



**Special Meeting Agenda
City Council**

12:00 p.m. (noon) Special Meeting
Monday, October 7, 2013
Large Conference Room
City Hall-25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Strategic Plan discussion – Steve Howe.**
3. **Informational Session – Comprehensive Plan update discussion – Andy Colvin.**
4. **Briefing on the October 7, 2013 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 7, 2013

City Council Chambers

25 Center Street

Vermillion, South Dakota 57069



1. Roll Call

2. Pledge of Allegiance

3. Minutes

- a. September 16, 2013 Special Session; September 16, 2013 Regular Session; September 27, 2013 Special Session.

4. Adoption of the Agenda

5. Visitors To Be Heard

- a. National Disability Employment Awareness Month.
- b. Coyoteopoly "Hunger Awareness Day" Proclamation.
- c. Proclamation in Recognition of Jack Doyle.
- d. Public Power Week Proclamation.
- e. Fire Prevention Week Proclamation.

6. Public Hearings

7. Old Business

8. New Business

- a. First Reading of Ordinance 1307 – Amending Chapter 150, Building Regulations, removing the building permit exemption for replacement windows in existing openings and adding regulations and requirements for replacement windows.
- b. Egress window compliance extension.
- c. Agreement and Covenants with Owner's of Lots 3, 4 and 21, Block 1, Countryside Addition Regarding Sidewalk Construction.
- d. Resolution to transfer surplus chairs to Clay County.
- e. Resolution to adjust the storm drainage fee.
- f. Business Improvement District #1 By-Laws.
- g. Declaration of surplus skid steer loader.

9. Bid Openings

- a. Landfill Baler Building.
- b. Fuel Quotes.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a bid opening date of November 13, 2013 for the sale of a surplus skid steer loader.

13. Adjourn

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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.

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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 16, 2013
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, September 16, 2013 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Grayson, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Davies, Ward

2. Informational Session -Egress window standards - Farrel Christensen

John Prescott, City Manager, stated that City staff has been meeting with Harlow Hatle regarding egress window requirements.

Farrel Christensen, Building Official, reported that Code Enforcement continues to review health, safety and welfare concerns while inspecting rental housing. In 2011, with this safety concern in mind, a new rental housing code was adopted by the City Council. This ordinance was the first major change in the Rental Housing Code in over 30 years. The new ordinance incorporated the International Property Maintenance Code as the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life, safety, safety from fire and other hazards. This new code will require alterations to bring all rental housing units up to the minimum standards for health, safety and welfare. Major health, safety and welfare items that are being addressed include decks, stairs, guards and handrails; hard wired smoke detectors; return air limitations and egress windows. As to egress windows, Farrel reviewed the residential building fire fatalities, as reported by FEMA, noting that thirty-six percent of fire victims in residential buildings were trying to escape at the time of their death with an additional thirty-five percent sleeping.

As has been done with other improvements, Farrel stated that notice will be provided to the property owners giving them a time period to comply and also providing a method by which an extension can be provided based upon hardship.

Farrel reviewed the egress window size requirements noting that there is currently no permit required to replace windows and they are finding that some windows are being replaced that do not meet the code. Farrel stated that currently there are 66 structures where the windows do not meet the egress window code.

Discussion followed on the egress window requirements with Harlow Hatle explaining the cost of installing new windows stating it would require an increase in rents. Harlow noted that he had replaced the windows and the City did not tell him they were the wrong size windows.

John Prescott, City Manager, stated that the building permit ordinance could be amended to require permits for all window replacement thus ensuring that replacement windows meet the property maintenance requirements.

Discussion followed on property maintenance requirements with Roger Jeck asking if additional property maintenance standards will be coming forward from the City. It was noted that the City Council cannot promise that requirements will not change in the future.

3. Budget meeting follow-up discussion - Fire Inspector - Shannon Draper

John Prescott, City Manager, stated that this is a follow up on the August budget session where an additional fire inspection was discussed.

Richard Draper, Fire Chief, reviewed the fire/life safety program in use by the Fire Department along with the state statutes on property inspection. Richard stated that he estimated that currently he would be able to complete 20% of the annual inspections. Richard reviewed some of the violations that he has found during inspections noting that most of the violations were from a lack of education of the owners or managers. Richard noted that, for more inspections to be completed, additional staffing will be required in the Fire Department. Discussion followed on full time staff, part time staff and shared staff.

4. Briefing on the September 16, 2013 City Council Regular Meeting

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

5. Adjourn

286-13

Alderman Osborne moved to adjourn the Council special session at 12:56 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of September, 2013.

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 16, 2013
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday, September 16, 2013 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

Mayor Powell requested a moment of silence for the people of Washington DC.

2. Pledge of Allegiance

3. Minutes

A. Minutes of September 3, 2013 Special Session; September 3, 2013 Regular Session

287-13

Alderman Osborne moved approval of the September 3, 2013 Special Session and September 3, 2013 Regular Session minutes. Alderman Willson

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

4. Adoption of Agenda

288-13

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

5. Visitors to be Heard

A. United Way Week Proclamation

Alderman Collier-Wise read the proclamation recognizing September 23-29, 2013 as United Way of Vermillion Week and encouraged all citizens to join together with the United Way to build a stronger community. Mayor Powell presented the proclamation to representatives of the United Way of Vermillion Board. Deb Christenson representing the Vermillion United Way thanked the City Council for the proclamation noting that next week is the United Way kickoff in Vermillion and to watch for your pledge card.

B. Lori Kober Proclamation

Alderman Meins read the proclamation recognizing Lori Kober as an outstanding citizen with a disability and proclaimed September 16, 2013 as Lori Kober Day in Vermillion. Mayor Powell presented the Proclamation to Lori Kober. Lori thanked the City Council for the proclamation.

6. Public Hearings - None

7. Old Business

A. Resolution approving Special Assessment Roll for Nuisance Abatement at 23 N Harvard Street.

Mike Carlson, Finance Officer, reported that on August 5th the City Council adopted a resolution setting a public hearing date of September 3rd for nuisance abatement special assessments. At the September 3rd public hearing, the City Council adopted the special assessment roll for three of the four properties listed and recessed the hearing on the Apostolic Faith Church assessment until a future meeting in order to review the costs associated with the removal of the dangerous structure. Mike reviewed the costs incurred by the City with the dangerous structure removal noting that a complete list is included in

the packet. Mike provided background on the project that started with the Court upholding the nuisance abatement of a dangerous structure in January 2013. Mike noted that the special assessments approved on September 3rd included an assessment for the removal of a dangerous structure (garage) at 15 Linden that was done by the Street Department at a cost of \$1,145.11. This structure was removed by the City because the property owner did not take action to abate the nuisance. There were also dangerous structures removed in prior years on Cottage, University Street, Center Street and Maple Street when the owners did not abate the nuisance forcing the City to take action. In three of these cases, the City reduced the special assessment amounts, in future years, when presented with a plan to sell the property to a new owner who agrees to make improvements and/or maintain the property.

Mike stated that the adjustment of a portion of this special assessment without a plan to improve the site may set a precedent where others may decline to abate a nuisance only to have the work done by the City and then request the costs be reduced. The property owner failing to abate the nuisance would then receive the benefit of a reduced cost to abate nuisances paid by the City.

Mike stated that Administration recommends adoption of the resolution assessing the Apostolic Faith Church \$11,321.99 for abatement of the dangerous structure at 23 N Harvard and when the owner presents an acceptable plan for the property, the City Council could consider a resolution to reduce the outstanding special assessment in exchange for the improvements to the property.

289-13

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

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 5th day of August, 2013.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment roll for the 3rd day of September, 2013 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; and

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; and

WHEREAS, at the September 3rd public hearing the City Council moved to recess the public hearing until a future meeting to allow time to review the nuance abatement costs for the property at 23 N. Harvard; and

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 SDCL Sections 9-43-102 to 9-43-113.

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 the 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 17th day of September, 2013. 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, 2014.

The assessment roll herein referred to is as follows.

Lot: W 71' of N ½ of Lots 8 & W 71' of Lot 9 Block 62 Bigelows Addition
Parcel Number: 15050-06200-090-00
Owner: Apostolic Faith Church contract for deed with Dennis A. Klein
Service: removal of dangerous structure
Total: \$11,321.99

Dated at Vermillion, South Dakota, this 16th day of September 2013.

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

John E. Jack Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Willson. Discussion followed with Alderman Ward requesting to reduce the special assessment as the Church had good intentions but does not have the financial ability to pay this

large of an assessment. Jim McCulloch, City Attorney, noted that the property is being purchased on a contract for deed and, as such, the Church would not be the owner until the contract is satisfied and the deed is transferred by Dennis Klein to the Church. Jim also reviewed the process used by the City in the past to abate special assessments when requested and presented with an improvement plan. Discussion followed on ownership of the property, special assessment process and abatement of assessments.

The question of the adoption of the Resolution was presented for a roll call vote of the Governing Body was as follows: Collier-Wise- N, Davies-Y, Grayson-N, Meins-N, Osborne-Y, Ward-N, Willson-Y, Zimmerman-Y, Mayor Powell-Y. Motion carried 5 to 4. Mayor Powell declared that the Resolution was adopted.

B. Second Reading of Ordinance 1304 - Amending Chapter 155.074 of the 2008 revised ordinances of the City of Vermillion, adding guidelines for the installation of fences

Ted Cherry, Administrative Intern, reported that this is second reading of the ordinance to add guidelines for installation of fences that will require the smooth/finished sides facing a street/alleyway or public property. Discussion followed on fence requirements.

290-13

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

BE IT RESOLVED, that the minutes of this meeting shall show that the title to the proposed Ordinance No. 1304 entitled An Ordinance Amending Chapter 155.074, to add guidelines for fence installation of the City of Vermillion, South Dakota 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 3rd day of September, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16th day of September, 2013 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. 1304

AN ORDINANCE AMENDING CHAPTER 155 SECTION 155.074, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA, TO ADD GUIDELINES FOR FENCE INSTALLATION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Chapter 155 Section 155.074 is amended to add the following:

155.074 FENCES

(I) All exterior fences constructed, which are parallel to and/or face the street/alley or public property, shall have the smooth/finished side, the side without the support bracings or frame, of the fence facing toward the outside when there is only one smooth/finished side.

Dated at Vermillion, South Dakota this 16th day of September, 2013.

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 Ward. Discussion followed. 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, Grayson-Y, Meins-Y, Osborne-Y, Ward -Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y. Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

C. Second Reading of Ordinance 1305 - 2014 Appropriations

John Prescott, City Manager, reported that this was the second reading of the 2014 Appropriations Ordinance that had first reading on September 3, 2013. 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.

291-13

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. 1305 entitled 2014 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 3rd day of September, 2013 and that the title was again

read at this meeting, being a regularly called meeting of the Governing Body on this 16th day of September, 2013 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. 1305
2014 APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2014 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>2014 Budget</u>	
GENERAL FUND		
<u>REVENUES:</u>		
General Property Taxes	2,037,500	
Sales Tax	1,600,000	
Penalties &		
Interest	4,000	
Licenses &		
Permits	135,150	
Cable TV		
Franchise	110,000	
State Intergovernmental	254,950	
County Intergovernmental	104,200	
Charges for Goods & Services	548,540	
Fines & Forfeits	41,050	
Miscellaneous Revenues	87,800	
TOTAL GENERAL FUND REVENUES	4,923,190	
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General		
Government	549,853	
Finance Office	172,861	
Engineering	297,459	
Planning & Zoning	800	
Code Compliance	197,819	
Community Promotion	47,000	
Total Policy & Administration	1,265,792	
<u>Public Safety & Security:</u>		
Police Administration & Invest.	446,493	
Police Patrol	1,242,625	
Fire & Rescue	207,530	

Emergency Management	3,300	
Ambulance	<u>323,166</u>	
Total Public Safety & Security		2,223,114

Maintenance & Transportation:

Municipal Garage	136,467	
Municipal Service Center	33,750	
Street Department	707,444	
Snow Removal	70,628	
Sweeping & Mowing	109,697	
Carpentry	32,614	
City Hall Maintenance	70,500	
Old Library Maintenance	5,000	
Old Landfill Maintenance	12,000	
Airport	<u>123,423</u>	
Total Maintenance & Transportation		1,301,523

Human Development & Leisure Services:

Library	567,380	
Parks & Forestry	286,652	
Swimming Pool	110,154	
Recreation	177,222	
Mosquito Control	20,756	
National Guard Armory Center	<u>59,661</u>	
Total Human Development & Leisure		<u>1,221,825</u>
TOTAL GENERAL FUND EXPENDITURES		<u>6,012,254</u>

GENERAL FUND NEEDS (1,089,064)

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	8,800	
Transfer from Utilities Engineering Fees	136,387	
Transfer to 911 Fund - Communications	(267,430)	
Appropriation from Reserve	<u>210,282</u>	
GENERAL FUND BALANCE		<u><u>0</u></u>

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

Revenues		1,612,500
Expenditures - Second Cent Sales Tax	789,100	
Transfer in Airport Capital Projects	(7,500)	
Transfer to Bike Path	(42,557)	
Transfer to TIF #6	(362,300)	
Transfer to City Hall Debt Service Fund	(344,934)	
Appropriation from Reserve	<u>(66,109)</u>	

SECOND CENT SALES TAX FUND BALANCE 0

PARKS IMPROVEMENT
FUND

Revenues-Recreation Fees 4,020

Expenditures - Parks Improvements 4,020
PARKS IMPROVEMENT FUND BALANCE 0

BBB SALES TAX FUND

Revenues 323,500

Expenditures 272,400
Appropriation to Reserve (51,100)
BBB SALES TAX FUND BALANCE 0

911 FUND -
COMMUNICATIONS

Revenues 292,929

Expenditures 560,359
Transfer in General Fund 267,430
911FUND FUND BALANCE 0

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees 202,500

Expenditures: 114,499
Transfer to TIF #6 (125,501)
Appropriation from Reserve 37,500
STORMWATER FEE FUND BALANCE 0

LIBRARY FINE AND GIFT
FUND

Revenues- Library Fine & Gifts 11,700

Expenditures - Library 9,000
Appropriation to Reserve (2,700)
LIBRARY FINE AND GIFT FUND BALANCE 0

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT
FUND

Revenues 66,898

Expenditures 66,898
Interfund Loan 118,800
Transfer to Capital Projects (118,800)

DS SPECIAL ASSESSMENT FUND BALANCE 0

DEBT SERVICE-- TIF District No. 6

Expenditures 43,300
Transfer from Sales Tax 43,300
DEBT SERVICE - TIF 6 FUND BALANCE 0

DEBT SERVICE - CITY HALL

Revenues 7,000

Expenditures 351,934
Transfer in Sales Tax Fund 344,934
DEBT SERVICE - CITY HALL FUND
BALANCE 0

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

Expenditures 110,000
Transfer to General Fund (8,800)
Transfer from Debt Service 118,800
CP SPECIAL ASSESSMENT FUND BALANCE 0

CAPITAL PROJECTS FUND - AIRPORT

Revenues 142,500

Expenditures 150,000
Transfer from Second Cent Sales Tax 7,500
CP AIRPORT FUND
BALANCE 0

CAPITAL PROJECTS FUND - BIKE PATH

Revenues 162,443

Expenditures 205,000
Transfer from Second Cent Sales Tax 42,557
CP BIKE PATH FUND BALANCE 0

CAPITAL PROJECTS FUND - W MAIN MILL & OVERLAY

Revenues 19,540

Expenditures 19,540
CP W MAIN MILL & OVERLAY FUND BALANCE 0

CAPITAL PROJECTS FUND - BLISS POINTE TIF 6

Expenditures 813,936
Transfer from Stormwater Fund 125,501
Transfer from Sales Tax 319,000
Appropriation from Reserve 369,435

CP BLISS POINTE TIF 6 FUND BALANCE

0

INTERNAL SERVICE FUNDS (Information Only)

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges		18,650	84,520	418,330
Interest on Investments	80			2,000
Other Revenues				283,000
Total Revenues	80	18,650	84,520	703,330
<u>Expenditures</u>				
Personnel			81,423	
Operating Expenses	80	18,500	3,200	
Capital			500	649,700
Total Expenditures	80	18,500	85,123	649,700
Transfer Out (In) (To) From Reserve		(150)	603	(53,630)
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

UTILITY AND ENTERPRISE FUNDS (Information Only)

	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Curbside Golf Course Fund	Recycling Fund
<u>Revenues</u>							
Sales	5,723,900	1,400,000	1,470,000	1,257,825	1,238,000	702,790	114,000
Surcharge	783,000	260,000	321,000				
Other Revenue	78,000	50,500	22,600	15,000		72,700	300
Interest	171,600	7,566	7,082	6,000	1,500	3,750	
Bond Proceeds		225,000		746,900			
Grants		25,000		213,100			
Total Revenues	6,756,500	1,968,066	1,820,682	2,238,825	1,239,500	779,240	114,300
<u>Expenditures</u>							
Personnel	978,432	580,211	488,220	497,840		362,498	90,609
Operating Expenses	3,853,952	577,819	618,348	1,022,770	1,062,944	410,022	14,600

Capital	1,314,004	356,316	314,940	1,253,500	2,000		30,250
Debt Service		139,490	254,849	187,577			8,408
Debt Service Surcharge	<u>575,050</u>	<u>235,669</u>	<u>291,013</u>				
Total Expenditures	6,721,438	1,889,505	1,967,370	2,961,687	1,064,944	772,520	143,867
Transfers Out	(884,950)	(38,583)	(28,679)		(194,200)		
Transfers In	9,000						
(To) From Reserve	<u>840,888</u>	<u>(39,978)</u>	<u>175,367</u>	<u>722,862</u>	<u>19,644</u>	<u>(6,720)</u>	<u>29,567</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: \$2,075,000

Dated at Vermillion, South Dakota this 16th day of September, 2013.

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 Zimmerman. 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, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y. Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

D. Second Reading of Ordinance 1306 - 2013 Revised Appropriations

John Prescott, City Manager, reported that this was the second reading of the 2013 Revised Appropriations Ordinance. John noted that the 2013 Budget was adopted in September 2012 and the revised budget is based upon actual financial information obtained thus far in 2013 and includes the revisions for such items as the French East Addition (Mickelson Street), Bliss Pointe project, repairs to the hike/bike path, West Main Street mill & overlay project and the impacts of the

landfill fire that were not anticipated or included in the original budget. Discussion followed.

292-13

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. 1306 entitled 2013 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 3rd day of September, 2013 and that the title was again read at this meeting, being a regularly called meeting of the Governing Body on this 16th day of September, 2013 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. 1306
2013 REVISED APPROPRIATION
ORDINANCE

AN ORDINANCE ADOPTING the 2013 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.

	<u>2013 Revised Budget</u>	
GENERAL FUND		
<u>REVENUES:</u>		
General Property Taxes	1,775,350	
Sales Tax	1,568,000	
Penalties & Interest	4,000	
Licenses & Permits	132,650	
Cable TV Franchise	105,000	
State Intergovernmental	290,935	
County Intergovernmental	93,200	
Charges for Goods & Services	521,040	
Fines & Forfeits	41,050	
Miscellaneous Revenues	87,614	
TOTAL GENERAL FUND REVENUES		4,618,839
<u>EXPENDITURES:</u>		
<u>Policy & Administration:</u>		
General Government	526,337	

Finance Office	164,268	
Engineering	315,557	
Planning and Zoning	800	
Code Compliance	191,442	
Community Promotion	56,750	
Total Policy & Administration		1,255,154

Public Safety & Security:

Police Administration & Invest.	431,994	
Police Patrol	1,136,758	
Fire & Rescue	208,384	
Emergency Management	3,900	
Ambulance	303,320	
Total Public Safety & Security		2,084,356

Maintenance & Transportation:

Municipal Garage	131,051	
Municipal Service Center	35,750	
Street Department	677,676	
Snow Removal	70,432	
Sweeping & Mowing	106,894	
Carpentry	31,564	
City Hall Maintenance	76,800	
Old Library Maintenance	10,000	
Old Landfill Maintenance	12,000	
Airport	78,360	
Total Maintenance & Transportation		1,230,527

Human Development & Leisure Services:

Library	548,569	
Parks & Forestry	263,850	
Swimming Pool	106,620	
Recreation	138,295	
Mosquito Control	19,814	
National Guard Armory Center	57,750	
Total Human Development & Leisure		1,134,898
TOTAL GENERAL FUND EXPENDITURES		5,704,935

GENERAL FUND NEEDS (1,086,096)

Transfer to 911 Fund	(280,336)
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	13,735
Transfer from Sales Tax - Communications	27,500
Transfer from Utilities Engineering Fees	136,387

Appropriation from Reserve	187,785
GENERAL FUND BALANCE	<u>0</u>

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

Revenues	1,581,100
Expenditures - Second Cent Sales Tax	594,000
Transfer to Bike Path Capital Projects	(49,600)
Transfer to Bluff Enterprise Fund	(200,000)
Transfer to Library Capital Projects	(547,900)
Transfer to Airport Capital Projects	(9,125)
Transfer to City Hall Debt Service Fund	(344,134)
Transfer to TIF #6	(18,523)
Transfer to General Fund Communications	(27,500)
Appropriation From Reserve	209,682
SECOND CENT SALES TAX FUND BALANCE	<u>0</u>

PARKS IMPROVEMENT FUND

Revenues-Recreation Fees	11,670
Expenditures - Parks Improvements	17,000
Appropriation from Reserve	5,330
PARKS IMPROVEMENT FUND BALANCE	<u>0</u>

BBB SALES TAX FUND

Revenues	314,100
Expenditures	279,000
Appropriation to Reserve	(35,100)
BBB SALES TAX FUND BALANCE	<u>0</u>

911 FUND -COMMUNICATIONS

Revenues	300,335
Expenditures	580,671
Transfer in General Fund	280,336
911FUND- FUND BALANCE	<u>0</u>

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees	190,575
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Expenditures:	192,000
Appropriation from Reserve	<u>1,425</u>
STORMWATER FEE FUND BALANCE	<u><u>0</u></u>

LIBRARY FINE AND GIFT FUND

Revenues- Library Fine & Gifts	13,500
Expenditures - Library	14,000
Transfer to Library Capital Projects	(5,000)
Appropriation From Reserve	<u>5,500</u>
LIBRARY FINE AND GIFT FUND BALANCE	<u><u>0</u></u>

STREETSCAPE FUND

Expenditures	364
Appropriation from Reserve	<u>364</u>
STREETSCAPE FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT FUND

Revenues	70,186
Expenditures	70,186
Interfund Loan	131,000
Transfer to Capital Projects	<u>(131,000)</u>
SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE-- TIF District No. 3

Revenues	151,912
Repayment of Electric Fund & Refund	<u>(151,912)</u>
DEBT SERVICE - TIF 3 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - TIF District No. 4

Revenues	126,065
Expenditures	397,300
Appropriation from Reserve	<u>271,235</u>
DEBT SERVICE - TIF 4 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - TIF District No. 6

Revenues	0
Expenditures	18,523
Transfer in Second Penny	18,523
DEBT SERVICE - TIF 6 FUND BALANCE	<u>0</u>

DEBT SERVICE - City Hall

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

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

Revenues	18,950
Expenditures	110,000
Transfer to General Fund	(13,735)
Transfer from Debt Service	131,000
Appropriation to Reserve	(26,215)
CP SPECIAL ASSESSMENT FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - BIKE PATH

Revenues	25,400
Expenditures	75,000
Transfer from Second Cent Sales Tax	49,600
CP BIKE PATH FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	173,375
Expenditures	182,500
Transfer From Second Cent Sales Tax	9,125
CP AIRPORT FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - BLISS POINTE TIF 6

Revenues	1,732,000
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Expenditures	1,378,565
Appropriation to Reserve	369,435
Transfer from water fund	16,000
CP LIBRARY FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - LIBRARY

Revenues	223,330
Expenditures	477,615
Appropriation to Reserve	(298,615)
Transfer from Second Cent Sales	
Tax	547,900
Transfer From Library SR Fund	5,000
CP LIBRARY FUND BALANCE	<u>0</u>

CAPITAL PROJECTS FUND - WEST MAIN MILL & OVERLAY

Revenues	24,000
Expenditures	24,000
CP STANFORD STREET 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		18,350	83,020	407,947
Interest on Investments	80			2,000
Contributed Capital				119,837
Other Revenues				14,252
Total Revenues	<u>80</u>	<u>18,350</u>	<u>83,020</u>	<u>544,036</u>
<u>Expenditures</u>				
Personnel			76,989	
Operating Expenses	80	18,200	2,937	
Capital				1,056,800
Total Expenditures	<u>80</u>	<u>18,200</u>	<u>79,926</u>	<u>1,056,800</u>
Transfer (Out) In (To) From Reserve		(150)	(3,094)	100,000
	<u>0</u>	<u>0</u>	<u>0</u>	<u>412,764</u>
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

UTILITY AND ENTERPRISE FUNDS (Information Only)

	Electric <u>Fund</u>	Water <u>Fund</u>	Wastewater <u>Fund</u>	Joint Powers <u>Fund</u>	Liquor <u>Fund</u>	Golf Course <u>Fund</u>	Curbside Recycling <u>Fund</u>
<u>Revenues</u>							
Sales	5,540,600	1,350,000	1,430,000	1,201,450	1,224,000	688,040	113,000
Surcharge	775,300	263,000	323,000				
Other Revenue	77,000	50,500	28,200	1,397,555		71,690	300
Interest	177,200	7,665	7,135	8,000	1,500	3,000	
Bond Proceeds		1,108,500		830,025			
Grants		79,200		236,800			
Tax Increment						498,280	
Total Revenues	<u>6,570,100</u>	<u>2,858,865</u>	<u>1,788,335</u>	<u>3,673,830</u>	<u>1,225,500</u>	<u>1,261,010</u>	<u>113,300</u>
<u>Expenditures</u>							
Personnel	945,832	556,830	465,319	494,740		353,930	71,472
Operating Expenses	3,645,693	586,612	641,831	836,855	1,051,352	399,390	14,600
Capital	560,350	905,100	357,300	3,276,825	2,000	27,610	23,000
Debt Service Surcharge		127,089	222,645	157,699		663,688	8,408
Debt Service	<u>573,850</u>	<u>235,668</u>	<u>291,013</u>				
Total Expenditures	<u>5,725,725</u>	<u>2,411,299</u>	<u>1,978,108</u>	<u>4,766,119</u>	<u>1,053,352</u>	<u>1,444,618</u>	<u>117,480</u>
Transfers Out	(984,950)	(54,583)	(28,679)		(194,200)		
Transfers In Advance from TIF	9,000					200,000	
(To) From Reserve	108,537						
	<u>23,038</u>	<u>(392,983)</u>	<u>218,452</u>	<u>1,092,289</u>	<u>22,052</u>	<u>(16,392)</u>	<u>4,180</u>
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 16th day of September, 2013.

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, Grayson-Y, Meins-Y, Osborne-Y, Ward-Y, Willson-Y, Zimmerman-Y, Mayor Powell-Y. Motion carried 9 to 0. Mayor Powell declared that the Ordinance has been adopted and directed publication thereof as required by law.

8. New Business

A. Resolution designating \$500,000 of General Fund reserves for swimming pool replacement capital outlay accumulation

Mike Carlson, Finance Officer, reported that the City Council discussed the pool replacement project during the budget sessions and at subsequent noon meetings. Mike noted that, while the financing package for the pool project has not been determined, discussion has included using several sources of financing such as reserve funds, private donations, and bond proceeds. State statutes provide that a City Council may, by resolution, provide for capital accumulation for funds for a capital project. The resolution presented is to provide for the accumulation of \$500,000 of general fund reserves for the pool project. The resolution requires a two thirds vote of the Council. Discussion followed.

293-13

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

RESOLUTION FOR CAPITAL OUTLAY ACCUMULATION FOR
PRENTIS PARK SWIMMING POOL PROJECT

WHEREAS, the Prentis Park swimming pool has served the summer recreational swimming needs for citizens and guests of the community for almost fifty years and is reaching the end of its useful life; and

WHEREAS, in planning for the replacement of the Prentis Park swimming pool a Pool Committee was established that through public input and a community survey developed a conceptual plan for a new pool facility; and

WHEREAS, the conceptual plan developed by the Pool Committee was projected, by the Consultant, to cost over \$6 million in 2012; and

WHEREAS, to determine the optimal configuration of the recreation facilities in Prentis Park, TSP was contracted, to develop a master plan for the park; and

WHEREAS, the final financing package has not been determined but is anticipated to include a combination City reserve funds, private donations and bond proceeds; and

WHEREAS, SDCL 9-21-14.1 authorized the Governing Body of a municipality to, by resolution, accumulate funds for a period longer than one year for specific capital outlay purposes.

NOW THEREFORE BE IT RESOLVED, by the Vermillion City Council that \$500,000 of general fund reserve be committed to the Prentis Park swimming pool project.

Dated at Vermillion, South Dakota this 16th day of September, 2013

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D Carlson, Finance Officer

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

B. Resolution designating boundaries of a business improvement district

John Prescott, City Manager, reported that the Vermillion Chamber of Commerce and Development Company (VCDC) and the VCDC Tourism Committee have recommended the creation of a business improvement district to

collect a per night lodging fee. John reported the state statute allows municipalities to create business improvement districts (BID). John stated a BID can be funded by special assessments and/or an occupation tax. Special assessments are generally used for brick and mortar type projects. An occupation tax can be imposed against users of space within a district or upon rooms rented by a lodging establishment to transient guests. State law allows up to \$2.00 per room, per night lodging fee through the creation of a business improvement district. John reported that some of the South Dakota communities that have a business improvement district with lodging fee are Aberdeen, Brookings, Custer, Hot Springs, Mitchell, Rapid City, Sioux Falls, Spearfish, Watertown and Yankton. The lodging fee is imposed unless the room is provided on a complimentary basis and no fee or rent was charged. John noted that there are several steps in the process of establishing a district, the uses of any revenue that is collected, establishing the uses of the revenue, and in implementing the authorization to collect revenue. The steps include:

1. City Council adopts resolution designating boundaries of business improvement district.
2. City Council adopts resolution establishing a business improvement board of directors.
3. Mayor with approval of City Council appoints business improvement district board of directors.
4. Board of Directors recommends plan for improvements in the district to City Council.
5. City Council adopts resolution of intent to create business improvement district.
6. Notice of Hearing is mailed 30 days prior to the hearing to each owner of taxable property for the proposed district as well as to the occupant of the property along with a copy of the resolution of intent to create the business improvement district.
7. Public Hearing and adoption of ordinance establishing the business improvement district.
8. Publish Notice of Adoption of Ordinance.
9. Effective Date of Ordinance.

John stated that this is the first step to set the boundaries that would be the city limits. The next item on the agenda is the resolution providing for the BID board of directors. John noted that the goal is to better promote the community to encourage more visitors and longer visitor stays in the community along with more dollars expended in the community.

Steve Howe, Executive Director of the VCDC, stated that a Visit Vermillion Committee was created with one of the goals being how to

create new visitor dollars. The committee's recommendation was to establish the lodging fee to generate additional revenues to promote the community. Steve reported on contacts made with the local motels noting that Best Western, Holiday Inn Express and Prairie Inn wanted to know where the funds are going to be spent before making a decision. Super 8 and Westside Inn are opposed to the lodging fee.

Joe Eckert, owner of the Best Western motel, stated that he was not opposed to the lodging fee but wanted to know how the funds would be spent before a final decision. Joe wanted to know if there were other options to broaden the base that funds are raised from instead of just the motels.

Steve Howe stated that there have been discussions on possible use of the funds, but the process would require the board to present the plan to the City Council.

Discussion followed on the resolution.

294-13

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

RESOLUTION DESIGNATING BOUNDARIES
FOR BUSINESS IMPROVEMENT DISTRICT #1

WHEREAS, SDCL Ch. 9-55 authorizes the City of Vermillion to create a business improvement district for the purposes of raising revenue through an occupation tax on business with the revenue to fund the enhancement, expansion, marketing and promotion of visitor facilities, events, attractions and activities benefiting the city and its hotels and motels located within the district; and

WHEREAS, SDCL 9-55-4 requires that the business improvement district must be within the boundaries of the municipality, which may include noncontiguous property within the municipality; and

WHEREAS, SDCL 9-55-4 requires that prior to the creation of a business improvement district the Vermillion City Council shall designate by resolution the boundaries of the area to be improved and within which a business improvement district would be located; and

WHEREAS, the City Council of the City of Vermillion, South Dakota considers it appropriate that a plan be developed for the improvement of public facilities and activities in certain areas of the municipality; and

WHEREAS, the boundaries of a proposed Business Improvement District must be established before a district can be created; and

WHEREAS, the method of raising revenue shall be fair and equitable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vermillion, South Dakota that the boundaries of a proposed Business Improvement District #1 are hereby established as non-contiguous properties to include all hotels/motels situated within the corporate limits of the City of Vermillion.

Dated at Vermillion, South Dakota, this 16th day of September, 2013.

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

C. Resolution establishing a business improvement district board of directors

John Prescott, City Manager, reported that the next step in the business improvement district would be for the City Council to establish the business improvement district #1 board. John noted that the resolution proposed established the board with five members with three year terms with the first board member's terms staggered. The number and term was taken from what other cities have done. Discussion followed on if other cities had City Council representation or a staff liaison to the board.

295-13

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

RESOLUTION ESTABLISHING BUSINESS IMPROVEMENT DISTRICT #1 BOARD

WHEREAS, the City Council of the City of Vermillion, South Dakota considers it appropriate that a plan be developed for the improvement of public facilities and activities in certain areas of the municipality; and

WHEREAS, one method of providing for the plan is the creation of a Business Improvement District; and

WHEREAS, a Business Improvement District Board shall make recommendations to the City Council for the establishment of a plan or plans for improvements within the District; and

WHEREAS, the method of raising revenue shall be fair and equitable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vermillion, South Dakota that: 1) there is hereby created a Business Improvement District No. 1 Board which shall have the powers established in SDCL 9-55-5 and 9-55-6. The Board shall be appointed by the Mayor with the approval of the City Council, and 2) the Board shall consist of five (5) members. The term of office shall be three years, except at time of establishment, in which, two members shall serve for a one year term, two members for a two year term, and one member for a three year term.

Dated in Vermillion, South Dakota this 16th day of September 2013.

FOR 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. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

D. Request from the VCDC to retain lot sale proceeds for business park development

Steve Howe, Executive Director, stated that he provided a letter to the City requesting to retain the net proceeds from the sale of Lot 7,

Block 6 in the Riverbend Business Park. Steve reported that the Memorandum of Understanding between the City and VCDC dated October 2011 which set the terms of the transfer of the Riverbend Business Park from the City to the VCDC, upon the sale of lots the VCDC will remit the net proceeds of the sale to the city. Steve requested that the City Council waive the payment of \$29,047.49, net proceeds from the sale of Lot 7, Block 6, and allow the funds to be reinvested into further development of the Riverbend Business Park. Discussion followed on the request.

296-13

Alderman Grayson moved approval of waiving the payment of the net proceeds of Lot 7, Block 6 Riverbend Business Park from the VCDC to the City as outlined in the MOU dated October 2011 to allow the VCDC to reinvest the funds for further development in the Riverbend Business Park. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Street Closure Request-Fraternal Order of Eagles-Child Advocacy Day

John Prescott, City Manager, reported that a street closing request was received from the Fraternal Order of Eagles for West Main Street from Market Street to Austin Street for Child Advocacy Day activities from 8:00 a.m. to 2:00 p.m. on Saturday October 12th. John noted that the request was included in the packet and that emergency services have been contacted without any objections to the street closing.

297-13

Alderman Osborne moved approval of the street closing request from the Fraternal Order of Eagles for West Main Street from Market Street to Austin Street for Child Advocacy Day activities on Saturday, October 12th from 8:00 a.m. to 2:00 p.m. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Resolution approving the issuance of sale of Tax Incremental Revenue bonds for TIF 6

John Prescott, City Manager, reported that the City and VCDC have been working together in the planning for the development in the Bliss Pointe Planned Development. John noted that Tax Incremental District No. 6 was created for Blocks 1-6 and the tax incremental financing plan for the project was adopted by the Council for the improvements to be financed by the issuance of a tax incremental revenue bond. John noted that the City and VCDC have been working with four to six financial organizations/institutions to purchase up to \$1,732,000 of TIF bonds. John noted that the bonds would be repaid from the tax increment

created from the increase in value of the property in the district and that the City is not guaranteeing the bonds. John stated that the plan proposes that the City Council annually consider, during the budget process, making advances to the TIF fund for interest only payments to the bond holders until the TIF revenues are sufficient to make the payment. John stated that the resolution is to authorize the issuance of up to \$1,732,000 of Tax Incremental Revenue Bonds. Discussion followed.

298-13

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

RESOLUTION GIVING APPROVAL TO THE ISSUANCE AND SALE OF
TAX INCREMENTAL REVENUE BONDS IN AN AMOUNT NOT TO EXCEED
\$1,732,000, TO FINANCE PROJECT COSTS, AUTHORIZING THE
EXECUTION OF RELATED DOCUMENTS AND DECLARING OFFICIAL
INTENT TO REIMBURSE

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vermillion as follows:

1. Declaration of Necessity. The City of Vermillion (the "City") finds and declares a necessity to issue tax increment revenue bonds in connection with Tax Increment District Number 6 and use the proceeds therewith to pay for project costs with regard to Bliss Pointe Planned Development District as defined in the project plan (the "Project") which Project has been approved and copies of project plan are on file with the Finance Officer open to public inspection.
2. Authority. The City is authorized to issue its tax increment revenue bonds to finance project costs pursuant to Section 11-9-33 of the South Dakota Codified Laws. Pursuant to Chapter 11-9 of the South Dakota Codified Laws (the "Act") the City proposes to issue municipal tax incremental revenue bonds (as herein authorized, the Tax Incremental Revenue Bonds, or the "Bonds") to finance all or a portion of the Project costs. The City is authorized by the Tax Incremental Act to pledge a special fund into which the City will deposit the tax increment (as defined by the Act).
3. Authorization to issue the Bonds. The City does hereby authorize the issuance of the tax increment revenue bonds in an amount not to exceed \$1,732,000, (the "Bonds") in one

or more series upon such terms and in such amounts as are negotiated with the purchasers of the Bonds.

4. Negotiation and Sale of the Bonds. It is hereby determined to be necessary and in the best interests of the City and its inhabitants that the City Council authorize, issue and sell the Bonds (the "Bonds") to in order to finance a portion of the cost of the Project. The Mayor, City Manager and Finance Officer are authorized to negotiate the sale and terms of the Bonds subject to the limitations of the law and this resolution.
5. No Election Required. The Bonds may be issued by the City without an election pursuant to SDCL 11-9-34.
6. Terms of Bonds. The City Council hereby authorizes the issuance of the Bonds. The principal amount of the Bonds shall not exceed any statutory or constitutional debt limitation and be in such amounts as will be retired with the tax increment revenues. The Bonds shall have maturities and interest rates as negotiated by the Mayor, City Manager, and Finance Officer. The Bonds shall be prepared under the direction of the Finance Officer and shall be executed on behalf of the City by the facsimile or manual signatures of the Mayor, City Manager, and the Finance Officer and countersigned by the facsimile or manual signature of an attorney actually residing in the State of South Dakota and duly licensed to practice therein.
7. Form of Bonds. The Bonds shall be prepared in substantially the form filed with the Finance Officer and open to public inspection.
8. Registration. The City hereby appoints its Finance Officer as paying agent, registrar and transfer agent (the "Registrar") for the Bonds. The City reserves the right to appoint a financial institution as Registrar upon thirty (30) days' notice. 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 office a register (the "Register") in which the Registrar shall provide for the registration of ownership of the Bonds and the registration of transfers and exchanges of the Bonds entitled to be registered, transferred or exchanged.
 - b. Transfer of Bonds. When a Bond is surrendered for transfer it shall be 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 thereof. If the Bond is properly surrendered as provided above, the Registrar shall authenticate and deliver, in the name of the designated transferee, a new Bond of a like aggregate principal amount and maturity. 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 a Bond is surrendered by the registered owner for exchange the Registrar shall authenticate and deliver the new Bond of a like aggregate principal amount and maturity, as required by the registered owner or the owner's attorney in writing.
- d. Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.
- e. Improper or Unauthorized Transfer. When any Bond is presented the Registrar may refuse to transfer the same until 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 transfer which, in their judgment, are deemed improper or unauthorized.
- f. Persons Deemed Owners. The City, Paying Agent and Registrar may treat the person whose name is on any Bond is at any time registered in the 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 Bond, 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 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 the Registrar, in which the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by him and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost certificate has already matured or has been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.
9. Security Provisions; Funds and Accounts and Other Covenants and Determinations.
- a. Pledge Tax Increments. Pursuant to the Act, the City shall receive Tax increments as defined by the Act. All Tax Increments shall be placed in the Tax Incremental Revenue Bond Fund Number 6 (the "Bond Fund"). The Bond Fund is irrevocably pledged and appropriated to, and shall be deposited to the Bond Fund. For purposes of this Resolution, "Outstanding Bonds" shall mean these Bonds and any parity lien bonds herebefore or hereafter issued pursuant to this Resolution. The Bond Fund shall be used and applied only in the manner and order hereinafter set forth. The holders of the Outstanding Bonds shall have a lien against the Bond Fund for payment of the principal and interest and may either at law or in equity protect and enforce the lien.

b. Bond Fund. The Finance Officer is hereby authorized and directed to establish and shall maintain a special account, the Bond Fund, as a separate and special fund in the financial records of the City until all Bonds issued and made payable therefrom, and interest due thereon, have been duly paid or discharged. All collections of the Tax Increments, as hereinafter defined, shall be credited, as received, to the Bond Fund. Within the Bond Fund are various separate accounts to be maintained by the City.

i. Project Account. There is hereby created and established as an account of the Bond Fund, a "Project Account". There shall be credited to the Project Account the proceeds from the sale of the Bonds remaining after payment of the expenses of issuing the Bonds. All moneys credited to the Project Account shall be applied solely to the payment of the costs of the Project. For the purposes of this Resolution, "costs of the Project" shall include costs of acquiring, construction, and installing the Project including cost of labor, services, materials and supplies, financial, architectural, engineering, legal, accounting and other professional expenses relating to the Project, the costs of acquisition or properties, rights, easements, or other interest in properties, insurance premiums, and the costs of publishing, posting or mailing notices in connection with the Project. All sums derived from the investment of moneys in the Project Account shall remain in and become part of such account. Upon completion of the Project and when all costs of the Project have been paid, any balance remaining in the Project Account shall be credited to the Principal and Interest Account hereinafter established.

ii. Principal and Interest Account. There is hereby created and established as an account of the Bond Fund, a "Principal and Interest Account." Immediately upon delivery of the Bonds, there shall be credited to the Principal and Interest Account the amount of any accrued interest received from the Purchaser. Periodically, as needed there shall be withdrawn from the Bond Fund Number 6 and credited to the Principal and Interest Account an amount which will equal at least the next principal and interest payment. In all events there shall be

credited to the Principal and Interest Account amounts sufficient to pay the principal of and interest on the Outstanding Bonds as the same become due.

- c. Subordinate Lien Bonds. After making the above required payments, any remaining Tax Increment shall be used for the payment of the principal of and interest on any additional Tax Incremental revenue bonds having a lien which is subordinate to the lien of the Outstanding Bonds, and for a reserve fund as additional security for the payment of such subordinate lien bonds.
 - d. Deposit and Investment of Funds. The 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, South Dakota Codified Laws, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts 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, South Dakota Codified Laws, maturing and bearing interest at the times and in the amounts estimated to be required to provide cash when needed for the purposes of the respective accounts. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account.
10. Defeasance. When all the Bonds issued have been discharged as provided in this section, all pledges, covenants, and other rights granted by this resolution to the registered owners of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by providing to the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by providing to the Paying Agent a sum sufficient for the payment thereof in

full with interest accrued to the date of such deposit. The City may also discharge its liability with reference to all Bonds which are called for redemption on any date in accordance with their terms by depositing funds with the Paying Agent on or before that date in accordance with their terms by depositing funds with the Paying Agent on or before that date, in an amount equal to the principal, interest, and premium, if any, which are then due thereon, provided that notice of such redemption has been duly given. The City may also at any time discharge this issue of Bonds in its entirety, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or United States Government obligations which 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 to provide funds (without an reinvestment) sufficient to pay all principal, interest and premiums, if any, to become due on all Bonds on and before maturity, or, if a Bond has been duly called for redemption, on or before the designated redemption date.

11. Pledge of State of South Dakota. Pursuant to SDCL 11-9-39.1, the State of South Dakota does pledge to and agree with the holders of any obligations issued under 11-9 that the state will not alter the rights vested in the bond holders until such bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.
12. Certification of Proceedings. The officers of the City are authorized and directed to prepare and furnish to the purchasers of the Bonds certified copies of all proceedings and records of the City relating to the authorization and issuance of the Bonds and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the officer's books and records or are otherwise known to them. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the correctness of the facts recited therein and the action stated therein to have been taken. The City does hereby declare its official intent to reimburse the

capital expenditures made with respect to the Project with proceeds of the Bonds.

13. Retention of Bond Council. Meierhenry Sargent LLP is hereby retained as bond counsel for the Tax Increment Bonds and the Mayor, City Manager and Finance Officer are authorized to enter into an engagement letter with the firm.

14. Declaration of Official Intent. This Resolution is also intended to be the declaration of official intent under 26 CFR § 1.150-2. The reimbursement shall relate to the Project above mentioned. The maximum principal amount Bonds expected to be issued for reimbursement is not to exceed \$1,732,000.

Dated in Vermillion, South Dakota this 16th day of September 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

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

G. Resolution authorizing the purchase of two skid loaders

Jason Anderson, Assistant City Engineer, reported that the 2014 budget included the replacement of a 2001 Bobcat 773G skid loader used by the Street Department. Jason noted that additionally the Joint Powers Solid Waste Department had money budgeted in the 2013 budget for the replacement of its 2010 Bobcat S205 skid loader that is utilized indoors at the recycling facility. The Solid Waste Department was hoping to delay the purchase of the skid loader until 2014 but a replacement is needed sooner than planned due to increased repairs. Jason stated that to replace these two skid loaders the City may purchase from the National Joint Purchasing Alliance (NJPA) contract with Bobcat Company. Jason noted that, with Council authorization, the

City may purchase two interim Tier 4 S590 Bobcat skid loaders for the NJPA contract base price of \$32,972.61. If we elect to wait until 2014, the new Tier 4 emissions standards take effect and push the base purchase price to \$37,576.39 (NJPA contract price). Jason noted that the price with options for the Street Department machine is \$43,765.32 and the Joint Powers machine is \$39,619.16. The Joint Powers machine would be delivered in 2013 and the Street Department will not take delivery until 2014. Upon receipt of the new machines, the old machines will be declared surplus to be sold by sealed bids. Discussion followed.

299-13

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

WHEREAS, SDCL 5-18A-37 authorizes a governmental entity to participate in cooperative purchasing agreements and conduct purchasing transactions under a joint agreement in this or any other state; and

WHEREAS, the City of Vermillion has reviewed and determined that the National Joint Purchasing Alliance (NJPA) contract base price of \$32,972.61 for a Bobcat S590 skid loader offers an advantageous price to the City for said item; and

WHEREAS, the City has contacted Bobcat Company Government Sales and they have agreed to allow the City to purchase two skid loaders for the awarded price and terms as they have contracted with the NJPA; and

WHEREAS, the Solid Waste Department skid loader will include attachments that bring the purchase price to \$39,617.16; and

WHEREAS, the Street Department skid loader will include attachments that bring the purchase price to \$43,765.32; and

WHEREAS, the City will take delivery and make payment for the Joint Powers Solid Waste Department skid loader in 2013; and

WHEREAS, the City will not take delivery or make payment for the Street Department skid loader until after January 1, 2014.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase two new 2013 Bobcat S590 skid loaders for the total price of \$83,382.48.

Dated at Vermillion, South Dakota this 16th day of September, 2013.

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. 9 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported on the receipt of the following two raffle requests:

- St Agnes Youth Group - \$1 tickets 1998 Chevy Malibu; proceeds go to the Youth Group; drawing is October 20, 2013
- St. Agnes Fall Festival \$1 tickets, different prizes with top valued prize being \$1,000; proceeds are split between the church and the school

B. John reminded Council members of the special meeting at noon on September 27th for the Resolution of Necessity for the Kennedy Street paving project.

C. John reminded Council Members and Citizens of the upcoming open houses:

Light & Power Open House is Tuesday, October 8th from
11 a.m. - 1 p.m.

Fire / EMS Open House is Wednesday, October 9th starting
At 5:30 p.m.

Public Safety Open House is October 26th from 10 a.m. to
1:00 p.m.

PAYROLL ADDITIONS AND CHANGES

Police Administration: Vikki Eilts \$13.69/hr; Ambulance (Interim duties): Patrick Farrens \$15.00/hr, Joe Kyte \$12.00/hr, Lisa Wood \$15.00/hr, Laura Wiemers \$12.00/hr; Recreation: Anna Hammond \$7.75/hr; Parks: Jim Goblirsch \$30.09/hr; Communications: Jessica Standley \$16.37/hr; Golf Maintenance: Blake Dunfee \$7.75/hr; Curbside Recycling: Dan Hanson \$15.10/hr

11. Invoices Payable

300-13

Alderman Zimmerman moved approval of the following invoices:

BUREAU OF ADMINISTRATION	TELEPHONE	248.66
CANON FINANCIAL SERVICES	COPIER LEASE	196.27
CENTURYLINK	TELEPHONE	1,487.97
CITY OF VERMILLION	LANDFILL VOUCHERS	600.00
CLAY RURAL WATER SYSTEM	WATER USAGE	93.80
CLAY-UNION ELECTRIC CORP	ELECTRICITY	482.43
DEPT. ENVIRONMENT NATL RESOURCES	LANDFILL OPERATIONS FEE	3,301.75
GREGG PETERS	MANAGERS FEE	5,375.00
LOREN FISCHER DISPOSAL	HAUL CARDBOARD	140.00
MATHESON TRI-GAS, INC	OXYGEN	237.96
MIDAMERICAN	GAS USAGE	1,462.33
MIDCONTINENT COMMUNICATION	CABLE/INTERNET SERVICE	118.55
MIDWESTERN MECHANICAL, INC	FIRE SPRINKLER INSPECTION	325.00
OFFICE SYSTEMS CO	COPIES	209.02
QUILL	SUPPLIES	357.90
RESERVE ACCOUNT	POSTAGE FOR METER	950.00
SD MUNICIPAL LEAGUE	REGISTRATION	400.00
SD PARKS & RECREATION ASSOC.	REGISTRATION	375.00
SPRINT	CELL PHONES	1,280.68
STERN OIL CO.	FUEL	15,023.23
THE EQUALIZER	ADVERTISING	122.00
US POSTMASTER	POSTAGE FOR UTILITY BILLS	1,050.00
VERMILLION ACE HARDWARE	SUPPLIES	225.89
WOW! BUSINESS	DIAL UP SERVICE	49.95
JOHN JORDE	BRIGHT ENERGY REBATE	250.00
BILL SETTLES	BRIGHT ENERGY REBATE	275.00

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

12. Consensus Agenda

A. Set a bid opening date of October 29, 2013 for the sale of a surplus digger derrick truck

B. Set a bid opening date of September 25, 2013 for the construction of the Landfill Baler Building

301-13

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

13. Adjourn

302-13

Alderman Osborne moved to adjourn the Council Meeting at 8:16 p.m. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16th day of September, 2013.

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 _____.

Unapproved Minutes
Council Special Session
September 27, 2013
Friday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was called to order by Mayor Powell on Friday, September 27, 2013 at 12:00 noon in the City Hall large conference room.

1. Roll Call

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

Absent: Collier-Wise

2. Adoption of Agenda

303-13

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

3. Public Hearings

A. Resolution adopting Resolution of Necessity for Construction of Concrete Surfacing on Kennedy Street from West Cherry Street to Cornell Street.

Jose Dominguez, City Engineer, reported that Kennedy Street immediately south of W. Cherry Street is currently one of the few gravel streets in the City. Jose noted that paving will eliminate maintaining the gravel road along with the spread of gravel onto W. Cherry Street. Kennedy Street will serve as one of the entrances to the Bliss Pointe Addition and the increased traffic will require the road to be paved. Jose stated the City Council adopted the resolution of necessity on September 3rd setting the public hearing date of September 27th. The notice of hearing was published and mailed to the property owners.

Jose stated the original resolution of necessity allocated the costs based upon the benefit to each property. Jose stated that the property owners have met and the Vermillion Chamber of Commerce and Development Company (VCDC) has agreed to pay a larger portion of the project costs. Jose stated a revised resolution was prepared to reflect the benefit of the new cost allocation. Jose reviewed the resolution noting that if the total project cost is below \$37,926.82 the VCDC would pay all the project cost and the City would be responsible for project costs in

excess of \$75,853.65, the upper limit. Jose reviewed the cost allocation between the upper and lower limits.

Tracye Sherrill, property owner, wanted to know if the upper limit on the new resolution is the same as what was sent earlier. Jose stated that the upper limit amount remained the same. Tracye stated she has not had time to review the new resolution and asked if it was not correct if it could be changed. It was reported that if the resolution was in error an amended resolution could be adopted. Discussion followed on the resolution and the development. Alderman Willson expressed his concerns about the need to complete Olive Street in addition to Kennedy Street to provide another access point to the Bliss Pointe Development.

304-13

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

RESOLUTION ADOPTING RESOLUTION OF NECESSITY FOR CONSTRUCTION OF
CONCRETE SURFACING ON KENNEDY STREET FROM WEST CHERRY STREET TO
CORNELL STREET IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a special called meeting thereof, in the Council Chambers of said City, at 12:00 p.m. on the 27th day of September 2013, that the convenience and necessity has arisen for the construction of concrete surfacing on the portion of the public street and in front or abutting the lot or parcel of land hereinafter named:

- Lot 1, 2, & 3, Block 1, O'Connor Addition
- Lot 4, Block 1, O'Connor Addition
- Lot 5, Exc. W. 10', Block 1, O'Connor Addition
- Block 1, Bliss Pointe Addition
- Block 3, Bliss Pointe Addition

BE IT FURTHER RESOLVED, that the benefit of the improvement to each lot or tract has been changed from the amount found in the Resolution of Necessity adopted by the Governing Body on the 3rd day of September 2013 to the following amounts:

- Lot: Lot 1, 2 & 3, Block 1, O'Connor Addition
- Owner: Vermillion's Congregation of Jehovah's Witnesses
- Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be \$0. If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65, then the cost will be the subtraction between the product of the project cost and

the 8% fiscal fee, and 28.88% (which is the percentage to be paid by the owner of Lot 1, 2, & 3, Block 1, O'Connor Addition) and \$10,953.36. The City will pay for all project costs over the \$75,853.65.

Lot: Lot 4, Block 1, O'Connor Addition
Owner: Tracye Sherrill & Debra Adams
Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be \$0. If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65, then the cost will be the subtraction between the product of the project cost and the 8% fiscal fee, and 11.90% (which is the percentage to be paid by the owner of Lot 4, Block 1, O'Connor Addition) and \$4,514.56. The City will pay for all project costs over the \$75,853.65.

Lot: Lot 5, Exec. W. 10', Block 1, O'Connor Addition
Owner: Tagney Walters
Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be \$0. If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65, then the cost will be the subtraction between the product of the project cost and the 8% fiscal fee, and 14.65% (which is the percentage to be paid by the owner of Lot 5, Exec. W. 10', Block 1, O'Connor Addition) and \$5,555.04. The City will pay for all project costs over the \$75,853.65.

Lot: Block 1, Bliss Pointe Addition
Owner: Vermillion Chamber of Commerce and Development Company
Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be the product of the project cost and the 8% fiscal fee, and 50.01% (which is the percentage of the frontage for Block 1, Bliss Pointe Addition, out of the two properties owned by the Vermillion Chamber of Commerce and Development Company). If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65 then the cost will be the addition between the product of the project cost and the 8% fiscal fee, and 22.29% (which is the percentage to be paid by the owner of Block 1, Bliss Pointe Addition) and the product of \$21,022.96 and 50.01%. The City will pay for all project costs over the \$75,853.65.

Lot: Block 3, Bliss Pointe Addition
Owner: Vermillion Chamber of Commerce and Development Company

Benefit: If the project cost and the 8% fiscal fee are less than or equal to \$37,926.82 then the assessable amount will be the product of the project cost and the 8% fiscal fee, and 49.99% (which is the percentage of the frontage for Block 3, Bliss Pointe Addition, out of the two properties owned by the Vermillion Chamber of Commerce and Development Company). If the project cost and the 8% fiscal fee are more than \$37,926.82, but less than \$75,853.65 then the cost will be the addition between the product of the project cost and the 8% fiscal fee, and 22.28% (which is the percentage to be paid by the owner of Block 3, Bliss Pointe Addition) and the product of \$21,022.96 and 49.99%. The City will pay for all project costs over the \$75,853.65.

In the City of Vermillion, South Dakota, all as mentioned in a Resolution of Necessity adopted by the Governing Body on the 3rd day of September 2013 is approved and that the Engineer shall proceed with the work in the manner provided by law.

Dated at Vermillion, South Dakota this 27th day of September 2013.

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 Ward. 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.

4. New Business

A. Declaration of surplus digger derrick truck.

Jason Anderson, Assistant City Engineer, reported the new digger derrick truck has been delivered and placed into service. The 1998 Terex Commander C5048 Digger derrick truck can be declared surplus and sold. Jason stated the Council will need to declare the truck as surplus and authorize the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Discussion followed.

305-13

Alderman Willson moved to declare the 1998 Terex Commander C5048 digger derrick truck as surplus and authorize the appraisal by the Surplus Property Appraisal Committee to be sold by sealed bids. Alderman Osborne seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

6. Adjourn

306-13

Alderman Osborne moved to adjourn the Council Meeting at 12:20 p.m. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 27th day of September, 2013.

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
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH**

WHEREAS, the United States Congress, by Joint Resolution, has designated October of each year as National Disability Employment Awareness Month; and

WHEREAS, the purpose of this month is to celebrate the many and varied contributions of America's workers with disabilities and educate the public about disability employment issues; and

WHEREAS, we want to spread the important message that a strong workforce is one inclusive of the skills and talents of all individuals, including individuals with disabilities; and

WHEREAS, we cannot afford, morally or financially, to lose the contributions people with disabilities bring, not only to the workplace, but also to mainstream community life as an irreplaceable resource for our state and community; and

WHEREAS, we celebrate citizens, businesses, and government working together to remove barriers and false perceptions faced by individuals with disabilities; and

WHEREAS, everyone should have a chance to earn a living and have a sense of fulfillment from having a job. This year's theme, "Because We Are EQUAL to the Task", supports these goals; and

NOW, THEREFORE, we, the governing body of the City of Vermillion, do hereby proclaim the month of October 2013 as

Disability Employment Awareness Month

in Vermillion, South Dakota, and call upon the residents of this great city to join in observing this month by hosting and supporting initiatives and activities that support and promote providing employment opportunities for people with disabilities.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

PROCLAMATION

Hunger Awareness Day

WHEREAS, hunger impacts the lives of millions of Americans and countless others around the world every day; and

WHEREAS, reaching out to those who are less fortunate is of utmost importance; and

WHEREAS, Coyoteopoly is a nonprofit student-led organization within the Vermillion Rotary Club and the University of South Dakota Beacom School of Business that is dedicated to serving the community; and

WHEREAS, Coyoteopoly is organizing a food drive to assist the Vermillion Food Pantry; and

WHEREAS, this endeavor is worthy of support and cooperation for the benefit of the citizens of Vermillion, South Dakota to help those in need.

NOW, THEREFORE, in special recognition of the importance of charitable giving within the community, we, the Governing Body of the City of Vermillion, South Dakota, do hereby proclaim November 14, 2013 as

Hunger Awareness Day

and encourage all Vermillion citizens to support the Coyoteopoly project in collecting food items for the Vermillion Pantry.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

PROCLAMATION
in recognition of Jack Doyle

WHEREAS, Jack Doyle was born March 15, 1933, in New York City; and

WHEREAS, Jack married Lois Naslund of Faith, SD, on June 30, 1955 and they have seven children, and thirteen grand children; and

WHEREAS, Jack dedicated himself and his life to his family, his faith, coaching, The University of South Dakota Athletics, and many other aspects of life; and

WHEREAS, Jack joined the University of South Dakota Athletic Department in 1971 after 14 years involvement with South Dakota high schools; and

WHEREAS, in 1977 Jack helped make diplomatic history, when he took five members of the University of South Dakota men's basketball team along with five South Dakota State University players and traveled to Havana Cuba, to play a Cuban National Team; and

WHEREAS, this trip was the first by an American delegation after President Jimmy Carter lifted a 16 year old travel ban to the country in March 1977; and

WHEREAS, Jack served as the University of South Dakotas Athletic Director from 1982 until his retirement in 1998 and he then served as a fundraiser for the USD Foundation for 12 years; and

WHEREAS, Jack has been recognized and awarded the NCC Distinguished Service award in May of 1999, by introduction into the Coyote Sports Hall of Fame in 2002, and into the NACDA Hall of Fame in 2006; and

WHEREAS, Jack Doyle passed away on Friday, September 6, 2013, at home in Encinitas, California; and

WHEREAS, Jack Doyle's accomplishments are rich and deserving of recognition and commendation.

NOW THEREFORE, we, the governing body of the City of Vermillion, South Dakota, do hereby proclaim our appreciation and declare the 11th day of October, 2013, as

JACK DOYLE DAY

and we urge our fellow citizens of Vermillion to join in recognition of this outstanding individual and his achievements.

Dated at Vermillion, South Dakota, this 7th day of October, 2013.

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

John E. (Jack) Powell, Mayor

ATTEST:

By _____
Michael D. Carlson, Finance Officer

**PROCLAMATION RECOGNIZING PUBLIC POWER WEEK
OCTOBER 6 THROUGH OCTOBER 12, 2013:
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 6 through October 12, 2013 be designated as the 27th 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 7th day of October, 2013.

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

ATTEST:

By _____
John E. (Jack) Powell, Mayor

By _____
Michael D. Carlson, Finance Officer

**PROCLAMATION NATIONAL FIRE PREVENTION WEEK
OCTOBER 6-12th 2013**

WHEREAS, the City of Vermillion, South Dakota is committed to ensuring the safety and security of all those living in and visiting our community; 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 2,500 people in the United States in 2011, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 370,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 156,000 annually between 2007 and 2011 ; and

WHEREAS, two of every five home fires start in the kitchen; and

WHEREAS, unattended equipment was a factor in one-third of the reported cooking fires; and

WHEREAS, 57% of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, the City of Vermillion residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; 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, 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 and Clay County 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 2013 Fire Prevention Week theme, "Prevent Kitchen Fires!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, we, the Governing Body of the City of Vermillion, South Dakota, do hereby proclaim October 6-12, 2013, as

FIRE PREVENTION WEEK

and urge all the citizens of the City of Vermillion and Clay County, South Dakota to check their kitchens for fire hazards and use safe cooking practices, and to support the many public safety activities and efforts of the City of Vermillion, South Dakota fire and emergency services.

Dated at Vermillion, South Dakota, this 7th day of October, 2013.

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: Farrel Christensen, Building Official

Meeting: October 7, 2013

Subject: First Reading of Ordinance 1307 –Amending Chapter 150, Building Regulations, removing the building permit exemption for replacement windows in existing openings and adding regulations and requirements for replacement windows

Presenter: Farrel Christensen

Background: During the recent upgrade to the rental housing ordinance and the implementation of the health, safety and welfare retrofit it became apparent that some existing buildings with compliant egress windows were having new non-compliant windows installed. When the International Building Code and International Residential Code were adopted, the ordinance included an exception in the permit requirement section that allows windows to be replaced in existing openings without a permit. Due to this exception many owners chose to install double hung windows in place of casement style windows effectively reducing the openable area by half, creating a non-compliant window and an unsafe condition.

Discussion: By eliminating this exception and requiring permits for replacement windows, City staff will have a chance to review the proposed window replacement and make sure replacement windows are correct for the specific application. This proposed ordinance would apply to all window replacement including rental housing and owner occupied buildings. Ordinance 1307 will amend Chapter 150 to require a permit for buildings and structures covered by the International Building Code and International Residential Code, which will include apartments, commercial structures, one and two family dwellings, and townhomes.

Several cities in South Dakota already require a permit for window replacement. However, this is a change to current Vermillion practice and an item that will need public education. Staff is proposing an effective date for the ordinance of January 1, 2014. This will provide time for the Code staff to notify contractors, landlords and the public.

Financial Consideration: The City Council typically sets the fee for a permit with the second reading of any ordinance. Currently, staff would propose a fee for window replacement of \$25.00 per permit regardless of the number of windows. The fee will not

8. New Business; item a

generate a significant amount of revenue but will offset the cost of plan review and inspection.

Conclusion/Recommendations: Administration recommends adoption of the first reading of ordinance number 1307.

ORDINANCE NO. 1307

AN ORDINANCE AMENDING CHAPTER 150, BUILDING REGULATIONS, REMOVING THE BUILDING PERMIT EXEMPTION FOR REPLACEMENT WINDOWS IN EXISTING OPENINGS AND REQUIRING A BUILDING PERMIT FOR THE REPLACEMENT OF WINDOWS IN EXISTING OPENING:

SECTION 150.02 INTERNATIONAL BUILDING CODE ADOPTED: ADDING 150.02 (B) 9 (a) AND DELETING SECTION 150.02 (B) (10) (9);

SECTION 150.03, INTERNATIONAL RESIDENTIAL CODE ADOPTED: ADDING SECTION 150.03 (B) 6 (a) AND DELETING SECTION 150.03 (B) (7) (9).

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.02 (B) 9 (a) be added as follows:

150.02 INTERNATIONAL BUILDING CODE ADOPTED.

(B) The following additions, deletions, modifications, or amendments to the International Building Code, 2009 are hereby incorporated into and made a part of this code.

(9) "Section 105.1 Permit Required." Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing may require additional modification to provide for the health, safety and welfare of the occupants. Fees for replacement window permits shall be set by resolution.

Exceptions

The replacement of glazing only, in non hazardous location shall not require a permit.

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.02 (B) (10) (9) be deleted as follows:

150.02 INTERNATIONAL BUILDING CODE ADOPTED.

(10) "Section 105.2 Work exempt from permit." Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

~~9. Replacement of window in existing openings.~~

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.03 (B) 6 (a) be added as follows:

150.03 INTERNATIONAL RESIDENTAL CODE ADOPTED.

(B) The following additions, deletions, modifications, or amendments to the International Residential Code, 2009 are hereby incorporated into and made a part of this code.

(6) "Section R105.1 Permit Required." Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The building official may exempt permits for minor work.

(a) Replacement windows in existing openings

All window replacement shall require a building permit. Replacement windows shall conform to the code for new construction whenever possible, including but not limited to light, ventilation, safety glazing and egress. Windows that cannot meet the code for new construction within the existing opening shall utilize the opening to its maximum potential to comply. Double hung windows or sliding windows that limit light ventilation or egress are required to be changed to a casement style or similar to maximize the opening. Windows located in rental housing may require additional modification to provide for the health, safety and welfare of the occupants. Fees for replacement window permits shall be set by resolution.

Exceptions

The replacement of glazing only, in non hazardous location shall not require a permit.

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that Section 150.03 (B) (7) (9) be deleted as follows:

150.03 INTERNATIONAL RESIDENTAL CODE ADOPTED.

(7) "Section 105.2 Work exempt from permit." Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

~~9. Replacement of window in existing openings.~~

BE IT FURTHER ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that the effective date of this ordinance shall be January 1, 2014.

Dated at Vermillion, South Dakota this 21th day of October, 2013.

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: October 7, 2013

Second Reading: October 21, 2013

Publish: November 1, 2013

Effective: January 1, 2014

Council Agenda Memo

From: John Prescott, City Manager
Meeting: October 7, 2013
Subject: Egress window compliance process
Presenter: John Prescott

Background: Ordinances adopted in August 2011 required egress windows of at least 5 square feet to be installed in all rental properties. All new construction since the mid 1960s has required 5 square foot or 5.7 square foot egress. The rental registry process since the 1980s has required all properties coming onto the rental registry to have at least a 5 square foot egress window in each bedroom. The national egress window standard was increased from 5 square feet to 5.7 square feet in 1976.

Discussion: Egress windows of appropriate size and location on the wall can be the primary means of escape in a fire. Since the adoption of the code updates in 2011, code staff has been identifying non-compliant windows during the rental inspection process. Property owners are provided six months to install compliant windows. January and February are not counted in determining the compliance date.

There are just over 2,600 units on the rental registry. The 2,600+ rental units are located in approximately 930 structures. A review of the rental registry indicated that there were eighteen different property owners who combined had a total of 215 windows that needed to be replaced with egress window of at least five square feet. The top four property owners, respectively, have 99, 55, 21, and 6 windows to replace. All of the remaining property owners have less than 5 windows to replace. Eighteen property owners have properties originally constructed as single family homes where they have the option of putting in the egress window or not allowing the use of the space as a bedroom. The exact number of egress window in need of installation varies slightly as the two-year cycle of rental inspections are completed, properties come on and off the rental registry, and appropriate sized egress windows are installed.

The cost to replace egress windows will vary depending on the work that is needed. In many instances, a double-hung window can be removed from the opening and a casement window installed. Some property owners have suggested a six month timeframe to complete the replacement may not be feasible for financial or other reasons.

The issue of providing additional time to complete the work has been suggested. The attached form is similar to what was approved earlier this year to address the requirement to have a separate HVAC system for each unit of a rental property. The form, if submitted and approved by December 31, 2014 would provide an extension to complete the installation of appropriate egress windows. There are a number of items such as fire extinguishers and notices to make tenants and guests to make them aware of the situation. While the HVAC compliance extension had a set timeframe, an extension of the egress window compliance date does not have a set timeframe. Staff would work with the applicant to develop a plan of action. A plan which defines the steps to be taken to meet compliance with egress windows requirements would be needed. The City Council can certainly cap the extension time period for egress window compliance.

Financial Consideration: None at this time.

Conclusion/Recommendations: Administration recommends acceptance of the application procedure for additional time to comply with the requirement for egress window standards.



Egress Window Rental Compliance
 25 Center Street
 Vermillion, SD 57069
 Ph: 605-677-7050 Fax: 605-677-5461
 www.vermillion.us

Request to extend time to comply with Egress window requirement

Address where extension is requested: _____

Property Owner			
Name		Phone	
Address	City	State	Zip
Property Manager			
Name		Phone	
Address	City	State	Zip
Number of rental units at this address:		Number of current tenants at this address:	
Date (s) when current lease (s) expire: _____, _____, _____, _____, _____			
An extension of the requirement to install an egress window is requested. Please provide reasoning for the extension : _____ _____			
If the extension request is related to finances, please provide current total monthly income for all rental activity on the property\$ _____			
Explain your current plan for installation of egress window (s) for each rental unit. (installation of specific number of windows per year, consolidation of bedrooms, etc.): _____ _____ _____			
Name of Contractor: _____			
Date (s) of installation: _____			

- I agree to have a City approved egress window for each sleeping room. If not, the property will be removed from the City of Vermillion rental registry.
- I agree the property will be in conformance with all applicable registry codes at the end of the extension period.
- I agree to mount one working fire extinguisher in each bedroom in need of an egress window during the length of the extension.
- I agree in the event of offers for sale, of the subject rental property, that prospective purchasers will be informed in writing of this egress window compliance requirement and that this requirement will be binding on subsequent owners, assigns and successors in interest.
- I agree to provide notice in writing to each individual tenant leasing a unit with noncompliant windows at the time of the lease signing. The notice shall inform the tenant that there are non-conforming egress windows in place as well as an estimated replacement date.
- I agree to maintain a notice in the public space on each floor of any dwelling having non-conforming egress windows that the dwelling contains windows not currently in conformance with codes.

Property Owner Signature: _____ Date: _____

Property Mgr. Signature: _____ Date: _____

All requests for an extension to comply with egress window requirements must be submitted by December 31, 2014

Council Agenda Memo

From: Jose Dominguez, City Engineer

Meeting: October 7, 2013

Subject: Agreement and Covenants with Owner's of Lots 3, 4 and 21, Block 1, Countryside Addition for Sidewalk Construction

Presenter: Jose Dominguez

Background: In 2000 the City approved the plat for Countryside Addition. This addition opened up approximately 45 residential lots for construction along Burbank Road on Brandon Drive and Natalie Court. Recently, the development has experienced a building boom which has increased the population in the area. Due to this new influx of families we have received several requests from the neighborhood requesting that a sidewalk be built connecting the development with the rest of the City.

Discussion: Currently, there is no sidewalk connection between the balance of the City and the development. This lack of sidewalk forces the residents to walk on Burbank Road to get to the sidewalk along Crawford Road. Walking along Burbank Road can be dangerous due to the fact that there are no shoulders on the road and that the traffic along Burbank Road travels at a high velocity. Additionally, the amount of pedestrians potentially walking along the road is very high for the type of street.

To minimize the risk of a pedestrian being struck by a vehicle, staff is proposing to construct a 5-foot wide sidewalk along the north side of Burbank Road. The new sidewalk would go from the west side of Natalie Court to the east side of the easternmost leg of Brandon Drive and then again from the west side of the most westernmost leg of Brandon Drive to Crawford Road. The proposed sidewalk would have to be built in the existing 10-foot utility easement located along the south side of the properties. This would be done so that the new sidewalk is not located at the bottom of the road ditch.

At this point we only have an agreement with two of the three owners. The agreements are different since one of the owners wants the City to pay for the construction of the sidewalk now while the other owner will pay for the construction himself. The agreement will allow this with the condition that in the future the City will not be liable for the cost if the sidewalk is relocated, and vice versa.

Financial Consideration: The 2013 budget was revised to allow for this construction to occur this year. At this point we estimate that the sidewalk to be constructed will cost approximately \$9,300.

Conclusion/Recommendations: Administration recommends signing the agreements with the property owners of Lots 3, 4 and 21, Block 1, Countryside Addition.

Prepared by: The City of Vermillion
25 Center Street
Vermillion, SD 57069
605-677-7050

AGREEMENT AND COVENANTS

The City of Vermillion, South Dakota, and John S. Walker, owner, witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The property owners, their successors or assigns, intend to develop the land presently described as:

Lot 21 in Block 1 of Countryside Addition to the City of Vermillion, Clay County, South Dakota.

SIDEWALK CONSTRUCTION AGREEMENT:

The owners of this subdivision, their successors and/or assigns, or other entity other than the City of Vermillion agree to construct, at their own expense, a 5-foot sidewalk within the existing 10-foot utility easement along the south side of the lot.

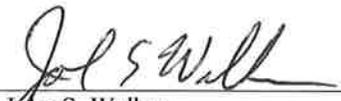
When the City Council requires Burbank Road to be reconstructed the sidewalk will be relocated to be within the public right-of-way. The City will bear the cost for removing and relocating the sidewalk.

This is binding upon subdivision owners, successors and assigns, and is intended as a covenant to run with the land.

Dated this 28 day of June 2013.

OWNER:

FOR THE CITY OF VERMILLION

By: 
John S. Walker

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

Prepared by: The City of Vermillion
25 Center Street
Vermillion, SD 57069
605-677-7050

AGREEMENT AND COVENANTS

The City of Vermillion, South Dakota, and Midwest Homes, Inc., owner, witnesseth:

In consideration of the mutual covenants herein contained and the benefits to be derived therefrom, the parties agree as follows:

The property owners, their successors or assigns, intend to develop the land presently described as:

Lots 3 and 4 in Block 1 of Countryside Addition to the City of Vermillion, Clay County, South Dakota.

SIDEWALK CONSTRUCTION AGREEMENT:

The City of Vermillion agrees, at their own expense, to construct a 5-foot sidewalk within the existing 10-foot utility easement along the south side of the lot.

When the City Council requires Burbank Road to be reconstructed the sidewalk will be relocated to be within the public right-of-way. The owners of this subdivision, their successors and/or assigns will bear the cost for removing and relocating the sidewalk.

This is binding upon subdivision owners, successors and assigns, and is intended as a covenant to run with the land.

Dated this 18 day of September 2013

OWNER: MIDWEST HOMES, INC.

FOR THE CITY OF VERMILLION

By: _____

David R. Hertz

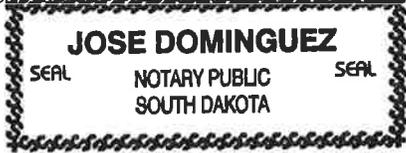
By: _____

John E. (Jack) Powell, Mayor

STATE OF SOUTH DAKOTA)
COUNTY OF Clay) :SS

On this 10 day of September 2013 before the undersigned officer, personally appeared David R. Hertz known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



[Signature]
Notary Public

My Commission Expires: 9-9-2015

STATE OF SOUTH DAKOTA)
COUNTY OF _____) :SS

On the _____ day of _____, before me, the undersigned Officer, personally appeared John E. (Jack) Powell, who acknowledged himself as Mayor of the City of Vermillion, and that he as Mayor being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Mayor.

In witness whereof I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: October 7, 2013
Subject: Resolution to Transfer Surplus Property to Clay County
Presenter: Mike Carlson

Background: The library expansion and renovation project is completed. The Library Foundation raised funds for furnishing the library and one of the many items was new chairs for the meeting room. The Clay County Auditor inquired about the old chairs as the County typically borrows the cushioned chairs for the election workers during the primary and general election. The following State statutes allow for the transfer of property to another political subdivision by resolution of the governing body.

6-5-2. Gratuitous transfers of property to another political subdivision or nonprofit corporation. Any political subdivision may convey and transfer any real or personal property which is held or owned by it, the title to which has been obtained and which is not held for public use or which is about to be abandoned for public purposes, to another political subdivision or nonprofit corporation for public, charitable, or humanitarian purposes and accommodation without offering the property for sale and without requiring the political subdivision or nonprofit corporation to pay for the property.

6-5-3. Resolution for gratuitous transfer of real property--Conveyance. If the governing body deems it advisable and to the best interest of the public to convey any such property to another political subdivision or nonprofit corporation pursuant to § 6-5-2, it shall by resolution direct that said property be so conveyed and transferred. Thereupon a deed of conveyance shall be made to the political subdivision or nonprofit corporation, which deed vests in the grantee all the right, title and interest of the transferor in and to the real property so conveyed.

Discussion: The County Auditor requested thirty of the cushioned chairs and three of the chair carts. The State statutes provide for the transfer of surplus property to another political subdivision via resolution.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends adoption of the resolution to provide for the transfer of the surplus chairs and carts to Clay County.

**RESOLUTION AUTHORIZING TRANSFER OF SURPLUS
PROPERTY TO CLAY COUNTY**

WHEREAS, with the completion of the Edith B. Siegrist Vermillion Public Library addition and renovation the Library Foundation is purchasing new furnishings; and

WHEREAS, the furnishings provided by the Library Foundation funds included new chairs for the community room requiring the need to surplus and dispose of the old chairs; and

WHEREAS, State Statute provides for the transfer of property to another political subdivision by resolution; and

WHEREAS, the Clay County has requested thirty of the cushioned chairs and three chair carts that are no longer needed by the library.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the City of Vermillion hereby declares the chairs and carts as surplus and authorizes the transfer of such property to Clay County.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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 7, 2013
Subject: Resolution to Change Storm Drainage Fee
Presenter: Mike Carlson

Background: The storm drainage fund was created in 1992 whereby all real property within the city is charged an annual fee for the operation, maintenance, and capital improvements of the storm sewer and drainage system. The fee is based on the lot area, a runoff-weighting factor, and the unit financial charge. The fee is collected as part of the property tax collection process.

Discussion: In 2013, the City is projected to receive approximately \$180,200 from this fee. With the proposed increase, the City would collect \$188,300 in 2014. Due to the cost of the projects, and the rate of collection, the City has historically collected storm drainage fees for a couple of years before funding a project. In 2013, the City budgeted \$15,000 for storm sewer repairs, \$27,000 for the drainage study and \$150,000 for storm drainage improvements on Mickelson Street. For 2014, the projects budgeted are \$25,000 for a drainage study, \$15,000 for storm sewer repairs and \$200,000 for estimated cost of storm drainage improvements in the Bliss Pointe development. A grant was awarded from the Vermillion Basin Water Development District of \$10,000 a year for three years (2012-2014) to offset part of the drainage study costs.

During the budget review, an increase in the fee was discussed and was included in the recently adopted 2014 budget. Increasing the fee will help generate revenue to pay the increasing costs of projects related to storm drainage.

Financial Consideration: The proposed increase in the fee is less than 4.5%. By increasing the fee, this amount will generate just over \$8,100 in additional revenue for 2014. A single-family home on a lot of 10,000 square feet would see their annual fee change from \$24.75 to \$25.87 with this proposal.

Conclusion/Recommendations: Administration recommends adoption of the resolution to increase the storm drainage fee.

RESOLUTION TO CHANGE STORM DRAINAGE FEE

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

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

BE IT HEREBY RESOLVED, by the Governing body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 7th day of October, 2013 that the fee is changed as follows:

The unit financial charge shall be ~~\$0.00033~~ \$0.000345.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

BY _____
Michael D. Carlson, Finance Officer

Approved: October 7, 2013
Published: October 18, 2013
Effective: November 7, 2013

RESOLUTION TO CHANGE STORM DRAINAGE FEE

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

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

BE IT HEREBY RESOLVED, by the Governing body of the City of Vermillion, South Dakota, at a regular meeting thereof of said City at 7:00 p.m. on the 7th day of October, 2013 that the fee is changed as follows:

The unit financial charge shall be \$0.000345.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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

By _____
John E. (Jack) Powell, Mayor

By _____
Michael D. Carlson, Finance Officer

Approved: October 7, 2013
Published: October 18, 2013
Effective: November 7, 2013

Council Agenda Memo

From: John Prescott, City Manager
Meeting: October 7, 2013
Subject: Business Improvement District #1 By-Laws
Presenter: John Prescott

Background: At the last City Council meeting, two resolutions were adopted with respect to Business Improvement District #1. One resolution established the boundaries of BID #1 as the city limits. The second resolution established that BID #1 would have a Board of five members appointed by the Mayor with the concurrence of the City Council. It was noted at that meeting that there are several steps in the creation of a BID, establishing the uses of any revenue, in implementing the authorization to collect revenue.

Discussion: With the different variety of uses for a BID, it has been suggested that by-laws be adopted to give a new Board direction. Most communities have adopted by-laws governing a BID.

The proposed by-laws provide direction on how the Board is to be composed, Officers the Board should have, establishing open meetings, the taking of minutes, and other organizational structure items. The BID #1 Board is designed to serve as a body that makes recommendations to the City Council with respect to BID funds. The Board would be asked to submit an annual recommendation of how the following year receipts would be utilized. This should facilitate an annual review of how BID funds are being spent.

The by-laws also provide that the Board can make recommendations on the by-laws. If the process moves forward, there may be situations that arise that warrant consideration of adjusting the by-laws. The City Council would ultimately approve any changes to the by-laws.

At the last meeting, there was discussion about City Council participation on the Board. In reviewing the by-laws or email exchanges with other cities, it does not appear City Council members or City staff serve as Board members. Council members or staff were attending some meetings to stay current on the discussion or serve as an ex-officio member.

Financial Consideration: None at this time.

Conclusion/Recommendations: Administration recommends adoption of the by-laws for BID #1.

**BY-LAWS OF THE VERMILLION
BUSINESS IMPROVEMENT DISTRICT #1
BOARD OF DIRECTORS**

A. Membership

1. Membership on the Business Improvement District (BID) Board of Directors shall consist of property owners, residents, business operators or users of space within the business area to be defined in SDCL 9-55-5.

B. Meetings

1. The BID Board of Directors shall meet as needed but at least once per calendar year at a date and time designated by the Chairperson, or Vice Chairperson in the Chairperson's absence, for the purpose of conducting any business properly brought before the board. The Secretary, or person designated by the Secretary, shall take minutes of the meetings and shall have those minutes delivered to the City Finance Officer of the City of Vermillion either by personal delivery, or regular mailing, or electronic mailing to an e-mail address designated by the City Finance Officer.
2. At any meeting of the BID Board of Directors a quorum of three (3) directors shall be necessary before action may be taken on any item.
3. No proxy voting may be used in any vote of the BID Board of Directors. No board member may designate another person to attend any meeting or authorize any person to vote on any issue other than directors who the Vermillion City Council has designated as members of the BID #1 Board of Directors.
4. BID Board of Directors members may attend meetings and count as part of the quorum with full voting rights via electronic media.
5. Meetings of the Board shall be open to the public. Any minutes of Board meetings shall be available for inspection by the public at the principal place of business of the Board.

C. Directors and Officers

1. There shall be five (5) members of the BID Board of Directors with at least one hotelier from the district. No person may serve on the BID Board of Directors until such time as their nomination has been approved by the Vermillion City Council at any of its regular meetings.
2. Each member of the BID Board of Directors shall serve a term of office of three (3) years. Nothing shall preclude a board member from serving consecutive terms. The terms shall be staggered initially with one member serving a three year term, two members serving two year terms and two members serving a one year term.
3. No BID Board of Directors member may be paid for any meeting they attend in conjunction with their appointment to serve on the BID Board of Directors.
4. In the event of a vacancy on the BID Board of Directors the vacancy shall be filled by the Vermillion City Council.
5. A member of the BID Board of Directors may recommend the removal from the BID Board of Directors if a unanimous vote of the remaining directors occurs at an official meeting making a recommendation to the Mayor, followed by the approval of City Council. For the recommendation for removal from the BID Board to be effective, the Mayor and City Council must approve via a majority vote.
6. At any meeting of the BID Board of Directors it shall require a majority of affirmative votes of the quorum present before any project or issue shall be deemed “recommended to the Vermillion City Council”.

D. Powers and Duties

1. The board shall have any and all powers vested by South Dakota Law in a business improvement district board by South Dakota law, including but not limited to the powers listed in SDCL § 9-55.
2. The BID Board of Directors shall make recommendations to the Vermillion City Council for the establishment of plans for improvements in the BID. The BID Board of Directors recommendations for the use of the next year’s revenue along with any adjustments to the use of the current year revenues is to be filed with the City Manager by the 10th day of July of each year for consideration during the annual budget process.

3. The BID Board of Directors shall act in an advisory capacity to the Vermillion City Council relative to any capital projects which they wish to undertake with BID funds. Any such project shall be first approved by the City Council, and any expenses incurred on any proposed project shall be paid through the City of Vermillion which shall act as the Treasurer of any BID occupation taxes received.

E. Amendment of By-Laws

1. These by-laws may be amended at any time by the Vermillion City Council if there is a conflict with South Dakota Codified Law or the City Code of Ordinances.
2. The BID Board of Directors may propose amendments to these by-laws to the Vermillion City Council for consideration.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the by-laws of the BID Board of Directors in the title thereto and that such by-laws were duly adopted by the Vermillion City Council at the City of Vermillion, South Dakota on the date set forth below.

Dated at Vermillion, South Dakota this 7th day of October, 2013.

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: Jason Anderson, Asst. City Engineer
Meeting: October 7, 2013
Subject: Declaration of Surplus Skid Steer Loader
Presenter: Jason Anderson

Background: A new skid steer loader for the Solid Waste Department is expected to be delivered soon. The recycling facility's current skid loader, a 2010 Bobcat C205, is now ready to be declared surplus and appraised prior to being sold by sealed bids.

Discussion: To sell the skid loader, the City Council will need to declare the item surplus and have the Surplus Property Appraisal Committee appraise the item. Staff recommends appraising the item at \$17,500. The item will be advertised and sold by sealed bids with a proposed bid opening date of November 13, 2013. The Consensus Agenda includes setting the bid opening date.

Financial Consideration: The revenue from the sale of the surplus skid steer loader will be placed in the Joint Powers Solid Waste Fund.

Conclusion/Recommendations: Administration recommends declaring the skid steer loader surplus and authorizing the appraisal by the Surplus Property Committee to be sold by sealed bids.

Council Agenda Memo

From: Jose Dominguez, City Engineer
Meeting: October 7, 2013
Subject: Landfill Baler Building Bid Opening
Presenter: Jose Dominguez

Background: The Landfill baler building and all of the bailing equipment were lost during a fire on October 22, 2012. Due to the loss the City has been in the process of purchasing new bailing equipment. The City has also been working to replace the building that was destroyed during the fire.

The City and the insurance carrier agreed on a replacement cost of \$663,788 for a new baler building equal to the size that was destroyed. Additionally, the City will be receiving a grant from DENR in the amount of \$225,000. This grant will be used to cover a portion of the construction of the proposed building.

Bids were opened September 25, 2013. The City sent requests for bids to several builders. From this, the City received five bids for the construction of the building. The low bid was from Daniel's Residential Construction, from Tea, for the amount of \$991,600. The other bids ranged from \$1,018,000 to \$1,138,095. The engineer's estimate was for \$850,000.

This is the second bid opening for this project. The two bids from the first bid opening were rejected by the Council at the August 19, 2013 meeting. The low bid at that time was for \$1,060,000.

Discussion: The cost of the new baler building was expected to be more than the agreed replacement cost due to the fact that the new building will be larger than the one destroyed by fire. The building that was destroyed measured 80-feet by 130-feet; while the new building will measure 80-feet by 160-feet. Also, from conversations with the DENR, they informed us that projects through the State have been running close to 20% over the engineer's estimate. They have attributed this increase in cost to the fact that a lot of the projects in the State have been hampered by weather issues (late start to the construction season, wet spring and summer, etc.). This may have diminished the amount of contractors that bid the project originally and drove the price up on the contractors that

did bid.

Financial Consideration: This project was not budgeted for in 2013 as the fire had not yet taken place. The money collected from the insurance company will be used to cover part of the cost of the project. The remaining portion will be paid by a combination of Joint Powers funds and the DENR grant fund. At this point it is estimated that the budget will have to be revised by \$250,103. This amount includes the engineering, electric service and construction inspection.

Conclusion/Recommendations: Administration recommends awarding the project to Daniel's Residential Construction for the amount of \$991,600.

BALER BUILDING BID TABULATION

Bid Opening: September 25, 2013 at 2:00 p.m.

BIDDER	Lump Sum Bid Price
Daniels Residential Construction 27160 470 th Ave., Suite A Tea, SD 57064	\$991,600.00
Peska Construction 2700 N 4 th Ave. Sioux Falls, SD 57104	\$1,018,000.00
Welfl Construction 800 W 23 rd Street Yankton, SD 57078	\$1,081,000.00
Gill Haugan Construction 200 E 60 th Street N Sioux Falls, SD 57104	\$1,136,800.00
HCI Construction 1505 Stable Drive South Sioux City, NE 68776	\$1,138,095.00

CITY OF VERMILLION
 INVOICES PAYABLE-OCTOBER 7, 2013

1 UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	40.00
2 A-OX WELDING SUPPLY CO	BULK CO2	772.00
3 AMERICAN FENCE COMPANY, INC	REPAIRS	1,720.00
4 AMSAN	SUPPLIES	269.42
5 APPEARA	SUPPLIES	280.54
6 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	571.18
7 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	48.00
8 ARLEY K. FADNESS	BOOKS	20.99
9 AUTOMATIC BUILDING CONTROLS	INSPECTION	321.00
10 AVENET, LLC	WEB HOSTING	700.00
11 BAKER & TAYLOR BOOKS	BOOKS	963.11
12 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	2,368.85
13 BARKLEY ASPHALT	ASPHALT	1,288.32
14 BEST WESTERN RAMKOTA INN	LODGING	827.91
15 BETTER HOMES & GARDENS	BOOKS	35.94
16 BLACKSTONE AUDIO INC	BOOKS	150.00
17 BOB IVERSON	MEALS REIMBURSEMENT	62.00
18 BOMGAARS	SUPPLIES	544.64
19 BONIK'S CARPET SERVICE	TILE WORK LIBRARY	719.98
20 BORDER STATES ELEC SUPPLY	SUPPLIES	3,744.70
21 BOUND TREE MEDICAL, LLC	SUPPLIES	128.42
22 BOYER TRUCKS	PARTS	31.63
23 BROADCASTER PRESS	ADVERTISING	1,389.41
24 BROWN TRAFFIC PRODUCTS	SUPPLIES	284.00
25 BRUNICKS SERVICE INC	PROPANE	57.00
26 BSN SPORTS INC	SUPPLIES	240.24
27 BUTCH'S PROPANE INC	PROPANE	1,187.01
28 BUTLER MACHINERY CO.	PARTS	4,138.30
29 BW INSURANCE AGENCY, INC	NOTARY BOND	100.00
30 C&H DISTRIBUTORS, INC	SUPPLIES	131.56
31 CALLAWAY GOLF	MERCHANDISE	176.30
32 CAM COMMERCE	MAINTENANCE	1,661.56
33 CAMPBELL SUPPLY	SUPPLIES	815.41
34 CANFIELD BUSINESS INTERIOR	LIBRARY FURNISHINGS	2,752.52
35 CASK & CORK	MERCHANDISE	982.82
36 CDW GOVERNMENT, INC	COMPUTER EQUIPMENT	1,384.68
37 CENTER POINT LARGE PRINT	BOOKS	23.77
38 CENTRAL STATES WIRE PRODUCTS	WIRE	1,721.50
39 CENTURY BUSINESS LEASING	COPIER LEASE	138.25
40 CENTURYLINK	TELEPHONE	742.13
41 CHERRY STREET GRILLE	ROLLS	66.50
42 CHESTERMAN CO	MERCHANDISE	1,004.37
43 CITY OF VERMILLION	COPIES/POSTAGE	1,438.72
44 CITY OF VERMILLION	UTILITIES	42,749.15
45 CLASSIC INDUSTRIAL SUPPLIES	UNIFORMS	527.45
46 CLAY CO REGISTER OF DEED	FILING FEES	120.00
47 CLAY RURAL WATER SYSTEM	WATER USAGE	67.70

48 CLEMET BOSTUCK	MOWING	545.00
49 COLONIAL LIFE ACC INS.	INSURANCE	3,040.66
50 CORINSURANCE	FIRE PORTABLE EQUIPMENT COVERAGE	1,174.25
51 COVENTRY HOUSE PUBLISHING	BOOKS	8.00
52 CULLIGAN WATER	SUPPLIES	13.00
53 D-P TOOLS	SUPPLIES	70.43
54 DAKOTA BEVERAGE	MERCHANDISE	14,833.10
55 DAKOTA CONST AND SUE FRENCH	STORM SEWER-MICKELSON	18,371.06
56 DAKOTA PC WAREHOUSE	SUPPLIES	89.97
57 DAKOTA SUPPLY GROUP	PARTS	2,585.30
58 DANKO EMERGENCY EQUIPMENT	SUPPLIES	286.12
59 DELTA DENTAL PLAN	INSURANCE	6,264.26
60 DEMCO	SUPPLIES	1,771.74
61 DENNIS MARTENS	MAINTENANCE	833.34
62 DEPT OF REVENUE	TESTING	377.00
63 DETCO	SUPPLIES	377.34
64 DGR ENGINEERING	PROFESSIONAL SERVICES	8,434.33
65 DIAMOND VOGEL PAINTS	WHITE TRAFFIC PAINT	3,036.00
66 DIANE'S GREENHOUSE	PLANTS	49.98
67 DIESEL SPECIALTIES, INC	REPAIRS	1,446.23
68 DITCH WITCH OF SD	REPAIRS	1,180.74
69 DIVISION OF MOTOR VEHICLE	TITLE & PLATES	10.00
70 DUECO, INC	DERRICK DIGGER	241,037.00
71 DUST TEX	SUPPLIES	104.80
72 E.A SWEEN COMPANY	SUPPLIES	78.70
73 EARTHGRAINS BAKING CO'S INC	SUPPLIES	108.09
74 EBERLE DESIGN INC	REPAIRS	178.00
75 ECHO ELECTRIC SUPPLY	SUPPLIES	2,219.32
76 ED M. FELD EQPT CO	SUPPLIES	27.42
77 EMPIRE BUILDING CONST	REPAIRS	3,326.00
78 ENVIRONMENTS	SUPPLIES	240.16
79 EZ-LINER INDUSTRIES	PARTS	32.21
80 FAR FROM NORMAL	SUPPLIES	39.75
81 FARMER BROTHERS CO.	SUPPLIES	81.34
82 FASTENAL COMPANY	SUPPLIES	75.45
83 FOOT-JOY	MERCHANDISE	120.62
84 FOREMAN MEDIA	COUNCIL MTG	50.00
85 FRED HAAR CO, INC	PARTS	18.92
86 GEOTEK ENGINEERING	PROFESSIONAL SERVICES	1,380.00
87 GRAHAM TIRE CO.	TIRES	949.14
88 GRAINGER	SUPPLIES	21.94
89 GRAYBAR ELECTRIC	SUPPLIES	3,610.00
90 GRAYMONT CAPITAL INC	CHEMICALS	7,615.15
91 GREGG PETERS	FREIGHT	3,012.75
92 GREGG PETERS	RENT	937.50
93 GUARANTEE OIL CO INC	OIL	855.26
94 GUARANTEE ROOFING & SIDING	ROOF OLD LIBRARY	9,442.00
95 HALI-BRITE INC.	SUPPLIES	3,088.87
96 HARTINGTON TREE LLC	PROFESSIONAL SERVICES	1,956.00
97 HAUGER YARD/SNOW SERVICE	MOWING	100.00
98 HAWKINS INC	CHEMICALS	1,097.32

99 HD SUPPLY WATERWORKS	SUPPLIES	17,761.86
100 HDR ENGINEERING, INC	PROFESSIONAL SERVICES	9,040.62
101 HEALTH CARE LOGISTICS	SUPPLIES	306.94
102 HEIMAN, INC.	INSPECTION	260.32
103 HELGET SAFETY SUPPLY, INC	SAFETY EQUIPMENT	102.78
104 HELMS & ASSOCIATES	PROFESSIONAL SERVICES	2,920.24
105 HENDERSONS ULTIMATE CAR WASH	CAR WASH	100.00
106 HERREN-SCHEMPP BUILDING	SUPPLIES	1,976.93
107 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	86.32
108 HY VEE FOOD STORE	SUPPLIES	426.44
109 ID CARDS UNLIMITED	PATRON KEY CHAIN CARDS	332.40
110 IN CONTROL, INC	PROFESSIONAL SERVICES	144.38
111 INDEPENDENCE WASTE	WASTE HAULING/PORTABLE TOILET RENTAL	1,509.20
112 INGRAM	BOOKS	3,149.48
113 ISAAC VOSS	GAS REIMBURSEMENT	42.00
114 JACKS UNIFORM & EQPT	UNIFORMS/EQUIPMENT	1,399.90
115 JASON ANDERSON	MEALS REIMBURSEMENT	40.00
116 JOHN A CONKLING DIST.	MERCHANDISE	9,907.75
117 JOHN C. PRESCOTT	MEALS REIMBURSEMENT	133.00
118 JOHN WALKER	MEALS REIMBURSEMENT	40.00
119 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	43,173.63
120 JOHNSON CONTROLS	REPAIRS/MAINTENANCE	5,129.79
121 JOHNSON FEED, INC	REPAIRS	432.56
122 JONES FOOD CENTER	SUPPLIES	2,497.99
123 KAIUS HELENURM	WATER HEATER REBATE	240.00
124 KALINS INDOOR COMFORT	REPAIRS	144.00
125 KARL BOTTESINI	WORK BOOTS REIMBURSEMENT	25.00
126 KARSTEN MFG CORP	MERCHANDISE	193.02
127 LARGE PRINT OVERSTOCKS	BOOKS	167.82
128 LAYNES WORLD	PLAQUE	65.03
129 LEISURE LAWN CARE	PROFESSIONAL SERVICES	25.00
130 LINCOLN MUTUAL LIFE	INSURANCE	450.02
131 LONGS PROPANE INC	PROPANE	27.00
132 LP GILL, INC	TIRE DISPOSAL	487.00
133 M.W BEVINS CO	REPAIRS	177.65
134 MAINLAND ENGRAVING LLC	MEDALS/RIBBONS	76.75
135 MALLOY ELECTRIC	SUPPLIES	1,668.39
136 MARKS MACHINERY	PARTS	5,566.68
137 MART AUTO BODY	TOWING/PARTS	904.45
138 MARTY GILBERTSON	ARMORY BOILER REPLACEMENT	31,653.00
139 MATHESON TRI-GAS, INC	SUPPLIES	203.27
140 MATTHEW BENDER & CO, INC	BOOKS	70.39
141 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	769.38
142 MEAD LUMBER	SUPPLIES	233.37
143 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	192.23
144 MIDWEST ALARM CO	ALARM MONITORING	141.75
145 MIDWEST BUILDING MAINTENANCE	MAT SVC	617.95
146 MIDWEST READY MIX & EQUIPMENT	CONCRETE	318.00
147 MIDWEST TURF & IRRIGATION	PARTS	1,285.99
148 MISSOURI RIVER ENERGY SERVICE	INFRARED INSPECTION	1,847.68
149 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,697.50

150 MOORE WELDING & MFG	REPAIRS	30.00
151 McLAURY ENGINEERING	PROFESSIONAL SERVICES	338.50
152 NCL OF WISCONSIN, INC	CHEMICALS	210.51
153 NETSYS+	PROFESSIONAL SERVICES/REPAIRS	326.25
154 NEW YORK LIFE	INSURANCE	94.02
155 NEWMAN TRAFFIC SIGNS	SUPPLIES	348.01
156 NORTHERN TRUCK EQPT CORP	SUPPLIES	193.20
157 OFFICE SYSTEMS CO	COPIER CONTRACT	364.00
158 OVERHEAD DOOR OF SIOUX CITY	DOORS	2,164.00
159 PAUL BRUNICK	MEALS/MILEAGE REIMBURSEMENT	140.00
160 PCC, INC	COMMISSION	2,909.10
161 PITNEY BOWES	POSTAGE METER RENT	242.49
162 PITNEY BOWES, INC	SUPPLIES	122.38
163 PLAIN TALK PUBLISHERS	SUBSCRIPTION	26.00
164 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
165 POWERPHONE, INC	SERVICE AGREEMENT	379.00
166 PRAIRIE BERRY WINERY	MERCHANDISE	896.00
167 PRESSING MATTERS	SUPPLIES	682.20
168 PRESTO-X-COMPANY	INSPECTION/TREATMENT	49.25
169 PRINT SOURCE	COPIES	227.50
170 PUMP N PAK	FUEL	2,568.32
171 QUALITY MOTORS	REPAIRS	56.98
172 QUEEN CITY WHOLESALE	MERCHANDISE	444.84
173 QUILL	SUPPLIES	2,455.28
174 RACOM CORPORATION	MAINTENANCE CONTRACT	386.75
175 RANDOM HOUSE, INC	BOOKS	107.50
176 RANDY ISAACSON	MEALS REIMBURSEMENT	40.00
177 RANDY VOSS	PROFESSIONAL SERVICES	150.00
178 RASMUSSEN MOTORS, INC	REPAIRS	51.79
179 RECORDED BOOKS, INC	BOOKS	173.20
180 REINHART FOODSERVICE, LLC	SUPPLIES	1,105.70
181 REPUBLIC NATIONAL DIST	MERCHANDISE	39,951.81
182 RIVERSIDE HYDRAULICS & LAB	PARTS	263.46
183 ROAD KING, INC	SUPPLIES	115.51
184 ROGER & MARY TURNER	WATER HEATER REBATE	315.00
185 SAFETY BENEFITS INC	REGISTRATION	65.00
186 SANITATION PRODUCTS	PARTS	544.79
187 SCHAEFFER MFG. CO	SUPPLIES	25.60
188 SD GOLF ASSOCIATION	MENS/WOMENS HANDICAP	990.00
189 SD PLANNERS ASSOCIATION	REGISTRATION	370.00
190 SD PUBLIC ASSURANCE ALLIANCE	INSURANCE VEHICLE	471.00
191 SD RETIREMENT SYSTEM	CONTRIBUTION	48,223.65
192 SECURITY SHREDDING SERVICE	SHREDDING CONTAINERS	35.00
193 SERVALL TOWEL & LINEN	SHOP TOWELS	16.80
194 SHOPKO STORES OPERATING CO	SEWER CERTIFICATES	6,264.00
195 SOOLAND BOBCAT	TRAINING KIT	168.75
196 STANDARD READY MIX CONCRETE	REPAIRS	93.48
197 STANLEY SECURITY SOLUTIONS	SUPPLIES	59.17
198 STERN OIL CO.	FUEL	6,536.58
199 STEWART OIL-TIRE CO	TIRES	619.90
200 STUART C. IRBY CO.	TOOLS	226.61

201 STURDEVANTS AUTO PARTS	PARTS	1,612.53
202 TENELLE CHOAL	REIMBURSEMENT NOTARY FEE	30.00
203 THATCHER COMPANY	SODA ASH	27,350.40
204 THE EQUALIZER	ADVERTISING	842.45
205 THE NEW SIOUX CITY IRON CO	PARTS	25.15
206 TIM TAGGART	MEALS REIMBURSEMENTS	62.00
207 TITAN ACCESS ACCOUNT	PARTS	2,190.51
208 TODD HALVERSON	SAFETY BOOTS REIMBURSEMENT	100.00
209 TOTAL FLOORING	TILE FOR LIBRARY	292.36
210 TRI TECH SALES	PARTS	274.13
211 TRUE VALUE	SUPPLIES	338.33
212 TURNER PLUMBING	SEPTIC TANK-AIRPORT	6,086.75
213 UNITED PARCEL SERVICE	SHIPPING	156.89
214 UNITED WAY	CONTRIBUTIONS	335.20
215 VANTAGE CUSTOM CLASSICS, INC	MERCHANDISE	1,221.40
216 VERIZON WIRELESS	WIRELESS COMMUNICATION	334.54
217 VERMEER HIGH PLAINS	PARTS	282.13
218 VERMILLION ACE HARDWARE	SUPPLIES	1,139.65
219 VERMILLION CHAMBER OF COMMERCE	CONTRIBUTION	46,350.00
220 VERMILLION CONCRETE	CONCRETE WORK	10,211.43
221 VERMILLION NOW!	COMMERCE STREET EXPENSES	407.40
222 VESCO, INC	REPAIRS	295.03
223 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	7,094.78
224 WAL-MART COMMUNITY	SUPPLIES	543.15
225 WALKER CONSTRUCTION	JUNK/DEBRIS REMOVAL	370.00
226 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	55.00
227 WESCO DISTRIBUTION, INC	SUPPLIES	4,455.57
228 WINKLER ROOFING, INC	ROOF REPAIRS	1,945.00
229 WOW! BUSINESS	E911 CIRCUIT	1,365.50
230 XIAOYU ZHOU	TUMBLING REFUND	20.00
231 YANKTON JANITORIAL SUPPLY	SUPPLIES	685.30
232 YANKTON WINNELSON CO	SUPPLIES	150.00
233 ZEE MEDICAL SERVICE	SUPPLIES	85.75
234 ZIMCO SUPPLY CO	SUPPLIES	8,173.19
235 JANET HOFF	BRIGHT ENERGY REBATE	50.00
	GRAND TOTAL	\$824,585.06

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

- Date: 10/1/13
1. Name of organization/group USD Athletics
Contact person: Name: Jeanette Hubert
2. Date(s) that tickets/chances will be sold: from 10/5/13 to 11/26/13
Cost of tickets/chances: \$5.00 each
3. Date(s) of drawing(s): 10/5/13,10/12/13,11/2/13,11/9/13,11/16/13
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: Limited addition Coyote Print valued at \$85.00

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.

An artist was commissioned to design and paint a Coyote picture for USD Athletics. The limited addition prints are numbered and signed by artist. The print value (unframed) is \$85.00. USD Athletics would like to sell raffle tickets for \$5.00 at the remaining home football games with a winner drawn at each game. All non-winning raffle tickets will be good for a \$5.00 discount towards the purchase of a print.

The proceeds will go to the Athletic Fundraising account which is used to offset expenses incurred from team travel, athletic supplies, etc. - Per Jeanette Hubert email.

Jeanette Hubert, Asst AD-Admin
Applicant's Signature

Approval: John Prescott Date: 10-2-13
City Manager