other officer authorized by law to take acknowledgment, certifying that the person signing it acknowledged to him the execution thereof. The amount of Bonds held by any person by or for whom a consent is given, and the distinguishing numbers of such Bonds, and the date of his holding the same, shall be proved by the bond register. The fact and date of execution of any such consent may also be proved in any other manner which this Council may deem sufficient; but this Council may nevertheless, in its discretion, require further proof in cases where it deems further proof desirable.

SECTION 8. DEFEASANCE.

8.1. General.

When the liability of the City on all Bonds issued under and secured by this Resolution and all interest thereon has been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the registered owners of such Bonds shall cease.

8.2. Payment.

The City may discharge its liability with reference to any Bonds which are due on any date by depositing with the Registrar for such Bonds on or before the date a sum sufficient for the payment thereof in full; or if any Bond shall not be paid when due, the City may nevertheless discharge its liability with reference thereto by depositing with the Registrar a

sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

8.3. Redemption.

The City may also discharge its liability with reference to any Bonds which are called for redemption on any date in accordance with their terms, by depositing with the Registrar on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon, provided that notice of such redemption has been duly given as provided in this Resolution.

8.4. Escrow.

The City may also at any time discharge its liability in its entirety with reference to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by calling such Bonds for redemption on the next date when they may be prepaid in accordance with their terms, by giving the notice required for such redemption or giving irrevocable instructions to the escrow agent described below to give such notice, and by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are direct non-callable obligations of the United States and are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to provide funds sufficient to pay all principal, interest and redemption premiums, if any, to become due on such Bonds on or before said redemption date. No defeasance shall be made pursuant to this Section 8.4 unless there has first been presented to the escrow agent (i) a verification report as to the adequacy of the escrow prepared by an independent nationally-recognized certified public accountant and (ii) a written opinion of nationally-recognized bond counsel that such defeasance shall not cause the interest on any outstanding Parity Obligations to be included in the gross income of the registered owners thereof for federal income tax purposes.

SECTION 9. TAX MATTERS.

9.1. The Utility.

The Utility refinanced in whole or in part with proceeds of the Series 2012 Bonds is and will be owned and operated by the City and used by the City to provide wastewater system services to members of the general public. No user of the Utility or the Improvements is granted any concession, license or special arrangement with respect to the Utility or the Improvements. The City shall not enter into any lease, use or other agreement with any non-governmental person relating to the use of the Utility or the Improvements or security for the payment of the Series 2012 Bonds which might cause the Series 2012 Bonds to be considered "private activity bonds" or "private loan bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

9.2. General Covenant.

The City covenants and agrees with the registered owners from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any

action which would cause the interest, if the interest were intended to be tax-exempt, on the Series 2012 Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the “Regulations”), and covenants to take any and all actions within its powers to ensure that the basic interest, if the interest were intended to be tax-exempt, on the Series 2012 Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

9.3. Certification.

The Mayor and the Finance Officer, being the officers of the City charged with the responsibility for issuing the Series 2012 Bonds pursuant to this Resolution are hereby authorized and directed to execute and deliver to the Underwriter thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2012 Bonds, it is reasonably expected that the proceeds of the Series 2012 Bonds will be used in a manner that would not cause the Series 2012 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code and the Regulations.

9.4. Arbitrage Rebate Exemption.

It is hereby determined that the Series 2012 Bonds qualify for the “small issuer” exemption from arbitrage rebate set forth in Section 148(f)(4)(D) of the Code, as modified by Section 148(f)(4)(D)(v) of the Code since:

- (a) the Refunded Bonds qualified for the exception from arbitrage rebate provided by Section 148(f)(4)(D)(i) of the Code;
- (b) the aggregate face amount of the Bonds does not exceed \$5,000,000;
- (c) the average maturity of the Bonds will not exceed the remaining average maturity of the Refunded Bonds; and
- (d) no Bond has a maturity date which is later than 30 years after the date the Refunded Bonds were issued.

9.5. Qualified Tax-Exempt Obligation.

The Board hereby designates the Series 2012 Tax-Exempt Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of qualified tax-exempt obligations (within the meaning of Section 265(b)(3) of the Code) which will be issued by the Issuer and all subordinate entities during calendar year 2012 does not exceed \$10,000,000.

SECTION 10. CONTINUING DISCLOSURE.

The City acknowledges that the Series 2012 Bonds are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Council under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (as in effect and interpreted from time to time, the Rule). The Rule governs the obligations of certain underwriters to require that issuers of municipal obligations enter into agreements for the benefit of the holders of the obligations to provide continuing disclosure with respect to the obligations. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit participating underwriters in the primary offering of the Bonds to comply with the Rule, which will enhance the marketability of the Bonds, the Mayor and Finance Officer are hereby authorized and directed to enter in to a Continuing Disclosure Agreement (the "Disclosure Agreement") with the Registrar, under which the City agrees to provide such information to the Registrar, as disclosure agent. The City hereby covenants and agrees to observe and perform the covenants and agreements contained in the Disclosure Agreement, unless amended or terminated in accordance with the provisions thereof, for the benefit of the registered owners or beneficial owners from time to time of the outstanding Bonds as provided in the Disclosure Agreement.

SECTION 11. REDEMPTION OF REFUNDED OBLIGATIONS.

The Finance Officer is hereby directed to obtain written consent from the District authorizing the refunding of the Refunded Obligation on December 1, 2012, or such other date as the Finance Officer may determine (the "Redemption Date").

SECTION 12. EFFECTIVE DATE; REPEALS.

This Resolution shall become effective upon passage and all provisions of resolutions, resolutions and other actions and proceedings of the City which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

CITY OF VERMILLION, SOUTH
DAKOTA

(SEAL)

By _____
John E. (Jack) Powell, Mayor

Attest: _____
Michael D. Carlson, Finance Officer

Adopted: October 1, 2012
Published: October 12, 2012
Effective: November 1, 2012



Council Agenda Memo

From: John Prescott, City Manager
Meeting: October 1, 2012
Subject: Remove Parking on Prentis Avenue for Dakota Days Parade
Presenter: John Prescott

Background: Every year, the University of South Dakota holds a parade as part of the Dakota Days celebration. This year, the parade is on Saturday, October 6, 2012. A number of area bands participate in the parade. Following completion of the parade, the bands are recognized by the Dakota Days Committee. This year, the recognition event will take place in Prentis Park.

Discussion: The high school and middle schools bands will unload near the Vermillion Middle School. The completion of the parade is at E. Clark Street and Plum Street. The busses will then meet their band at the end of the parade route. In order to provide adequate parking for the band busses, the Dakota Days Committee is requesting some parking stalls be temporarily closed to the public. The Committee would like to close the parking stalls along the west side of Prentis Avenue between E. Main Street and E. Clark Street for bus parking. The approximately three block length should provide adequate parking opportunities for a number of school buses.

The Street Department will sign the area for No Parking during the designate hours. The organizers have been asked to provide notification to the residents along the east side of Prentis Avenue to lessen potential conflicts.

Financial Consideration: Only the cost of temporary signage.

Conclusion/Recommendations: Administration recommends that the City Council approve the request to remove parking on Prentis Avenue from E. Main Street to E. Clark Street on Saturday, October 6, 2012 from 7:00 am to 1:00 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 Dakota Days' Executive Board (USD)

Contact Person Kaylee Bahr (Marching Band Coordinator) Phone (605) 216-2812

Contact Person Address 725 E. Clark St.

Event DDays' Parade - Marching Band Competition Date(s) of Event 10/06/12

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

Street Prentice St. Parking Area Only from Clark to Main

Street Closing Times 7:00 am to 1:00 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:

The parking spaces will be used for the marching band buses. There should
be no clean-up needed for the parking spots, however if cleaning is needed
the DDays' Exec Board will have a few members look walk through the area.

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 9/25/12

John Prescott

Subject: FW: EMail address

From: Bahr, Kaylee Anna [<mailto:Kaylee.A.Bahr@coyotes.usd.edu>]
Sent: Tuesday, September 25, 2012 3:34 PM
To: John Prescott
Cc: Nelson, Ashley Ann; Leischner, Darcy Lee
Subject: RE: EMail address

Thank you John for helping us out!

Request:

The Dakota Day's Executive Board would like to request permission to reserve the parking on the East side of Prentice Park on Prentice Street, the shelter on the north side of the park, and the bathrooms by the baseball fields for October 6th, 2012. The parking will be used for buses that the high school and middle school bands bring their students in for the competition in the parade. The bathrooms will be used by the students as they complete the parade route. We would like to reserve these facilities from early morning on Saturday, October 6th, until 1:00P.M. If you have any further questions or concerns, please refer them to Kaylee Bahr, the Marching Band Co-Coordinator, at 605-216-2812 or kaylee.a.bahr@coyotes.usd.edu.

Thank you for your time.

[would this work for a request?]

Thank you John Prescott,

Kaylee Bahr

University of South Dakota
College of Arts and Sciences
605.216.2812
kaylee.a.bahr@coyotes.usd.edu

From: John Prescott [JohnP@cityofvermillion.com]
Sent: Tuesday, September 25, 2012 2:55 PM
To: Bahr, Kaylee Anna
Subject: EMail address

Please send the request to this email address. I will check on the bathrooms and park schedule for you.

John Prescott
City Manager



Council Agenda Memo

From: Jason Anderson, Assistant City Engineer

Meeting: October 1, 2012

Subject: Resolution Authorizing the Purchase of a Fairway Mower and a Greens Mower

Presenter: Jason Anderson

Background: A 2002 Toro golf course greens mower and a 2005 Toro golf fairway mower are budgeted in the Equipment Replacement Fund to be replaced in 2013. The golf operates with two fairway mowers and 5 greens mowers in its fleet.

Administration would like to take advantage of an attractive National Intergovernmental Purchasing Alliance (National IPA) bid. National IPA has over 7,000 governmental agencies that participate in their purchasing program. In July, 2010, state law changed allowing purchases to be made off of other governmental entity bids or cooperative agreements outside of the state.

National IPA, in conjunction with member city Tucson, Arizona, awarded a national annual requirements contract to Toro Company and its participating distributors on October 15, 2011, after advertisement and review of bids. The total bid for a 2012 Toro Reelmaster 5210, with accessories to meet our specifications, is \$38,352.00. The total bid for a 2012 Triflex 3300, with accessories to meet our specifications, is \$28,587.00. The Toro Company participating distributor for South Dakota is Midwest Turf & Irrigation of Omaha, Nebraska. Delivery and payment would not be made until after January 1, 2013.

Discussion: The City has purchased several pieces of equipment off of other South Dakota governmental agencies bids over the years to take advantage of multiple purchase discount levels, price increases, drafting of bid specifications, and advertising costs. With the state law that went into effect on July 1, 2010, the City can now purchase off of other state, national or purchasing agency bids, and not just South Dakota bids.

Financial Consideration: The purchase will come from the 2013 Equipment Replacement Fund, after delivery and acceptance. The existing fairway mower and greens mower will be considered surplus and sold by sealed bids. Revenue from the sale of the surplus wheel loader will be returned to the Equipment Replacement Fund.

Conclusion/Recommendations: Administration recommends approval of the Resolution providing for the purchase of a new 2012 Toro Reelmaster 5210 fairway mower and a new 2012 Toro Triflex 3300 greens mower from the Toro Company's participating distributor, Midwest Turf & Irrigation, as per the National IPA/City of Tucson bid for a total amount of \$66,939.00.

CITY OF VERMILLION
 INVOICES PAYABLE-OCTOBER 1, 2012

1 UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	18.00
2 AIR DELIGHTS, INC	SUPPLIES	259.78
3 ALLIED HAND DRYER	HAND DRYERS	630.00
4 APPEARA	SUPPLIES	137.32
5 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	365.43
6 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
7 AUDIO GO	BOOKS	159.91
8 AUSTIN ANDERSON	FUEL REIMBURSEMENT	129.50
9 AUTOMATIC BUILDING CONTROLS	FIRE ALARM INSPECTION	387.00
10 AVENET, LLC	WEB HOSTING	700.00
11 BAKER & TAYLOR BOOKS	BOOKS	988.82
12 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	19,155.82
13 BARNES DISTRIBUTION	SUPPLIES	212.03
14 BETTER HOMES & GARDENS	BOOKS	27.45
15 BIERSCHBACH EQPT & SUPPLY	SUPPLIES	3,085.79
16 BOMGAARS	SUPPLIES	44.99
17 BOOK WHOLESALERS, INC	BOOKS	219.89
18 BORDER STATES ELEC SUPPLY	SUPPLIES	1,994.55
19 BOUND TREE MEDICAL, LLC	SUPPLIES	905.67
20 BROADCASTER PRESS	ADVERTISING	36.00
21 BROWN TRAFFIC PRODUCTS	SUPPLIES	159.12
22 BRUNICKS SERVICE INC	PROPANE	38.00
23 C&H DISTRIBUTORS, INC	SUPPLIES	551.12
24 CALLAWAY GOLF	MERCHANDISE	95.00
25 CAMPBELL SUPPLY	SUPPLIES	1,117.02
26 CASK & CORK	MERCHANDISE	726.00
27 CENTER POINT LARGE PRINT	BOOKS	25.87
28 CENTURY 21	REFUND ASSESSMENT PAYMENT	524.70
29 CENTURY BUSINESS LEASING	COPIER CONTRACT	138.25
30 CENTURYLINK	TELEPHONE	737.43
31 CHERRY STREET GRILLE	MERCHANDISE	60.00
32 CHESTERMAN CO	MERCHANDISE	900.31
33 CITY OF VERMILLION	COPIES/POSTAGE	989.20
34 CITY OF VERMILLION	UTILITY BILLS	45,389.24
35 CLAY CO REGISTER OF DEEDS	EASEMENTS	90.00
36 CLAY RURAL WATER SYSTEM	WATER USAGE	37.10
37 CLEVELAND GOLF	MERCHANDISE	167.38
38 CLINT'S ELECTRIC, INC	LOAD MGMT INSTALLATION	790.81
39 COLONIAL LIFE INS	INSURANCE	2,968.49
40 COYOTE CHEMICAL COMPANY	PARTS	73.90
41 CRESCENT ELECTRIC SUPPLY	SUPPLIES	57.79
42 D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
43 D & G CONCRETE CONSTRUCTION	STANFORD STREET	8,687.14
44 DAKOTA BEVERAGE	MERCHANDISE	12,515.72

45 DAKOTA LOCK & KEY	REPAIRS	37.10
46 DAKOTA PC WAREHOUSE	COMPUTERS/SUPPLIES/REPAIRS	1,907.89
47 DAKOTA SECURITY SYSTEMS, INC	REPAIRS	32.83
48 DANKO MES, INC.	SUPPLIES	410.00
49 DELTA DENTAL PLAN	INSURANCE	5,998.48
50 DENNIS MARTENS	MAINTENANCE	833.34
51 DEPT OF REVENUE	TESTING	209.00
52 DETCO	SUPPLIES	431.76
53 DEWILD GRANT RECKERT & ASSOC	PROFESSIONAL SERVICES	4,448.02
54 DIAMOND VOGEL PAINTS	PAINT	5,312.40
55 DIANE'S GREENHOUSE	PLANTS	91.96
56 DUST TEX	SUPPLIES	46.60
57 E.A SWEEN COMPANY	SUPPLIES	163.18
58 EARTHGRAINS BAKING CO'S INC	SUPPLIES	65.94
59 ECHO ELECTRIC SUPPLY	SUPPLIES	492.20
60 ENERGY LABORATORIES	TESTING	1,220.00
61 FARMER BROTHERS CO.	SUPPLIES	40.88
62 FEDEX.	SHIPPING	24.09
63 FOOT-JOY	MERCHANDISE	397.69
64 FOREMAN MEDIA	COUNCIL MTG	100.00
65 FOREMOST EQUIPMENT	SUPPLIES	578.63
66 FRED HAAR CO, INC	PARTS	43.92
67 GEAR FOR SPORTS	MERCHANDISE	294.94
68 GENTLE TOUCH CARPET CARE	RUG CLEANING	18.32
69 GRAHAM TIRE CO.	TIRES	764.90
70 GRAYBAR ELECTRIC	SUPPLIES	84.17
71 GREGG PETERS	FREIGHT	3,058.25
72 GREGG PETERS	RENT	937.50
73 HALI-BRITE INC.	SUPPLIES	65.91
74 HAMMOND-WETMORE DRILLING	REPAIRS	5,772.00
75 HARTINGTON TREE LLC	GRIND STUMPS	344.00
76 HAWKINS INC	CHEMICALS	1,530.98
77 HD SUPPLY WATERWORKS	SUPPLIES	9,195.45
78 HELMS & ASSOCIATES	PROFESSIONAL SERVICES AIRPORT	22,641.37
79 HENDERSONS ULTIMATE CAR WASH	CAR WASH CARD	100.00
80 HERREN-SCHEMPP BUILDING	SUPPLIES	94.59
81 HOUSE OF WHITE BIRCHES	BOOKS	25.91
82 HY VEE FOOD STORE	SUPPLIES	334.53
83 IN CONTROL, INC	PROFESSIONAL SERVICES	5,713.57
84 INDEPENDENCE WASTE	WASTE HAULING	1,053.00
85 INGRAM	BOOKS	2,705.74
86 IOWA LEAGUE OF CITIES	ADVERTISING	65.00
87 JACKS UNIFORM & EQPT	UNIFORM	152.65
88 JOHN A CONKLING DIST.	MERCHANDISE	11,304.72
89 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	46,556.78
90 JOHNSON FEED, INC	REPAIRS	685.71
91 JOHNSTONE SUPPLY	FILTERS	121.42
92 JON COLE	GYM REIMBURSEMENT	52.47

93 JONES ACE HARDWARE	SUPPLIES	572.97
94 JONES FOOD CENTER	SUPPLIES	2,119.66
95 JWR, INC	OIL FILTERS	140.10
96 KAREN HARRIS	SAFETY BOOTS REIMBURSEMENT	92.29
97 KARSTEN MFG CORP	MERCHANDISE	58.33
98 KEEPER OF THE STATIONARY	FLAG	13.00
99 KNOLOGY	911 CIRCUIT	1,365.50
100 LAYNES WORLD	BRASS PLATES	67.72
101 LBA INTERIORS	REPAIRS	558.00
102 LINCOLN MUTUAL LIFE	INSURANCE	524.61
103 LITTLE ITALYS	MEALS	39.95
104 LIV WEST	MEALS REIMBURSEMENT	61.00
105 LOCATORS AND SUPPLIES, INC	SUPPLIES	642.40
106 LONGS PROPANE INC	PROPANE	100.00
107 LOUIES CARPET CLEAN, INC	STRIPPED & WAXED FLOOR	1,037.17
108 LP GILL, INC	TIRE DISPOSAL	678.75
109 LYDIA FREEDON	WATER HEATER REBATE	156.00
110 MAINLAND ENGRAVING LLC	MEDALS/RIBBONS	73.00
111 MALLOY ELECTRIC	REPAIRS	878.00
112 MARKS MACHINERY	PARTS	196.90
113 MART AUTO BODY	TOWING	890.00
114 MARTY GILBERTSON	WATER HEATER REBATE	120.00
115 MATHESON TRI-GAS, INC	SUPPLIES	224.76
116 MATTHEW BENDER & CO, INC	SUBSCRIPTION	64.99
117 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	2,160.00
118 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	188.60
119 MICHAEL HEINE	MEAL REIMBURSEMENTS	44.00
120 MIDWEST ALARM CO	ALARM MONITORING	135.00
121 MIDWEST BUILDING MAINTENANCE	MAT SVC	423.95
122 MIDWEST READY MIX & EQUIP.	FLOWABLE FILL	280.00
123 MIDWEST TURF & IRRIGATION	PARTS	544.47
124 MISSOURI RIVER ENERGY SERVICE	INFRARED INSPECTION	2,191.40
125 MISSOURI VALLEY MAINTENANCE	REPAIRS	576.00
126 MOORE WELDING & MFG	PARTS	327.59
127 McLAURY FLANNERY ENGINEERING	PROFESSIONAL SERVICES	76.00
128 N B GOLF LLC	GOLF CARS LEASE	3,824.46
129 NCL OF WISCONSIN, INC	SUPPLIES	490.69
130 NETSYS+	REPAIRS/SYMANTEC/FOREFRONT ONLINE	1,708.74
131 NEW YORK LIFE	INSURANCE	94.01
132 OFFICE SYSTEMS CO	COPIER CONTRACT	884.43
133 ORIENTAL TRADING CO	SUPPLIES	138.90
134 PARKSON CORPORATION	PARTS	2,255.41
135 PAUL BRUNICK	MEALS/MILEAGE REIMBUSEMENT	180.00
136 PETE LIEN & SONS, INC	CHEMICALS	4,270.25
137 PHEASANTLAND INDUSTRIES	SUPPLIES	122.26
138 PITNEY BOWES	POSTAGE METER RENTAL	242.49
139 PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
140 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27

141 PRAIRIE BERRY WINERY	MERCHANDISE	1,650.00
142 PRESTO-X-COMPANY	INSPECTION/TREATMENT	137.60
143 PRINT SOURCE	SUPPLIES	91.00
144 PROGRESSIVE BUSINESS PUBLICATIONS	SUBSCRIPTION	94.56
145 PUMP N PAK	FUEL	2,723.10
146 QT TECHNOLOGIES	SUPPLIES/SERVICE AGREEMENT	648.90
147 QUALITY TELELCOMMUNICATION	WIRELESS HEADSET	329.00
148 QUEEN CITY WHOLESALE	MERCHANDISE	644.52
149 QUILL	SUPPLIES	1,674.57
150 RACOM CORPORATION	MAINTENANCE CONTRACT	368.50
151 RANDOM HOUSE, INC	BOOKS	30.00
152 RANDY ISAACSON	MEAL REIMBURSEMENTS	44.00
153 RASMUSSEN MOTORS, INC	PARTS	85.38
154 RECORDED BOOKS, INC	BOOKS	626.15
155 RECREATION SUPPLY CO.	SUPPLIES	35.75
156 REINHART FOODSERVICE, LLC	MERCHANDISE	721.76
157 REPUBLIC NATIONAL DIST	MERCHANDISE	50,677.53
158 ROBINSON PRO CLEANING	REPAIRS	162.50
159 RYAN ANDERSON	MEAL REIMBURSEMENTS	36.00
160 SANITATION PRODUCTS	PARTS	1,609.98
161 SD GOLF ASSOCIATION	HANDICAP	1,414.00
162 SD PLANNERS ASSOCIATION	DUES/REGISTRATION	235.00
163 SD RETIREMENT SYSTEM	CONTRIBUTIONS	47,003.57
164 SD SOLID WASTE MANAGEMENT	MEMBERSHIP	400.00
165 SERVALL TOWEL & LINEN	SHOP TOWELS	29.40
166 SHANE GRIESE	MEALS REIMBURSEMENT	44.00
167 SIOUX FALLS TWO WAY RADIO	RADIO PROGRAMMING	25.00
168 SIOUXLAND SCALE SERVICE	PARTS	135.49
169 STATE STEEL	SUPPLIES	235.20
170 STURDEVANTS AUTO PARTS	PARTS	648.29
171 TAYLOR MADE	MERCHANDISE	1,443.61
172 THATCHER COMPANY	SODA ASH	21,370.80
173 THE EQUALIZER	ADVERTISING	236.80
174 THE NEW SIOUX CITY IRON CO	SUPPLIES	63.85
175 TODDS ELECTRIC SERVICE	INSTALL LOAD MGMT	25.00
176 TRUE FABRICATIONS	MERCHANDISE	589.16
177 TRUE VALUE	SUPPLIES	441.12
178 TRUSCO MFG COMPANY	PARTS	61.78
179 TURNER PLUMBING	REPAIRS	101.99
180 UNITED LABORTORIES	SUPPLIES	410.17
181 UNITED WAY	CONTRIBUTIONS	330.80
182 VALIANT VINEYARDS	MERCHANDISE	168.00
183 VAN DIEST SUPPLY CO	SUPPLIES	1,539.00
184 VANDERPOL DRAGLINE, INC	AIRPORT CONSTRUCTION CONTRACT	129,100.48
185 VERIZON WIRELESS	POLICE COMMUNICATION	212.13
186 VERMILLION CONCRETE	CONCRETE WORK	12,678.07
187 VERMILLION FORD	PARTS	403.71
188 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	5,068.33

189 WAL-MART COMMUNITY	SUPPLIES	673.65
190 WALKER CONSTRUCTION	CONCRETE WORK	8,783.68
191 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	155.00
192 WELFL CONSTRUCTION CO	LIBRARY EXP/REMODEL	331,175.00
193 WESCO DISTRIBUTION, INC	SUPPLIES	12,766.60
194 WILLSON FLORIST	PLANT/FLORAL ARRANGEMENTS	105.00
195 YANKTON FIRE & SAFETY	EXTINGUISHER	95.00
196 YANKTON JANITORIAL SUPPLY	SUPPLIES	261.20
197 ZEP SALES & SERVICE	SUPPLIES	96.13
	GRAND TOTAL	\$916,440.66

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

Date: 9/17/12

1. Name of organization/group St. Agnes School
Contact person: Name: Darla Hamm

2. Date(s) that tickets/chances will be sold: from Sept. 2012 to August 2013
Cost of tickets/chances: \$120

3. Date(s) of drawing(s): We usually draw the last Sunday of the month

4. Can anyone purchase tickets? Yes

5. Will the prize winner(s) be selected at random? Yes X No _____

6. Description and approximate value of top prize: Each month 1 person wins \$300 & 2 win \$100

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.

St. Agnes School's Parents & Teachers of St. Agnes (PTSA) group offers the PTSA 100 Club every year. The club runs with the school year calendar from September through August. Anyone interested can purchase a number for \$120, from 1 to 100. Each month we randomly draw from a set of 100 balls. The first number drawn wins \$300 and the next two balls drawn receive \$100. If all 100 spots are sold at \$120, then the total raised will be \$12,000, with \$6,000 being paid back out to its members. If not all of the spots are sold, \$6,000 is still paid out, but the profit for PTSA decreases. The profits made stay with PTSA to help with hospitality for the school, teacher requests and professional development. The drawings are held at the end of the month, either at the coffee and rolls gathering after 8:00 a.m. on Sundays in the Parish Hall or on the first Tuesday of the following month at the PTSA Meeting, held in the school gym.


Applicant's Signature

Approval: 
City Manager 9-18-12
Date

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

Date: 9/24/2012

1. Name of organization/group Delta Sigma Pi
Contact person: Name: Alexa Davis 605 661 8543
2. Date(s) that tickets/chances will be sold: from 9/24/12 to 10/11/12
Cost of tickets/chances: \$10 per ticket
3. Date(s) of drawing(s): 10/11/2012
4. Can anyone purchase tickets? Yes
5. Will the prize winner(s) be selected at random? Yes No
6. Description and approximate value of top prize: Kindle Fire HD (~\$200)

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.

USD Business School / Campus
Fundraising Event for Delta Sigma Pi

Alexa Davis
Applicant's Signature

Approval: John Prescott Date: 9-24-12
City Manager