



## Special Meeting Agenda City Council

12:00 pm (noon) Special Meeting  
Tuesday, September 6, 2011  
Large Conference Room  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Education Session – Proposed zoning ordinance amendment requiring owner signatures – Andy Colvin.**
3. **Information Session – Sidewalk survey update – Jordan McQuillen.**
4. **Briefing on the September 6, 2011 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](http://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  
Tuesday, September 6, 2011  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. August 15, 2011 Special Session; August 15, 2011 Regular Session; August 16, 2011 Budget Session; August 17, 2011 Budget Session; August 29, 2011 Special Session.

### 4. Adoption of the Agenda

### 5. Visitors To Be Heard

### 6. Public Hearings

### 7. Old Business

- a. Second Reading of Ordinance 1257 - Amending Title I Section 11.02 Wards and Boundaries, of the 2008 Revised Ordinances for the City of Vermillion, amending the ward boundaries.
- b. Second Reading of Ordinance 1258 – Amending Title XI of the 2008 Revised Ordinances of the City of Vermillion adding Chapter 119, Mobile Food Vendors, providing for licensing and regulation to use the public streets in the General Business and Central Business Districts.

### 8. New Business

- a. Resolution to allow for the reselling of water at the Midwest Rentals Mobile Home Court (411 Stanford Street).
- b. Resolution setting a fee for a mobile food vending permit as provided for in Ordinance 1258.
- c. First reading of Ordinance 1259 – 2012 Budget Ordinance.
- d. First reading of Ordinance 1260 – 2011 Revised Budget Ordinance.
- e. Resolution recognizing the transfers from the Electric Fund to the TIF No. 3 Fund as debt to be repaid from future Tax Increment.
- f. Resolution to adjust rental registration fees.
- g. Resolution fixing the time and place for a hearing and notice of hearing on the special assessment roll for nuisance abatement.
- h. Resolution for Funding Agreement for the Stanford Street Project.

### 9. Bid Openings

- a. Fuel Quotes.

### 10. City Manager's Report

### 11. Invoices Payable

## **12. Consensus Agenda**

## **13. Adjourn**

**Access the City Council Agenda on the web – [www.vermillion.us](http://www.vermillion.us)**

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

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

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

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

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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  
August 15, 2011  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 15, 2011 at 12:00 noon at the Municipal Service Center.

1. Roll Call

Present: Davies, French, Meins, Osborne, Willson, Zimmerman, Mayor Powell

Absent: Grayson, Ward

2. Information Session - Vermillion Housing Authority update - Dave Thiesse

Dave Thiesse, Director of the Vermillion Housing Authority, reported that the Housing Authority has made adjustments in the number of hours that their office is open to reduce operating costs. He thanked the City Council for the \$9,333 of support this past year noting that the motion was to provide up to \$3,000 additional funding by June 30<sup>th</sup>, which was not needed. Dave stated that the federal rental assistance funding has been increased but the administrative funds have been decreasing. He noted that hours of operation have been reduced but they may need assistance with the cost of the annual audit and insurance costs. Dave stated that the Housing Authority year is from July 1<sup>st</sup> to June 30<sup>th</sup> and, due to the uncertainty of the federal funding, an exact amount of assistance is not known at this time. Discussion followed with Dave answering questions of the City Council on the Housing Authority operations.

3. Educational Session - Light & Power system tour - Mark Koller

Mark Koller, Electric Superintendent, provided a tour of the electric switchyard area explaining the operations contained therein and improvements that were proposed in the ten year plan presented at last meeting.

4. Briefing on the August 15, 2011 City Council Regular Meeting Agenda

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

5. Adjourn

236-11

Alderman Willson moved to adjourn the Council special session at 1:06 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15<sup>th</sup> day of August, 2011.

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  
August 15, 2011  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 15, 2011 at 7:00 p.m. by Mayor Powell.

1. Roll Call

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

2. Pledge of Allegiance

3. Minutes

A. August 1, 2011 Special Session; August 1, 2011 Regular Session

237-11

Alderman Zimmerman moved approval of the August 1, 2011 special session minutes and the August 1, 2011 regular session minutes. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 4. Adoption of Agenda

238-11

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

#### 5. Visitors to be Heard - None

Alderman Osborne reported that the Tanager Booster Club Blitz Night is Tuesday, August 16<sup>th</sup>. This is the evening that members of Tanager athletic teams will be out selling the Tanager cards in the community.

#### 6. Public Hearings

A. Special permit to exceed allowable sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on W. Main Street between High and Prospect Streets on Friday, September 9, 2011 between 8:00 p.m. and 1:00 a.m. and on Saturday, September 10, 2011 between 5:00 p.m. and 1:00 a.m.

Mike Carlson, Finance Officer, reported a permit has been received from Ribs, Rods & Rock'N Roll, Inc. to exceed allowable sound levels by no more than 50% for a street dance on W. Main Street between High and Prospect on Friday, September 9, 2011 between 8:00 p.m. and 1:00 a.m. and on Saturday, September 10<sup>th</sup> between 5:00 p.m. and 1:00 a.m. This is similar to last year. The application and diagram are included in the packet.

239-11

Alderman Zimmerman moved approval of the special permit to exceed permissible sound levels by no more than 50% for Ribs, Rods & Rock'n Roll, Inc. for a street dance on Main Street between High and Prospect Streets from 8:00 p.m. on Friday, September 9<sup>th</sup> to 1:00 a.m. Saturday, September 10<sup>th</sup> and from 5:00 p.m. on Saturday, September 10<sup>th</sup> to 1:00 a.m. on Sunday, September 12<sup>th</sup>. Alderman Meins seconded the motion. Discussion followed on the sound levels. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 9 & 10, 2011 on W. Main Street between High and Prospect and Market Street between W. Main and Kidder Street

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from Ribs,

Rods & Rock'n Roll, Inc. on or about September 9 & 10, 2011 on West Main Street between High and Prospect Streets, Market Street between Main and Kidder Streets and the Ratingen Platz. Mike stated that State statute and ordinance allows the City to include such conditions and restrictions as the governing body may deem appropriate and consistent with State law. The organization has provided the City with a Release and Indemnification releasing the City from liability for the event. Some conditions to be considered would be: 1) Requiring a certificate of insurance naming the City of Vermillion as an additional insured, including liquor liability; 2) Require the applicant utilize a fenced area where alcoholic beverages may be sold and consumed as well as a plan to monitor the entrances and exits from this area; 3) State law provides that if an organization conducts a street dance in conjunction with a special event, the organization shall provide qualified security personnel as deemed necessary by the governing body. The Police Chief would recommend the organization provide at least six personnel with attire that states "Event Security" and reimburse the City for Police Office overtime wages limited to \$1,000, or actual costs, whichever is lower; 4) Require a plan for clean up and disposal for the event; 5) Provide adequate portable restroom facilities for the attendees; 6) Provide a listing of individuals selling alcohol and checking ID's to the City Manager 24 hours before the event; 7) Hours of sales: Last year the hours of sales were 5:00 p.m. to 1 a.m. on the first day and noon to 1:00 a.m. on the second day. This year the request is from 4:00 p.m. to 1:00 a.m. the first day and 11:00 a.m. to 1:00 a.m. on the second day.

Kevin Annis and Scott Druecker, representing Ribs, Rods & Rock'n Roll, Inc., reported that they planned the alcohol sales area the same as last year by fencing off the area, carding individuals as they come in and giving them wristbands and providing clean up. They stated that they have met with the Chief of Police and understand what is required from the group. Discussion followed on the hours of operation with Kevin noting that the hours start Friday at 4:00 p.m. ending at 1:00 a.m. on Saturday and starting at 11:00 a.m. on Saturday and ending at 1:00 a.m. on Sunday, as the vendors will be open.

240-11

Alderman Zimmerman moved approval of the special daily malt beverage and wine license for Ribs, Rods & Rock'n Roll, Inc. on or about September 9 & 10, 2011 on Main Street between High and Prospect Streets, Market Street from Main Street to Kidder Street and the Ratingen Platz, contingent upon the following:

A. Certificate of Insurance from the Organization naming the City of Vermillion as an additional insured, including the liquor liability.

B. The applicant utilize a fenced area where alcoholic beverages may be sold and consumed, as well as a plan to monitor the entrances and exits from this area.

C. The Organization provide a minimum of 6 personnel that are at least age 21 to serve as security for the street dance. The individuals shall be wearing shirts that state "Event Security" on the back.

D. The Organization agrees to reimburse the City of Vermillion for the overtime for police officers assigned to the event limited to \$1,000 or actual costs, whichever is lower.

E. The Organization shall have a plan for clean up and provide adequate restroom facilities.

F. The Organization shall provide to the City Manager a list of individuals that will be carding and selling alcoholic beverages at least 24 hours prior to the event. The list should indicate the age and level of training for each individual.

G. The hours authorized for malt beverage and wine sales are 4:00 p.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday.

Alderman French seconded the motion. Discussion followed on the event. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special permit to exceed allowable sound levels by no more than 50% for Lambda Chi Alpha Fraternity for a live band at 327 N. Pine on Friday, September 2, 2011 between 8:00 p.m. and 11:00 p.m.

Mike Carlson, Finance Officer, reported that a request to exceed allowable sound levels by no more than 50% was received from Lambda Chi Alpha Fraternity for a live band at 327 N. Pine on Friday, September 2, 2011 from 8:00 p.m. to 11:00 p.m. The public hearing was advertised with the notice and the request included in the packet. A copy of the advertising flyer along with a list of neighbors contacted was also handed out. Jordan Smith, Chapter President, was present to answer questions.

241-11

Alderman Grayson moved approval of the special permit to exceed allowable sound levels by no more than 50% for Lambda Chi Alpha Fraternity for a live band at 327 N. Pine on Friday, September 2, 2011 from 8:00 p.m. to 11:00 p.m. Alderman French seconded the

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

## 7. Old Business

### A. Resolution setting fees related to Ordinance No. 1255

Farrel Christensen, Building Official, reported that the rental registration fee and the late payment fee included in the resolution remain the same. The failure to register a rental unit fee is \$100 for first violation, \$250 for second violation and \$500 for three or more. The failure to make required repairs fee is \$100 and the fee for failing to meet the inspector is \$25 or \$5.00 per unit. Farrel answered questions on the proposed fees.

242-11

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

#### RESOLUTION TO ESTABLISH FEES FOR RENTAL HOUSING REGISTRATION AND VIOLATIONS

WHEREAS, the adoption of Ordinance No. 1255 and 1256 established the International Property Maintenance Code, as modified, as the Rental Housing Code for the City of Vermillion; and

WHEREAS, Chapter 94, Sections § 94.05 and 94.11, of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish fees; and

WHEREAS, The Rental Housing Code provides for rental registration fees, as well as violation penalties, for any person who violates provisions of the code, fails to register rental units, fails to make required repairs within the allotted time, or misses scheduled inspections.

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 15th day of August, 2011 that the fees and/or penalties are established as follows:

1. Registration Required - 94.05 (D)  
A fee of \$20.00 per structure and \$12.00 per unit.
2. Registration Required - 94.05 (I)

A penalty of \$5.00 per unit, per month, shall be added to the annual registration fee if not paid by January 15<sup>th</sup> of each year.

3. Registration - Section 94.11(B)

The fee for failing to properly register a rental unit shall be;

1. For the first violation within a calendar year, \$100.00
2. For the second violation within a calendar year, \$250.00
3. For three or more violations within a calendar year, \$500.00

4. Violation penalties - Section 94.11(C)

The fee for failure to make required repairs within the time allotted shall be \$100.00.

5. Inspections - Section 94.11(D)

The fee for failing to meet the inspector at a scheduled inspection time and place, or failure to reschedule an inspection at least one working day prior to the scheduled time, shall be \$25.00 or \$5.00 per unit, whichever is greater.

The City Manager may abate all or a portion of any fee or penalty for just cause. The issuance of a fee or penalty shall not be construed to be approval of any violation of any of the provisions of the code. Stop orders, demolition orders, other fees orders, and/or penalties issued by Federal, State or local jurisdictions may be applied in addition to the fees and penalties listed above.

This resolution shall become effective upon the adoption of Ordinance No.'s 1255 and 1256.

Dated at Vermillion, South Dakota this 15<sup>th</sup> day of August, 2011.

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. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted

in opposition to the motion. Mayor Powell declared the motion adopted.

## 8. New Business

A. Request to close portions of Main Street, Center Street, Prospect Street, Market Street, Austin Street and the City parking lot at the corner of Market Street and Kidder Street for Ribs, Rods, & Rock'n Roll on September 9-11, 2011

John Prescott, reported a temporary street closing request was received from Ribs, Rods & Rock'n Roll to host the state BBQ Championship, music festival and car show on September 9<sup>th</sup> and 10<sup>th</sup>. The request has been broken down into five sections as follows:

Section A - W. Main Street from the west side of the Prospect Street intersection west to the alley immediately east of the Eagles and Market Street from the intersection with W. Main Street south to Bloomingdale Street be closed from 7:00 a.m. Friday, September 9<sup>th</sup>, until 12:00 p.m. on Sunday, September 11<sup>th</sup>. This request should include the Ratingen Platz.

Section B - Kidder Street from the alley just west of the Craig Thompson Law Office to the alley on the east side of Total Flooring and the parking lot located at the corner of Market Street and Kidder Street from 7:00 a.m. Friday, September 9<sup>th</sup>, until 12:00 p.m. on Sunday, September 11<sup>th</sup>.

Section C - W. Main Street from High Street to at least Austin Street and ending in an area deemed appropriate by the City from 5:00 p.m. Friday, September 9<sup>th</sup>, until Noon on Saturday, September 10<sup>th</sup>.

Section D - Austin Street from W. Main Street to Kidder Street, leaving the intersection of Austin Street and Kidder Street open, closed from 7:00 a.m. Saturday, September 10<sup>th</sup>, until 12:00 p.m. on Sunday, September 11<sup>th</sup>.

Section E - Main Street from Prospect Street to Church Street, Prospect Street from W. Main Street one-half ( $\frac{1}{2}$ ) block north, Court Street from Main Street south one-half ( $\frac{1}{2}$ ) block to the alley, and Center Street from Main Street to National Street on Saturday, September 10<sup>th</sup>, from 7:00 a.m. until 4:00 p.m.

A letter detailing the event and a map of the requested street closings are both attached. It is noted on the request that all

residents and businesses will be contacted as has been consistent with past years.

Scott Druecker, representing Ribs, Rods & Rock'N Roll, Inc., stated that they would like to add Prospect Street from Main north to the driveway of CorTrust Bank starting at 3:00 p.m. on Friday until noon on Sunday. Discussion followed on the request noting that traffic coming west on Main Street would not be able to exit without turning around. Scott stated that he would work with the Police Department and have volunteers available to monitor this area.

243-11

Alderman Willson moved approval of the temporary street closing in the five sections as listed with the addition of Prospect Street from Main Street to a half block north from 3:00 p.m. on Friday until noon on Sunday and to include the use of the Ratingen Platz and City parking lot at the corner of Market and Kidder Streets. Alderman Ward seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close a portion of Rose Street for USD Tailgate Nation on September 10, September 17, October 1, October 8, October 22, and November 12, 2011

David Herbster, USD Senior Associate Athletic Director, requested to close a portion of Rose Street from Coyote village to the Dakota Dome parking lot from six hours before home football games until halftime. This will provide for pedestrian safety between the tailgating area and the dome as was done last year. The request is for September 10, September 17, October 1, October 8, October 22, and November 12th, 2011.

244-11

Alderman Grayson moved approval of the closing of a portion of Rose Street from Coyote Village to the Dakota Dome parking lot six hours before home football games until halftime on September 10, September 17, October 1, October 8, October 22 and November 12, 2011. Alderman Osborne seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. First Reading of Ordinance No. 1257 - Amending Title I Section 11.02 Wards and Boundaries, of the 2008 Revised Ordinances for the City of Vermillion, amending the ward boundaries

Mike Carlson, Finance Officer, reported that the Fourteenth Amendment to the United States Constitution guarantees equality of voting power. The courts have interpreted this as an honest and good

faith effort to create districts as equal in population as practicable. The 2010 Census count for the city is 10,571 which would have the ideal population for each ward at 2,643. The change in the ward boundaries is to move the Central/Southeast Ward boundary from Yale Street to University Street thus increasing the population in the Central Ward and reducing the Southeast. With this change, the total deviation is 4.84% which is well below the 10% that is allowed. The City Council reviewed the ward boundary change during the July 5<sup>th</sup> noon session and the proposed change was included in the quarterly City Update published August 2<sup>nd</sup>.

245-11

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1257 entitled An Ordinance Amending the Ward Boundaries of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 15<sup>th</sup> day of August, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman French. After discussion the question of adoption of the Resolution was put to a vote of the Governing Body and 9 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

#### D. Airport Fuel Tax Account Reimbursement

Jose Dominguez, City Engineer, reported that last year the City replaced the precision approach path indicator lights which are reimbursable from the airport fuel tax collections maintained by the State. As part of the reimbursement agreement, the City Council needs to pass a resolution accepting the \$2,692.50 reimbursement from the airport fuel tax account.

246-11

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

#### Resolution

Accepting the Reimbursement for Funds used to Repair the PAPI  
Lights at the Vermillion Airport

Whereas, the City of Vermillion applied for a reimbursement from the State of South Dakota Department of Transportation - Aeronautics Division for the cost of fixing the PAPI lights at the airport, and;

Whereas, the City of Vermillion was notified of the approval of the reimbursement, and;

Whereas, the Governing Body of the City of Vermillion is required to accept the reimbursement's financial agreement by resolution, and;

Now, therefore, be it resolved, that the Governing Body of the City of Vermillion accepts the reimbursement for the PAPI lights.

Dated at Vermillion, South Dakota this 15<sup>th</sup> day of August, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

---

John E. (Jack) Powell, Mayor

ATTEST:

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Michael D. Carlson, Finance Officer

The motion was seconded by Alderman French. 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.

E. Resolution of Necessity and Notice of Hearing for Sidewalk Repairs (Southeast Quadrant - East of Dakota Street and South of E. Main Street

Jose Dominguez, City Engineer, reported that the resolution is to set a public hearing for September 19, 2011 for the need to repair sidewalks in the southeast quadrant. The resolution provides that notice be sent to the property owners of the hearing and the notice is to be published in the newspaper. Jose explained that this is the second year of sidewalk inspections with this being the southeast section of town. Discussion followed.

247-11

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

RESOLUTION OF NECESSITY AND NOTICE OF HEARING  
FOR SIDEWALK REPAIRS  
IN THE CITY OF VERMILLION, SD

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regularly called meeting thereof, in the Council Chambers of said City Hall at 7:00 p.m. on the 15<sup>th</sup> day of August, 2011, that the necessity has arisen for sidewalk repairs along the parcels of land hereinafter named, viz:

Violation Address	Violation Legal Description	Violation Addition	Violation Parcel Number	ESTIMATED COST
10 S. University	Lot 4, and the W 1/2 of Vacated Alley	East End Park View Acres	15230-00000-040-00	\$ 583.33
100 Catalina	Lot 3, Blk 1	2nd	15570-00100-030-00	\$ 62.22
100 S. Pine	Lot 1 & N 14' of Lot 2	Nelsons Park View Acres	15500-00000-020-00	\$ 97.22
100 Sycamore	Lot 1, Blk 2	2nd Eastgate Manor	15570-00200-010-00	\$ 233.33
1001 Crestview	Lot 1 & N 10' of Lot 2, Blk 3	2nd	15250-00300-020-03	\$ 65.78
1003 Valley View	Lot 6, Blk 3	Ridgecrest	15600-00300-060-00	\$ 82.22
1004 Ridgecrest	Lot 10, Blk 3	Ridgecrest	15600-00300-100-00	\$ 411.11
1011 Ridgecrest	Lot 13, Blk 1	Ridgecrest	15600-00100-130-00	\$ 65.78
1016 Valley View	Lot 2, Blk 4	Ridgecrest Eastgate Manor	15600-00400-020-00	\$ 388.89
1018 Crestview	Lot 2, Blk 6	3rd	15260-00600-020-00	\$ 62.22
1019 Ridgecrest	Lot 14, Blk 1	Ridgecrest	15600-00100-140-00	\$ 388.89
102 Linden	Lot 6, Blk 1	Eastside	15270-00100-060-00	\$ 200.00
102 S. Forest	W 85' of Lots 1 & 2, Blk 75	Smiths	15710-07500-020-00	\$ 97.22
102 S. University	Lot 1 and the N 18' of Lot 2, Blk 2	College Park	15170-00200-020-00	\$ 97.22
103 Linden	N 17' of Lot 17 and all of Lot 18, Blk 2	College Park	15170-00200-180-00	\$ 97.22
103 S. Yale	Lots 1 & 2, Blk 77	Smiths	15710-07700-020-00	\$ 2,333.33
1030 Valley View	Lot 5, Blk 4	Ridgecrest	15600-00400-050-00	\$ 62.22
1031 Valley View	Lot 8A Replat of Lots 8 & 9, Blk 3	Ridgecrest	15600-00300-090-00	\$ 90.44
104 S. Harvard	Lots 9 & 10, Blk 77	Smiths	15710-07700-100-00	\$ 357.78
104 S. Yale	W 185' of the N 78' of the S 200' of Blk 78	Smiths	15710-07800-000-12	\$ 302.78
106 S. University	S 32' of Lot 2 and the N 12' of	College Park	15170-00200-030-00	\$ 200.00

	Lot 3, Blk 2			
107 Catalina	S 65' of Lot 3, Blk 2	Park View Acres		
	Lot 13 & N. 29' of lot 14, Blk	2nd	15570-00200-030-03	\$ 155.56
107 S. Forest	73	Smiths	15710-07300-140-00	\$ 880.56
107 S. University	Lot G1, Blk 78	Smiths	15710-07800-000-27	\$ 97.22
108 Linden	Lot 7, Blk 1	Eastside	15270-00100-070-00	\$ 123.33
109 S. Pine	Lots 18 & 19, Blk 1	East View	15290-00100-190-00	\$ 97.22
109 S. University	Lot L-2, Blk 78	Smiths	15710-07800-000-39	\$ 175.00
1096 Valley View	Lot 17, Blk 4	Ridgecrest 4th	15630-00400-170-00	\$ 246.67
11 Linden	N 132' of Lot 1, Blk 1	College Park	15170-00100-010-00	\$ 2,641.67
	130' x 188' NE Corner of Blk			
11 S. University	78	Smiths	15710-07800-000-19	\$ 2,338.89
110 Forest (Forest Arms)	Lots 3, 4 & 5, Blk 75	Smiths	15710-07500-050-00	\$ 194.44
	S 21' of Lot 4 & N 41.5' of Lot			
110 S. Pine	5	Nelsons	15500-00000-050-00	\$ 194.44
	S 38' of Lot 3 and all of Lot 4,			
110 S. University	Blk 2	College Park	15170-00200-040-00	\$ 1,205.56
		Eastgate Manor		
1101 Crestview	Lot 3, Blk 7	3rd	15260-00700-030-00	\$ 62.22
	COMM AT SE COR OF BLK 78			
111 S. University	W185', N90', E 185', S 90' to			
	pub Blk 78	Smiths	15710-07800-000-03	\$ 1,867.50
1114 Ridgecrest	Lot 6, Blk 4	Ridgecrest 5th	15640-00400-060-00	\$ 65.78
		Eastgate Manor		
1119 Crestview	Lot 6 & W 5' of Lot 7, Blk 7	3rd	15260-00700-070-03	\$ 62.22
1119 Ridgecrest	Lot 14, Blk 4	Ridgecrest 5th	15640-00400-140-00	\$ 65.78
112 Linden	Lot 8, Blk 1	Eastside	15270-00100-080-00	\$ 102.78
		Park View Acres		
113 Catalina	Lot 4, Blk 2	2nd	15570-00200-040-00	\$ 82.22
	N 27' of Lot 15 and the S 16'			
113 Linden	of Loy 16, Blk 2	College Park	15170-00200-160-00	\$ 102.78
	S 15' of Lot 14 & all of Lot 15,			
113 S. Forest	Blk 73	Smiths	15710-07300-150-00	\$ 302.78
1132 Valley View	Lot 22, Blk 4	Ridgecrest 4th	15630-00400-220-00	\$ 98.67
1140 Valley View	Lot 23, Blk 4	Ridgecrest 4th	15630-00400-230-00	\$ 82.22
	N 20' of Lot 14 and the S 23'			
115 Linden	of Lot 15, Blk 2	College Park	15170-00200-150-00	\$ 302.78
116 Linden	Lot 9, Blk 1	Eastside	15270-00100-090-00	\$ 102.78
117 S. Forest	Lot 16, Blk 73	Smiths	15710-07300-160-00	\$ 369.44
117 S. Pine	Lots 22 & 23, Blk 1	East View	15290-00100-230-00	\$ 194.44
	S 1/2 of Lot 4 & all of Lot 5			
	and a strip 6' x 150' S of Lot 5,			
117 S. Yale	Blk 77	Smiths	15710-07700-050-00	\$ 175.00

118 S. University	Lots 5 & 6, Blk 2	College Park	15170-00200-060-00	\$ 888.33
118 S. Yale	W 185' of the S44' of Blk 78	Smiths	15710-07800-000-33	\$ 123.33
12 S. University	Lot 5	East End	15230-00000-050-00	\$ 194.44
12 Sycamore	W 80' of S 40' of Lot 2 & W 80' of Lot 3, Blk 1	Park View Acres	15560-00100-030-00	\$ 186.67
12 Walker	S 49' of Lots 1 & 2 & N 21' of Lot 5, Blk 1	Russo's First	15670-00100-050-00	\$ 124.44
121 S. Pine	Lots 24 & 25, Blk 1	East View	15290-00100-250-00	\$ 194.44
121 S. University	E 236' of Lot 1, Blk 5	Addition to Hanson's Eastgate Manor	15310-00500-010-06	\$ 388.89
1213 Lewis	N 86.6' of Lot 8, Blk 5	3rd	15260-00500-080-03	\$ 248.89
1215 Valley View	Lot 27, Blk 1	Ridgecrest 2nd	15610-00100-270-00	\$ 65.78
1219 Valley View	Lot 28, Blk 1	Ridgecrest 2nd	15610-00100-280-00	\$ 82.22
122 Linden	Lot 10 & 11, Blk 1	Eastside	15270-00100-110-00	\$ 102.78
122 S. Yale	N 60' of the W 150' of Lot 1, Blk 5	Addition to Hanson's	15310-00500-010-03	\$ 272.22
1226 Valley View	Lot 26, Blk 4	Ridgecrest 4th	15630-00400-260-00	\$ 324.44
123 Linden	Lot 13 and the S 25' of Lot 14, Blk 2	College Park	15170-00200-140-00	\$ 194.44
123 S. Forest	Lots 1 & 2 & 10' N and S x 150' E & W bordering Lot 1, Blk 1	Hanson's Eastgate Manor	15300-00100-020-00	\$ 194.44
1234 Valley View	E 40' of 9 and all of 10, Blk 1	3rd	15260-00700-100-00	\$ 186.67
124 Catalina	Lot 8, Blk 1	Park View Acres	15570-00100-080-00	\$ 62.22
126 S. Yale	S 50' of the W 150' of Lot 1, Blk 5	2nd	15570-00100-080-00	\$ 62.22
127 S. Yale	Lot 3, Blk 4	Addition to Hanson's	15310-00500-010-00	\$ 97.22
128 Linden	Lot 12, Blk 1	Addition to Hanson's	15310-00400-030-00	\$ 97.22
129 S. Forest	Lot 3 and N 10' of Lot 4, Blk 1	Eastside	15270-00100-120-00	\$ 136.11
1318 Crestview	Lot 22, Blk 9	Hanson's Eastgate Manor	15300-00100-040-00	\$ 1,002.78
1414 Crestview	Lots 24 & 25, Blk 11	3rd	15260-00900-220-00	\$ 124.44
1421 E. Main	Lot 2 & 3, Blk 1	Eastgate Manor	15260-01100-250-00	\$ 62.22
15 S. Forest	Lots 7 & 8, Blk 73	3rd	15260-01100-250-00	\$ 62.22
215 S. Plum	Lot 16, Blk 3	Dahl	15202-00100-030-00	\$ 185.00
1504 Lewis	Lot 9, Blk 10	Smiths	15710-07300-080-00	\$ 97.22
1559 Crestview	Lot 10 & 11, Blk 5	Eastside	15270-00300-160-00	\$ 1,108.33
16 S. Pine	Lot 4	Eastgate Manor	15270-00300-160-00	\$ 1,108.33
17 S. Yale	Lot 13, Blk 76	3rd	15260-01000-090-00	\$ 243.11
18 S. Forest	N 1/2 of the W 1/2 of Lot 7,	Ridgecrest 7th	15660-00500-100-00	\$ 342.22
		Prices	15590-00000-040-00	\$ 952.78
		Smiths	15710-07600-130-00	\$ 291.67
		Smiths	15710-07400-070-09	\$ 97.22

	Blk 74			
	S 13' of Lot 3 & N 37' of Lot 4,			
19 Linden	Blk 1	College Park	15170-00100-040-00	\$ 588.89
19 S. Pine	Lots 5 & 6, Blk 1	East View	15290-00100-060-00	\$ 291.67
19 S. University	Lot L1, Blk 78	Smiths	15710-07800-000-09	\$ 194.44
20 Mickelson	20 S. Mickelson	Dahl	15202-00200-050-00	\$ 97.22
20 S. Harvard	Lot 19, Blk 76	Smiths	15710-07600-190-00	\$ 373.33
200 S. Forest	S 25' of Lot 1 and all of Lot 2, Blk 2	Hanson's Addition to	15300-00200-020-00	\$ 97.22
201 S. Yale	40' of Lot 4, Blk 4	Hanson's	15310-00400-040-00	\$ 97.22
202 Linden	Lot 13, Blk 1	Eastside	15270-00100-130-00	\$ 200.00
202 S. Pine	Lot 1, Blk 3	Eastside	15270-00300-010-00	\$ 794.44
203 E. Main (Pump & Stuff	Lots 1, 2, 3 & N. 99.5' of 4, 5 & 6, Blk73	Smiths	15710-07300-030-00	\$ 3,461.11
206 Linden	Lot 14, Blk 1	Eastside	15270-00100-140-00	\$ 97.22
206 S. Pine	Lot 2 & N 44' of Lot 3, Blk 3	Eastside	15270-00300-030-00	\$ 97.22
207 S. Forest	S. 40' of Lot 4 & E. 150' of N. 10' of Lot 5, Blk 1	Hanson's Addition to	15300-00100-050-00	\$ 97.22
207 S. Yale	57' of Lot 5, Blk 5	Hanson's	15310-00400-050-00	\$ 97.22
208 S. Forest	Lots 3 & 4, Blk 2	Hanson's Addition to	15300-00200-040-00	\$ 97.22
208 S. Yale	Lots 7 & 8, Blk 5	Hanson's	15310-00500-080-00	\$ 194.44
209 Catalina	S 5' of Lot 8 & N 65' of Lot 9, Blk 2	Park View Acres 2nd	15570-00200-090-00	\$ 164.44
210 Linden	Lot 15, Blk 1	Eastside	15270-00100-150-00	\$ 583.33
2105 E. Main	Lot 9, Blk 5	Smith Quam	15715-00500-090-00	\$ 263.11
211 E. Main	Lot 11, Blk 5	Smith Quam	15715-00500-110-00	\$ 248.89
211 S. Pine	Lot 3, Blk 2	Eastside Addition to	15270-00200-030-00	\$ 185.00
215 S. University	S 39' of 5 and all of 6, Blk 5	Hanson's	15310-00500-060-00	\$ 308.33
212 S. Pine	S 6' of Lot 3, All of Lot 4 & N 30' of Lot 5, Blk 3	Eastside	15270-00300-050-00	\$ 97.22
213 S. Forest	N 1/2 of Lot 6 & all of Lot 5, Exc. N 10' of E. 150' of said Lot 5, Blk 1	Hanson's	15300-00100-060-00	\$ 102.78
214 Linden	Lot 16, Blk 1	Eastside	15270-00100-160-00	\$ 97.22
214 Norbeck	Lot 3, Blk 2	French	15296-00200-030-00	\$ 65.78
214 Walker	Lot 3, Blk 4	Meisenholder 3rd	15470-00400-030-00	\$ 248.89
215 S. Forest	S. 1/2 of Lot 6 & all of Lot 7, Blk 1 & E 1/2 vac Dakota Street, subject to easement of S 10'	Hanson's	15300-00100-070-00	\$ 1,166.67

215 S. Pine	Lot 4, exc. W 60', Blk 2	Eastside	15270-00200-040-00	\$ 633.33
216 Linden	Lot 17 & N 39.2' of Lot 18, Blk 1	Eastside	15270-00100-180-00	\$ 497.22
217 Lewis	LOT 2A A REPLAT OF A PART OF BLKS 79 & 73 & a portion of vacated Park Ave.	East Vermillion	15280-07900-020-00	\$ 97.22
220 Catalina	S 67' of Lot 13, Blk 1	Park View Acres	15570-00100-130-03	\$ 54.44
220 Linden	Lot 19 & S 18' of Lot 18, Blk 1	2nd	15270-00100-190-00	\$ 702.78
220 S. Yale	Lot 6	Eastside	15490-00000-060-00	\$ 246.67
220 Walker	Lot 4, Blk 4	Morries	15470-00400-040-00	\$ 190.22
221 E. Main	Lots 4, 5 & 6, Blk 74	Meisenholder 3rd	15710-07400-060-00	\$ 466.67
221 Lewis	Lot 1A, Blk 79	Smiths	15280-07900-010-00	\$ 97.22
221 S. University	Lot 1	East Vermillion	15490-00000-010-00	\$ 97.22
222 S. Pine	Lot 7 & N 25' of Lot 8, Blk 3	Morries	15270-00300-080-00	\$ 777.78
223 S. Pine	Lot 6, Blk 2	Eastside	15270-00200-060-00	\$ 97.22
223 S. Plum	N 1/2 of Lot 14, and all of Lot 15, Blk 3	Eastside	15270-00300-150-00	\$ 124.44
224 S. Forest	Lot 3 & S 18' of Lot 2, Blk 3	Hanson's	15300-00300-030-00	\$ 97.22
224 S. University	Lots 7, 8, 9, 10, 11 & 12, Blk 2	College Park	15170-00200-120-00	\$ 702.78
224 Walker	Lot 5, exc. W 60' of S 2' S 1" of the NE 1/4 of the NE 1/4, 24-92-52	Meisenholder 3rd	15470-00400-050-00	\$ 197.33
225 S. Yale	Lot 15, Blk 1	Unplatted S. Yale	158700-09252-241-03	\$ 194.44
226 Sycamore	Lot 4 & 9, Blk 3	Urup's	15780-00100-150-00	\$ 312.44
228 S. Forest	N 65' of Lot 4, Blk 2	Hanson's	15300-00300-040-00	\$ 194.44
229 Catalina	S 8' of Lot 4 and the N 42' of Lot 5, Blk 1	East Acres	15220-00200-040-00	\$ 62.22
23 Linden	Lots 9 & 10, Blk 73	College Park	15170-00100-050-00	\$ 600.00
23 S. Forest	E 1/2 of the S 1/2 of Lot 7, Blk 74	Smiths	15710-07300-100-00	\$ 297.22
23 S. Harvard	Lot 16, Blk 76	Smiths	15710-07600-180-00	\$ 124.44
25 S. Yale	Lot 3, Blk 4	Smiths	15710-07600-160-00	\$ 2,333.33
231 S. University	S 1/2 of Lot 8 and all of Lot 9, Blk 3	Morries	15490-00000-030-00	\$ 375.00
234 S. Pine	Lots 8 & 9, Blk 78	Eastside	15270-00300-090-00	\$ 262.50
235 Lewis	Lot 20, Blk 1	East Vermillion	15280-07800-090-00	\$ 622.22
236 Linden	Lot 1 & N 35' of Lot 2	Eastside	15270-00100-200-00	\$ 194.44
239 S. University	Lots 17 & 18, Blk 76	Cusack's	15200-00000-020-00	\$ 97.22
24 S. Harvard	S 48.4' of Lot 6 and all of Lot 7	Smiths	15710-07600-180-00	\$ 1,742.22
24 S. Pine	Lot 6	Prices	15590-00000-070-00	\$ 194.44
24 S. University	COMM AT POINT 216' S OF NW COR BLK 78 E 130' S 55' W 130' N 55' to pob Blk 78	East End	15230-00000-060-00	\$ 97.22
24 S. Yale		Smiths	15710-07800-000-00	\$ 116.67

25 Linden	S 3' of Lot 5 and all of Lot 6, Blk 1	College Park	15170-00100-060-00	\$ 194.44
25 S. University	Lot T1, Blk 78	Smiths	15710-07800-000-30	\$ 291.67
30 Walker	S 68' of Lot 7, Blk 1	Russo's First	15670-00100-070-03	\$ 186.67
300 Lewis	Lot 8 and the E 10' of Lot 9, Blk 81	East Vermillion	15280-08100-090-06	\$ 124.44
300 S. Forest	Lot 5 & N 1/2 of Lot 6, Blk 3	Hanson's	15300-00300-060-00	\$ 291.67
301 Lewis	Lot 10 & 11, Blk 78	East Vermillion	15280--7800-110-00	\$ 197.33
302 S. Yale	Lot 6	Cusack's	15200-00000-060-00	\$ 370.00
303 Catalina	Lot 10, Blk 1	East Acres	15220-00100-100-00	\$ 186.67
303 E. Main	Lots 1 & 2, Blk 76	Smiths	15710-07600-020-00	\$ 871.11
303 Linden	N 75' of Lot 20, Blk 1 and E 1/2 of Vacated Alley adjacent to N 75'	Bruyer's	15130-00100-200-00	\$ 7.78
305 E. Main	Lots 3 & 4, Blk 76	Smiths	15710-07600-040-00	\$ 350.00
305 S. Forest	Lots 1 to 14, inclusive, Blk 11	Original Town	15530-01100-060-00	\$ 194.44
309 Lewis	Lot 12 & the W 1/2 of Lot 13, Blk 78	East Vermillion	15280-07800-120-00	\$ 131.56
309 S. Crawford	S 73' of Lot H, Blk 1, E 1/2 E 1/2 NE 1/4 NE 1/4 19-92-51	Miscellaneous Entries	15880-09251-191-19	\$ 197.33
309 S. Yale	Lot L-1, except the S 8' & the W 20' in the unplatted part of the NE 1/4 of the NE 1/4, 24-92-52		15870-09252-240-09	\$ 297.22
310 S. Forest	N 1/2 of the W 35' of Lot 9, Blk 81	East Vermillion	15280-08110-090-03	\$ 97.22
311 E. Main	Lots 5 & 6, Blk 76	Smiths	15710-07600-060-00	\$ 1,050.00
311 S. Forest	N 1/2 of the 14' of Lot 3 and N 1/2 of Lots 4, 5, 6 & 7, Blk 80	East Vermillion	15280-08000-070-00	\$ 97.22
311 Sycamore	Lot 3, Blk 1	East Acres	15220-00100-030-00	\$ 108.89
312 Lewis	Lot 4 & W. 7' of Lot 3 Blk 81 with an easement over a strip of land 3' wide along west side of east 38' of said lot 3 for driveway purposes	East Vermillion	15280-08100-040-00	\$ 62.22
315 E. Main	Lots 7, 8 & 9 with a strip 20' wide along s side of Lots 7, 8 & 9, Blk 76	Smiths	15710-07600-090-00	\$ 1,330.00
315 Lewis	E 1/2 of Lot 13 and all of Lot 14, Blk 78	East Vermillion	15280-07800-140-00	\$ 124.44
315 S. University	N 1/2 of Lots 1, 2 & 3, Blk 82	East Vermillion	15280-08200-030-00	\$ 388.89
316 S. University	Lot 1 and the N 1/2 of Lot 2, Blk 1	Bruyer's	15130-00100-020-00	\$ 1,361.11
319 S. Pine	Lot 5, Blk 2	Eastside	15270-00200-050-00	\$ 281.94

320 S. University	S 1/2 of Lot 2 and all of Lot 3, Blk 1	Bruyer's	15130-00100-030-00	\$ 1,118.06
321 E. Main	Lots 10, 11 & 12, Blk 76	Smiths	15710-07600-120-00	\$ 758.33
322 Canby	Lot 1 & 2, Blk 78	East Vermillion	15280-07800-020-00	\$ 2,256.11
322 S. Forest	S 1/2 of the W 35' of Lot 9, Blk 81	East Vermillion	15280-08100-090-00	\$ 194.44
322 S. Yale	C-2 & the S 8' & the W 20' of L-1, 24-94-52	Unplatted S. Yale	15870-09252-240-06	\$ 291.67
324 Lewis	The S 103' 7.5" of Lot 1 & 2, Blk 81	East Vermillion	15280-08100-020-00	\$ 194.44
325 S. University	S 1/2 of Lots 1, 2 & 3, Blk 82	East Vermillion	15280-08200-030-03	\$ 291.67
326 S. University	Lot 4, and the W 1/2 of Vacated Alley	Bruyer's	15130-00100-040-00	\$ 583.33
4 Sycamore	W 80' of Lot 1 & W 80' of the N 40' of Lot 2, Blk 1	Park View Acres	15560-00100-020-03	\$ 194.44
401 Park Lane	Lots 6 to 15, including Blk 75	East Vermillion	15280-07500-150-00	\$ 917.78
401 Sharpe	Lot 9, Blk 3	Eastgate Manor 3rd	15260-00300-090-00	\$ 350.00
402 Lewis	E 76' of Lot 5 & W 8' of Lot 6, Blk 10	Eastgate Manor 3rd	15260-01000-060-00	\$ 97.22
402 S. University	Lot 5 and the N 1/2 of Lot 6, Blk 1 and 1/2 of Vacated Alley	Bruyer's	15130-00100-060-00	\$ 972.22
403 E. Main	W 130' of the N 216' of Blk 78	Smiths	15710-07800-000-21	\$ 1,493.33
403 Linden	N 75' of Lot 18, Blk 1	Bruyer's	15130-00100-180-02	\$ 824.44
408 Lewis	W 30' of the S 132' of Lot 8 & the E 25' of the S 132' of Lot 9, Blk 82	East Vermillion	15280-08200-090-00	\$ 62.22
408 S. Pine	S 65' of Lot 2, Blk 2, 19-92-51	Aud Tract B	15850-00200-020-03	\$ 164.44
408 S. University	S 1/2 of Lot 6 & all of Lot 7, Blk 1 and the W 1/2 of Vacated Alley	Bruyer's	15130-00100-070-00	\$ 1,069.44
408 S. Yale	S 60' of EL-1, Blk 77	East Vermillion	15280-07700-000-09	\$ 105.00
409 Linden	N 1/2 of Lot 17 & S 25' of Lot 18, Blk 1	Bruyer's	15130-00100-180-00	\$ 62.22
409 S. Norbeck	Lot 7 & S 10' of Lot 8, Blk 5	Eastgate Manor 3rd	15260-00500-080-00	\$ 131.56
411 Lewis	EL-2, Blk 77	East Vermillion	15280-07700-000-00	\$ 171.11
415 Lee Street	Lot 14, Blk 9	Eastgate Manor 3rd	15260-00900-140-00	\$ 124.44
415 S. University	N 1/2 of Lots 1, 2, 3 & 4, Blk 77	East Vermillion	15280-07700-040-00	\$ 1,118.06
416 Lewis	W 30' of Lot 6 & all of Lot 7 and the E 15' of Lot 8, Blk 82	East Vermillion	15280-08200-080-00	\$ 435.56
416 S. University	Lot 8 and the N 20' of Lot 9, Blk 1 and the West 10' of vacated alley & the N 20' of	Bruyer's	15130-00100-090-00	\$ 583.33

	Lot 9			
419 Park Lane	Lot 16 & 17 and the W 40' of Lot 18, Blk 75	East Vermillion	15280-07500-180-00	\$ 513.33
420 Canby	E 28' of Lot 6, Blk ___ and all of Lots 5, Blk 77	East Vermillion	15280-0700-050-00	\$ 62.22
421 & 423 Lewis	Lot 16 & the W 30' of Lot 17, Blk 77	East Vermillion	15280-07700-170-0	\$ 435.56
421 S. University	S 1/2 of Lot 1, 2, 3 & 4, Blk 77	East Vermillion	15280-07700-040-03	\$ 583.33
422 S. University	S 30' of Lot 9, and all of Lot 10, Blk 1	Bruyer's	15130-00100-100-00	\$ 1,322.22
422 S. Yale	Lot 10 & the West 1/2 of Lot 9, Block 77	East Vermillion	15280-07700-100-00	\$ 315.00
424 Lewis	Lot 4 and the E 10' of Lot 5, Blk 82	East Vermillion	15280-08200-050-00	\$ 197.33
501 S. Norbeck	Lot 5, Blk 5	Eastgate Manor 3rd	15260-00500-050-00	\$ 186.67
501 S. Yale	E 21' of Lot 16 lying S of Canby, all Lots 17 & 18, Blk 74	East Vermillion	15280-07400-180-00	\$ 62.22
503 Thomas	Lot 1, Blk 8	Meisenholder 3rd	15470-00800-010-00	\$ 115.11
505 E. Main	Lots 1, 2 & 3	East End	15230-00000-030-00	\$ 388.89
506 Bulow	Lot 9, Blk 5	Eastgate Manor 3rd	15260-00500-090-00	\$ 128.00
508 Lee Street	N 8' of Lot 5 & all of Lot 6, Blk 11	Eastgate Manor 3rd	15260-01100-060-00	\$ 62.22
509 Lee Street	Lot 17, Blk 9 & S 1/2 of Lot 16 & N 1/2 of Lot 18, Blk 9	Eastgate Manor 3rd	15260-00900-170-00	\$ 124.44
509 Poplar	Lot 2, Blk 2	Valley View	15800-00200-020-00	\$ 304.44
510 Catalina	S 10' of Lot 4 & Lot 5, Blk 3	Eastgate Manor 3rd	15260-00300-050-00	\$ 205.56
511 Mickelson	Lot 6, Blk 12	Eastgate Manor 3rd	15260-01200-060-00	\$ 82.22
514 S. Norbeck	Lot 5, Blk 9	Eastgate Manor 3rd	15260-00900-050-00	\$ 65.78
514 Valley View	Lot 14, Blk 2	Valley View	15800-00200-140-00	\$ 296.00
515 E. Main	N 132' of Lot 2, Blk 1	College Park	15170-00100-020-00	\$ 544.44
515 Poplar	Lot 3, Blk 2	Valley View	15800-00200-030-00	\$ 189.11
515 Sterling	Lot 18, Blk 11	Eastgate Manor 3rd	15260-01100-180-00	\$ 62.22
517 Valley View	Lot 5, Blk 3	Valley View	15800-00300-050-00	\$ 387.56
518 Valley View	Lot 13, Blk 2	Valley View	15800-00200-130-00	\$ 148.00
519 Crawford Road	Lot 1A, Blk 15	Eastgate Manor 3rd	15260-01500-010-00	\$ 62.22
521 Valley View	70' x 142.5' to 168.2' Replat of Lot 6A, Blk 3	Valley View	15800-00300-060-03	\$ 739.11
526 Poplar	Lot 5, Blk 1	Valley View	15800-00100-050-00	\$ 77.78

530 Oakmont Drive	Lot 8, Blk 4	Smith Quam	15715-00500-080-00	\$ 65.78
6 Walker	N 100' of Lot 1, Blk 1	Russo's First	15670-00100-010-00	\$ 77.78
600 Lewis	Lot 1	Coverdales	15190-00000-010-00	\$ 155.56
600 S. Norbeck	Lot 4, Blk 9	Eastgate Manor 3rd	15260-00900-040-00	\$ 62.22
601 Lewis	Lot 1, Replat Auditor's Tract "A" S 1/2 of Lot 2 NW 1/4 Sect 19-92-51	Auditor's Tract "A"	15860-09251-190-24	\$ 62.22
602 Canby	Lot 12 of Replat A 75.6', 19- 92-51	Aud Tract in 19-92- 51	15860-09251-190-03	\$ 62.22
602 Poplar	Lot 7, Blk 1	Valley View	15800-00100-070-00	\$ 62.22
602 Thomas	N 85' of Lot 1, Blk 7	Meisenholder 3rd Eastgate Manor	15470-00700-010-00	\$ 124.44
603 S. Norbeck	Lot 11, Blk 6	3rd Eastgate Manor	15260-00600-110-00	\$ 62.22
605 Sharpe	Lot 17, Blk 6	3rd	15260-00600-170-00	\$ 263.11
606 Lewis	Lot 2	Coverdales	15190-00000-020-00	\$ 124.44
609 Catalina	Lot 12, Blk 2	Eastgate Manor	15240-00200-120-00	\$ 97.22
609 Thomas	S 25' of N 50' of Lot 4, Blk 8	Meisenholder 3rd	15470-00800-040-02	\$ 186.67
610 Catalina	Lot 4, Blk 4	Eastgate Manor	15250-00400-040-00	\$ 194.44
613 Lee Street	Lot 21, Blk 9	Eastgate Manor 3rd	15260-00900-210-00	\$ 193.78
618 Lee Street	Lot 1, Blk 11	3rd	15260-01100-010-00	\$ 328.89
619 Lewis	Lots 4 & 5, Replat Auditor's Tract A NW 1/4, 19, 92-51	Auditor's Tract "A"	15860-09251-190-09	\$ 186.67
619 Valley View	Lot 10, Blk 3	Valley View	15800-00300-100-00	\$ 77.78
620 Canby	W 20' of Lots 2 & 3, Blk1, 19- 92-51	Aud Tract B	15850-00100-030-03	\$ 148.00
620 Lewis	Lot 5	Coverdales	15190-00000-050-00	\$ 62.22
623 E. Main	Lot 4, Blk 1	East View	15290-00100-040-00	\$ 544.44
624 Lewis	Lot 6	Coverdales	15190-00000-060-00	\$ 62.22
627 Lewis	Lot 6, Replat Auditor's Tract A, NW 1/4, 19-92-51	Auditor's Tract "A"	15860-09251-190-15	\$ 111.00
630 Lewis	Lot 7	Coverdales	15190-00000-070-00	\$ 62.22
630 Thomas	Lot 3, Blk 7	Meisenholder 3rd	15470-00700-030-00	\$ 128.00
631 Lewis	Lot 1, Aud Tract B of S 1/2 of Low 2 in the NW 1/4, 19-92- 51	Aud Tract in 19-92- 51	15860-09251-192-03	\$ 148.00
641 Thomas	Lot 6, exc. N 35' & Lot 7, exc. S 25', Blk 8	Meisenholder 3rd	15470-00800-070-00	\$ 65.78
701 Lewis	Lot 1 & N 10' of Lot 2, Blk 2, Auditor's Tract B NW 1/4, 19- 92-51	Aud Tract B	15850-00200-020-00	\$ 404.44
702 Lewis	S 100' of Lot 8	Coverdales	15190-00000-080-03	\$ 370.00

703 E. Main	N 83' of 1 & N 83' of W 1/2 of Lot 2	Prices	15590-00000-020-03	\$ 1,922.22
704 Valley View	Lot 8, Blk 2	Valley View	15800-00200-080-00	\$ 62.22
706 Lewis	Lot 9	Coverdales	15190-00000-090-00	\$ 105.00
707 Lewis	Lot 3, Blk 2, Auditor's Tact B, NW 1/4, 19-92-51	Aud Tract B	15850-00200-030-00	\$ 62.22
709 E. Main	E 1/2 of Lot 2 and all of Lot 3 E77.7' of Lot 11, 12 & E 77.7' of S 1/2 of Lot 13, Blk 3	Prices	15590-00000-030-00	\$ 1,400.00
716 Maple	E 25' of Lot 12 & W 50' of Lot 13	Eastside	15270-00300-130-00	\$ 404.44
722 Lewis	S 172.4' of E 64.73' of AUD Tract C of S 1/2 of Lot 2 NW 1/4 19-92-51, exc S 22.4' of E 70.8'	Coverdales	15190-00000-130-03	\$ 248.89
726 Canby	Lot 4, Blk 2	Aud Tract in 19-92-51	15860-09251-190-33	\$ 311.11
804 Canby	Lot 7A replat of S 25' of Lot 7, Blk 8	Meisenholder 1st	15460-00200-040-00	\$ 124.44
806 Valley View	Lot 5, Blk 2	Meisenholder 3rd	15470-00800-070-03	\$ 190.22
812 Canby	Lot 1, Blk 1	Meisenholder 1st	15460-00200-050-00	\$ 124.44
819 Jane	Lot 6, Blk 2	Meisenholder 1st	15460-00100-010-00	\$ 1,617.78
828/830 Canby	Lot 3, Blk 1, exc. Westerly 13.8'	Meisenholder 1st	15460-00200-060-00	\$ 248.89
833 Valley View	Lots 4 & 5, Blk 2	Ridgecrest	15600-00100-030-00	\$ 85.56
836 Valley View	Lot 5, Blk 1	Ridgecrest	15600-00200-050-00	\$ 139.78
849 Valley View	N 1/2 Vac alley & S. 30.5' of E. 15', Lot 3 & S. 30.5' of Lots 4, 5, & 6, Blk 73.	Ridgecrest	15600-00100-050-00	\$ 567.78
9 S. Forest (building S of Pump & Stuff	Lot 7, Blk 2	Smiths	15710-07300-060-00	\$ 102.78
902 Eastgate Drive	Lot 1, Blk 3	Eastgate Manor	15240-00100-070-00	\$ 62.22
902 Ridgecrest	Lot 8, Blk 2	Ridgecrest	15600-00300-010-00	\$ 314.67
902 Valley View	Lots S-1, exc the S 20' of the NW 1/4, 19-92-51	Ridgecrest	15600-00200-080-00	\$ 62.22
903 Crestview	W 60' of Lot 6 & W 60' of S 1' of Lot 5, Blk 4	Miscellaneous Entries	15880-09251-192-01	\$ 70.00
904 Lewis	E50' Lot 6, Blk 4 and W 18.5' of Lot 1, Blk 1	Meisenholder 3rd	15470-00400-050-06	\$ 318.22
906 Lewis	Replat of Blk 1	Meisenholder 3rd and 4th	15470-00400-060-00	\$ 197.33
909 Lewis	W 68.5' of Lot 8, Blk 1	St. Agnes Church	15740-00100-000-00	\$ 128.33
910 Eastgate Drive	Lot 15, Blk 3	Eastgate Manor	15240-00100-080-00	\$ 62.22
912 Ridgecrest	N 100' of Lot 3, Blk 1	Ridgecrest	15600-00300-150-00	\$ 62.22
915 E. Main	Lot 6, Blk 1	Russo's First	15670-00100-030-00	\$ 194.44
915 Ridgecrest	Lot 7, Blk 1	Ridgecrest	15600-00100-060-00	\$ 62.22
917 Ridgecrest	Lot 3, Blk 3	Ridgecrest	15600-00100-070-00	\$ 295.56
919 Valley View		Ridgecrest	15600-00300-030-00	\$ 124.44

924 Valley View	Lot 11, Blk 2	Ridgecrest	15600-00200-110-00	\$ 155.56
927 Valley View	Lot 4, Blk 3	Ridgecrest	15600-00300-040-00	\$ 318.22
928 Eastgate Drive	Lot 10 & W 2' of Lot 11, Blk 1	Eastgate Manor	15240-00100-100-00	\$ 124.44
931 Ash	Lot 6, Blk 1	East Acres	15220-00100-060-00	\$ 124.44
933 Eastgate Drive	Lot 10, Blk 2	Eastgate Manor	15240-00200-100-00	\$ 124.44
933 Valley View	Lot 5, Blk 3	Ridgecrest	15600-00300-050-00	\$ 124.44
934 Lewis	E 70.5' of Lot 3 & W 15' of Lot 4, Blk 1	Eastgate Manor 3rd Park View Acres	15260-00100-040-00	\$ 124.44
935 Sunset	Lot 1, Blk 2	2nd	15570-00200-010-00	\$ 148.00
937 Ridgecrest	Lot 10, Blk 1	Ridgecrest	15600-00100-100-00	\$ 77.78
941 Crestview	E 32' of Lot 5 & W 60' of Lot 6, Blk 2	Eastgate Manor 2nd	15250-00200-060-00	\$ 65.78
942 Ridgecrest	Lot 11, Blk 3	Ridgecrest	15600-00300-110-00	\$ 233.33
943 E. Main	Lot 4, Blk 1	Park View Acres	15600-00100-040-00	\$ 97.22
943 Eastgate Drive	Lot 11, Blk 2	Eastgate Manor Park View Acres	15240-00200-110-00	\$ 65.78
945 Sunset	Lot 2 & N 5' of Lot 3, Blk 2 E 76' of Lot 5, Replat, Blk 1 & 2, Blk 2	2nd	15570-00200-030-00	\$ 160.00
948 Eastgate		St. Agnes Church Park View Acres	15740-0020-050-02	\$ 267.78
948 Sunset	Lot 1, Blk 1	2nd	15570-00100-010-00	\$ 172.67
949 E. Main	Lot 6, Blk 1	Park View Acres	15560-00100-060-00	\$ 585.00
952 Crestview	E 72' of Lot 7, Blk 1	Eastgate Manor 2nd Park View Acres	15250-00100-070-00	\$ 77.78
952 Sunset	Lot 2, Blk 1	2nd	15570-00100-020-00	\$ 186.67
959 E. Main	Lot 10, Blk 1	Park View Acres Eastgate Manor	15560-00100-100-00	\$ 102.78
984 Crestview Drive	E 93' of Lot 11, Blk 1	2nd	15250-00100-110-00	\$ 155.56
10 Linden Avenue	Lot 1, Blk 1	Eastside	15270-00100-010-00	\$ 680.56
St. Agnes	Replat of Blk 1	St. Agnes Church	15740-00100-000-00	\$ 245.22
120 Sycamore	Lots 9, 10, 11 and N 20' of Lot 12, Blk 1	Urup's	15780-00100-120-00	\$ 411.11
15 Sycamore	S 49' of Lots 3 & 4, Blk 1	Russo's First	15670-00100-040-00	\$ 97.22
35 Sycamore	Lot 9 & N 40' of Lot 10, Blk 1	Russo's First	15670-00100-090-00	\$ 97.22
125 Sycamore	S 26' of Lot 1 & all Lot 2 & N 11' of Lot 3, Blk 1	Urup's	15780-00100-030-00	\$ 77.78
175 Sycamore	Lots 4, 5 & 6, Blk 1	Urup's	15780-00100-060-00	\$ 124.44

BE IT FURTHER RESOLVED, that the property owner shall, at their own expense, repair the sidewalk according to the specifications filed in the office of the City Engineer. The repairs must be completed by the 29<sup>th</sup> day of June, 2012, or be under contract to be completed no later than the end of 2012.

BE IT FURTHER RESOLVED, that if a property owner does not repair their sidewalk properly within the time specified, the City of Vermillion will cause the repairs to be made and assess the costs, plus a fiscal fee. The fiscal fee will be EIGHT PERCENT (8%) of the cost or FIFTY DOLLARS (\$50.00), whichever is greater.

BE IT FURTHER RESOLVED, that the assessment shall be payable in two (2) equal annual installments. Any assessment or installment not paid within THIRTY (30) days after filing the approved assessment roll in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43, and that all deferred payments shall bear interest at the rate of TEN PERCENT (10%) per annum.

BE IT FURTHER RESOLVED, that any person interested may appear and show cause before the Governing Body of the City of Vermillion at the City Council Chambers of said City at 7:00 p.m. on the 19th day of September 2011, why the above and foregoing resolution should not, at said time and place, be adopted and passed by the Governing Body, at which time the Governing Body will finally approve, disapprove, or modify the same in its discretion.

Dated at Vermillion, South Dakota this 15<sup>th</sup> day of August, 2011.

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

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John E. (Jack) Powell

ATTEST:

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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

A. 2011 Sidewalk Repair Assessment (Northeast Quadrant - East of Dakota Street and North of E. Main Street)

Jose Dominguez, City Engineer, reported that bids were opened on August 3, 2011 for the sidewalk repair contract. Bid requests were sent to 11 bidders with three bids received. One of the three bids was incomplete and not read. The low bid was from Slattery Construction for \$58,823.16.

Slattery Construction \$58,823.16; Masonry Components, Inc. \$110,112.00

248-11

Alderman Grayson moved approval of the low bid of Slattery Construction in the amount of \$58,823.16 for sidewalk repairs. Alderman French seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 10. City Manager's Report

A. John stated that, with the revision to the subdivision ordinance that allows the City Engineer to approve minor plats, the City Engineer approved a plat for Lot 14A in Block 36 of Snyder's Addition on August 3, 2011. The property is located on the southeast corner of National and High Street.

B. John reported that the City Council has set a special meeting for Tuesday, August 16<sup>th</sup> and Wednesday, August 17<sup>th</sup> for review of the budget starting at 5:15 p.m. in the large conference room on the second floor of City Hall.

C. John reported that the Prentis Park swimming pool will be closing for the season on August 24<sup>th</sup> and that the doggie plunge is on August 25<sup>th</sup>.

D. John reported that he has had two raffle requests. The first from United Way for a USD Theater Season Pass and USD football game President's Skybox with tickets \$5 or 5 for \$20. The second is from St. Agnes Fall Festival for two raffles. The first is \$1 per chance to win a variety of prizes and the second is for a 2003 Cadillac with tickets a \$1 each.

E. John wanted to remind citizens that with school starting at the end of the month to be alert for children and the school zone speed limits.

#### PAYROLL ADDITIONS AND CHANGES

Police: Nicholas Marcus \$17.26/hr; Landfill: Mark Milbrodt \$15.95/HR



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

12.  
Adjourn

251-11  
Alderman Zimmerman moved to adjourn the Council Meeting at 7:45 p.m. Alderman Willson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15<sup>th</sup> day of August, 2011.

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 \_\_\_\_\_.

Approved Minutes  
Council Budget Session  
August 16, 2011  
Tuesday - 5:15 p.m.

The special budget session of the City Council, City of Vermillion, South Dakota was called to order on Tuesday, August 16, 2011 at 5:15 p.m. at the City Hall large conference room.

## 1. Roll Call

Present: Davies, French, Grayson (arrived at 5:43), Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

## 2. Budget Workshop

John Prescott, City Manager, provided an overview of the budget noting that the budget presented should serve as the starting point for the process to develop the 2012 budget. He noted that the budget hearings are to provide the Council with the information about the budget to allow them to make the decisions needed to finalize the budget and also lists proposed changes in the 2011 budget. John reviewed some of the major items for the budget:

- Property taxes are allowed to increase 2.1% for 2012 per the state growth factor.
- Sales tax for 2011 was reduced to 2010 level and a 3% increase was included for 2012.
- Utility transfers are proposed to remain the same.
- The final debt service payment was made on TIF District #3 but over the term of the district the electric utility has advanced \$246,440 to make the debt service payments as there were not enough property taxes. The City Council has the authority to continue the TIF District to repay the funds to the electric utility.
- Utility rate adjustments for 2012 recommended by the Joint Powers Board will be 10% for the landfill. The electric rates for 2012 were already set when the seasonal rates were adopted. No rate increase is proposed for water unless the water tower replacement moves forward. A rate increase may be needed in wastewater depending upon the winter water usage needed to cover the debt service.
- The storm water fee is proposed to increase by 3% which will generate an additional \$5,400.
- John noted that a request was received from the Clay County Director of Equalization for the City to participate in a

Pictometry database. The request was for \$7,500 for three years to offset part of the annual cost of \$18,260.

- John noted that the Vermillion Housing Authority has indicated the need for assistance for their audit and workers compensation insurance costs due to reduced federal funding.
- John noted that additional funds were included in the ambulance budget for an increase in the hourly rate while on a call.
- The only new position was in the Emergency Communications where a half time position is being increased to full time as the City will need to provide two dispatchers at all times by July 1, 2013.
- John stated that the major projects will be the library addition and renovations starting this fall with anticipated completion at the end of 2013 and Stanford Street reconstruction is planned for bidding later this year or early next for construction in 2013.

Alderman Grayson arrived at 5:43 p.m.

The Council started the review of the 2012 proposed budget, as well as revisions to the 2011 budget, by reviewing the following sections of the budget with the City Manager and department heads: Public Utilities - Water, Wastewater, Electric; Equipment Replacement Fund; Policy and Administration - Engineering, Old Library Maintenance, Airport, Old Landfill Maintenance, Capital Projects, Storm water fund, Joint Powers Landfill, Joint Powers Recycling, Curbside Recycling; Human Development/Leisure - Public Library, Library Special Fund, Enterprise Fund - Liquor Store; Special Funds - BBB Sales Tax, Second Penny Sales Tax. The discussion of the BBB Sales Tax Fund included the amount of the outside agency requests from the W.H. Over Museum, National Music Museum, USD Admissions, Ribs Rods Rock n Roll, the VCDC, Fourth of July Celebration and Vermillion Now. The Council reviewed the amount of the requests that are included in the general fund from the Vermillion Public Transit, Dakota Senior Meals, Vermillion Area Arts Council, Senior Citizens Services and landfill voucher program. Discussion followed on the funding levels for the outside agencies and the impact on the City budget.

252-11

Alderman Ward moved to request that the City Manager notify the outside agencies who had requested funding from the City for 2012 of the amount that was included in the budget and if they would like to meet with City Council about the request schedule such as meeting time. Alderman Grayson seconded the motion. Discussion followed on the agency funding requests, the funds available in the budget and when meetings could be scheduled.

A roll call vote of the Governing Body was as follows: Davies - No, Grayson - Yes, French - No, Meins - Yes, Osborne - No, Ward - No, Willson - No, Zimmerman - No, Mayor Powell - Yes.

Motion failed 3 to 6. Mayor Powell declared the motion failed.

253-11

Alderman Willson moved for 2012 to fund W.H. Over Museum - \$15,000, National Music Museum - \$15,000, USD Admissions - \$10,000, Ribs Rods & Rock N'Roll - \$5,000, VCDC - \$185,400, Vermillion NOW! - \$30,000, and July 4th fireworks - \$3,500 from the BBB sales tax fund and Vermillion Public Transit - \$7,500, Dakota Senior Meals - \$3,500, Vermillion Area Arts Council - \$5,000, Senior Citizens Services - \$15,000 and landfill voucher program - \$6,500 from the general fund and requested that the City Manager notify the agencies of the funding amounts. Alderman Davies seconded the motion. Discussion followed on the motion.

A roll call vote of the Governing Body was as follows: Davies - Yes, Grayson - Yes, French - Yes, Meins - Yes, Osborne - Yes, Ward - Yes, Willson - Yes, Zimmerman - Yes, Mayor Powell - Yes.

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

3. Adjourn

254-11

Alderman Ward moved to adjourn the Council Meeting at 9:30 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 16<sup>th</sup> day of August, 2011.

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 \_\_\_\_\_.

Approved Minutes  
Council Budget Session  
August 17, 2011  
Thursday - 5:15 p.m.

The special budget session of the City Council, City of Vermillion, South Dakota was held on Wednesday, August 17, 2011 at 5:15 p.m. at the City Hall large conference room.

1. Roll Call

Present: Davies, French, Grayson (arrived 5:35 pm), Meins, Osborne, Ward, Willson, Zimmerman, Mayor Powell

2. Budget Workshop

The Council continued the review of the 2012 proposed budget and 2011 revised budget by reviewing the following sections of the budget with the City Manager and Department Heads: Fire and Rescue, Emergency Management, Ambulance, Police Administration and Investigation, Police Patrol, Service Center, Mechanic's Garage, Street Department, Snow Removal, Sweeping/Mowing, Carpentry, Code Enforcement, Emergency Communications, Parks & Forestry, Recreation, Swimming Pool, Armory, Mosquito Control, Bluffs Clubhouse, Bluffs Maintenance; Parks Capital Fund, General Government and Finance Office. John Prescott, City Manager, reported that he had made contact or left messages with the outside agencies on the funding proposed for next year.

Budget Wrap-up:

Mayor Powell asked John Prescott for items that the City Council will need to address for the budget.

John Prescott, City Manager, stated that the City Council in the past has provided direction as to the Mayor and City Council compensation to be included in the budget.

255-11

Alderman Willson moved to set the Mayor and City Council compensation for 2012 at the same amounts as 2011. Alderman Davies seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Alderman Ward requested that the City Council consider funding for a community marketing and promotion position. Discussion followed on marketing and promotion of the city with the consensus of the

council to have the City Manager report on this topic at a noon session.

Discussion followed on the funding for step increases for employees in the 2012 budget. The consensus of the City Council was to include funding for potential step increases in the 2012 budget.

John Prescott, City Manager, reported that the City Council will need to provide direction on a request from the Director of Equalization for funding assistance on the Pictometry software. The request was for \$7,500 per year for three years. Discussion followed with the consensus to request the Director of Equalization make a presentation to the City Council on the benefits to the city of this software.

John Prescott, City Manager, noted that it had been reported that the electric fund advanced funds to TIF #3 to make the debt service payments and asked what the City Council wanted to do with the debt owing the electric fund as the bonds have been repaid. Mike Carlson, Finance Officer, provided a handout reporting that the electric fund had loaned \$246,400 to the TIF #3 debt service fund as the bond resolution provided and that the bond resolution authorizes the continuation of the TIF district until all debts are repaid. The City Council will need to provide direction if it wants to continue the TIF to repay the electric fund or dismiss the debt to the electric fund and dissolve the TIF district. Discussion followed.

256-11

Alderman Zimmerman moved to authorize staff to develop a resolution to continue the TIF district #3 to repay the debt to the electric fund for consideration at a future council meeting. Alderman Willson seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Discussion followed on the swimming pool passes with the consensus to have staff provide the numbers of pool passes and survey what other communities are charging.

John Prescott, City Manager, stated that in 2011 the city contributed \$9,300 to the Housing Authority to help with their cash flows. It has been suggested that the rental housing fees be adjusted to provide additional funds needed by the city to finance the Housing Authority. John noted that there are 875 structures with 2201 units. The current rate is \$20 per structure with \$12 per unit. John stated a fee increase of \$3 each would generate about \$9,200 per year. Discussion followed on the rental housing fees.

257-11

Alderman Davies moved to authorize staff to prepare the resolution to adjust rental housing fees to \$25 per structure with \$15 per unit for consideration at a future city council meeting. Alderman Osborne seconded the motion. Discussion followed. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Based upon the adjustment to the rental housing rates the consensus of the City Council was to include \$10,000 in the 2012 budget for the Vermillion Housing Authority.

John Prescott, City Manager, reported that the City of Yankton is adopting the resolution to adjust landfill rates at their meeting next week and as we have three weeks between meetings a special meeting would be needed to have our rates in place by October 1<sup>st</sup>. Discussion followed with the consensus to have the City Manager schedule a special meeting the last week of August including the possibility of having the Director of Equalization present to explain the Pictometry request.

Mayor Powell wanted to thank the Council members for making the time for the budget hearings.

258-11

Alderman Willson moved to authorize staff to include the changes outlined into the budget ordinance for consideration at the first meeting in September. Alderman Zimmerman seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 4. Adjourn

259-11

Alderman Ward moved to adjourn the Council Meeting at 9:03 p.m. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 17<sup>th</sup> day of August, 2011.

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  
August 29, 2011  
Monday 5:15 p.m.

The special session of the City Council, City of Vermillion, South Dakota was called to order on Monday, August 29, 2011 at 5:15 p.m. by Mayor Powell in the city hall large conference room.

1. Roll Call

Present: Davies, French, Meins, Osborne, Ward, Willson, Mayor Powell

Absent: Grayson, Ward

2. Pledge of Allegiance

3. Adoption of Agenda

260-11

Alderman French moved approval of the agenda. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

4. New Business

A. Resolution adjusting landfill rates

Bob Iverson, Solid Waste Director, provided background of the Joint Powers Operations and reported that the Joint Powers Board, at their July 28, 2011 meeting, recommended a 10% increase in landfill rates. The recommendation followed the report on the operating loss for the first six months and the report of HDR, the consulting engineer, on the cost of the leachate system needed for cell 5 thru 10 along with the cost of constructing cell 5. The resolution will increase landfill fees by \$4.00 per ton for garbage, \$5.00 per ton for asbestos, \$.70 per ton for contaminated soil, \$.50 per ton for wood and tree branches and 10% for the tire disposal fee. White goods and electronics will remain the same. Bob reported that the Yankton City Commission adopted a resolution increasing the fees at the Yankton Transfer Station at their August 22<sup>nd</sup> meeting. The increase is projected to generate \$54,660 of additional revenue for the Vermillion operations and \$90,000 for the Yankton operations based upon the estimated 2012 tonnage.

Discussion followed on the rate resolution that includes the electronics recycling fees. Bob noted that Goodwill in Yankton is accepting electronics but the electronics recycling program in Yankton

has not been established. John Prescott, City Manager, noted that he has been working with the Yankton City Manager on the need to implement a program for non residential electronics recycling for Yankton and it is anticipated that the HDR study will report this deficiency in operations. John noted that this item has been discussed at the Joint Powers meetings. Discussion followed on the need to have the rates the same between both cities.

261-11

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

RESOLUTION REVISING DISPOSAL RATES  
AT THE MUNICIPAL LANDFILL AND RECYCLING CENTER

WHEREAS, at the July 28th, 2011, Joint Powers Advisory Board meeting in Vermillion, the board voted to recommend that each city increase the tipping fees at each municipality's respective facility; and

WHEREAS, it has been almost 10 years (2002) since an increase in tipping fees was last enacted and the cost to operate per ton has exceeded the revenue per ton that is being charged; and

WHEREAS, the Joint Powers member cities desires to provide solid waste services on a self-sustaining user fee basis; and,

WHEREAS, Section 52.07 of the 2008 Revised Ordinance of the City of Vermillion allows the City Council to establish and charge fees and service charges for the commercial and non-commercial deposits of receivable solid waste at the landfill.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of City of Vermillion, South Dakota, at a special meeting thereof, in the Council Chambers of said City, at 5:15 p.m., on the 29th day of August, 2011, to amend the following Landfill and Recycling fees to be effective for October 3, 2011

	<u>Per ton</u>	<u>Minimum</u>
1. Garbage for Licensed Haulers	\$40.00	\$12.00
2. Garbage for Un-Licensed Haulers	\$43.00	\$12.00
3. Authorized asbestos materials prepared for disposal in conformance with the EPA and SDDENR	\$55.00	
Plus a \$25 gate fee		
4. Petroleum contaminated soils	\$7.40	
Plus a \$100 gate fee		
5. Wood / tree branches and		

- |   |         |        |
|---|---------|--------|
| untreated wood  | \$5.50  | \$5.50 |
| 6. Scrap metals, white goods and appliances w/o Freon ***   | \$10.00 | \$5.50 |
| 7. Tires: Car tires-\$2.50, Truck tires (17-22.5")-\$5.00, Truck tires greater than 22.5"-\$10.00, Construction equipment tires-\$15.00, bulk tires-\$180.00 per ton. |         |        |
| 8. Electronics recycling fees for disposal of commercial and non-household electronics shall be as follows:   |         |        |

CHARGES ARE BY ITEM UNLESS OTHERWISE STATED

tv's	\$15 /\$20 /\$25	small / medium / large
monitors	\$ 10.00	
cpu (towers)	\$ 6.00	
printers/small	\$ 5.00	
printers large	\$ 8.00	
laptops	\$ 10.00	
scanners	\$ 6.00	
fax machines	\$ 6.00	
keyboards	no charge	
cell phone	no charge	
misc small low wattage	\$ 0.25 per lb	
vcr	\$ 6.00	
stereos (cpu size)	\$ 5 /\$ 10 / \$ 20	small / medium / large
ups back-ups	\$ 0.25 per lb	
copiers(table top)	\$15.00	
copiers(floor)	\$ 65.00	
microwave	\$ 5.00	
fluorescent bulbs and related items (determined by latest bid)		
cpu (compact florescent)	\$ .65 - \$1.00	
3' tube bulb	\$ 1.50	
4' tube bulb	\$ 1.75	
capacitors	\$ 1.50	
other small electric	\$ .30 per lb	

\*\*\*White goods with Freon, or other gasses removed, must be accompanied by a certificate from a licensed dealer verifying removal. If a certificate is not provided, the fee charges will be \$55.00 per unit.

Any operator desiring to deposit garbage, trees, rubbish, or other waste materials where the contents are not covered or tied down shall be charged a \$15.00 additional fee.

The City of Vermillion reserves the right to impose additional fees on loads or items deemed to be not in keeping with the above rates. This fee will be set in accordance with the final recycling cost, transportation costs and operations cost affected.

9. The fee charged for selling excess clay and black dirt from the Vermillion landfill is set at: Clay: \$.70 per ton if buyer loads, \$.90 per ton if Landfill Personnel loads; Black dirt \$8.00 per ton loaded by Landfill Personnel. This fee may be negotiated with the Solid Waste Director, with the approval of the City Manager, for large quantity sales that would benefit the landfill construction costs.

The effective date of this resolution shall be October 3, 2011.

Dated at Vermillion, South Dakota this 29<sup>th</sup> day of August, 2011.

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 French. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 7 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

5. First Reading of Ordinance 1258 titled Mobile Food Vendors, providing for licensing and regulation to use the public streets in the general business and central business districts.

John Prescott, City Manager, reported that, upon inquiry of a local business and research of other cities, a new ordinance section is being proposed to license mobile food vendors to sell on the public streets in the general business and central business districts. John reviewed the restrictions placed on the mobile food vendor noting that they will also be licensed by the SD Department of Health. John stated that the City Council will need to set the fee for the license by resolution at

the September 6th meeting if second reading is approved. John reported that Jere Chapman was present to address questions.

Jere Chapman, local business owner, wanted to thank the City Council for the timely consideration of this ordinance as there are only so many months before winter. Jere stated that he had reviewed the ordinance and wanted to know if the vehicle could be located on the bump outs at Main and Center, Court, Prospect and Market.

Discussion followed on the proposed ordinance with the location in section 119.04 A to the approved by the City Manager or his designee, in section 119.04 B that permit holders shall, upon request by the City or emergency staff, move the vehicle and section 119.04 B 5 change should to shall.

262-11

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1258 entitled amending Title XI, adding Chapter 119, of the 2008 Revised Ordinances of the City of Vermillion, South Dakota entitled mobile food vendors providing for licensing and regulation to use the public street in the general business and central business districts has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a special called meeting of the Governing Body of the City on this 29th day of August, 2011 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Willson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 7 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

6. Addendum to the Agreement with the University of South Dakota for the Softball Complex

Dave Nelson, Parks Director, reported that the City has been working with the University on developing a softball field at the complex for the University Softball Program. The addendum provides for the University to build a permanent homerun fence with an outfield warning track and replace the existing chain link fence dugouts with concrete block dugouts on the northeast non-lighted field. Jeanette Hubert, representing the University Athletic Department, answered questions of the City Council on the addendum. Discussion followed.

263-11

Alderman French moved approval of the Addendum to the Joint Powers Agreement between the University of South Dakota and City of Vermillion originally adopted in March, 1998 as it applies to the softball complex to allow the University to build a permanent homerun fence with an outfield warning track and replace the existing chain link fence dugouts with concrete block dugouts on the northeast non-lighted field. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

7. Presentation by County Director of Equalization Director Gene Lunn on Pictometry software.

Gene Lunn, Clay County Director of Equalization, introduced Ina Peterson, Assistant Director of Equalization, and reported that the County Equalization office will be establishing a website that will have information on all property in the county. An option to be added to the website would be provided by the Pictometry software to allow for the ability to view property from all four sides. This is provided by aerial photos that the company recommends be updated every three years. Gene provided sample pictures that would be available and Ina demonstrated the software showing examples of Brookings County that is currently using the software. The Pictometry software provides several levels of access in the website based upon a subscription service but, if the City participated in the software purchase, full access will be provided to all City departments. Gene stated that the Development Company felt this software would be useful for business recruitment and has agreed to participate. Gene noted that departments like Police, Fire, Engineering and Code would find the software beneficial. He stated that the cost for six years is \$79,442 which he proposed would be shared between the County, City and Development Company at \$4,413 per year each. Discussion followed on the proposal with Gene answering questions of the City Council.

264-11

Alderman Davies moved to table action on the Director of Equalization request for assistance in acquiring the Pictometry software until City staff can review the software before a final decision can be made on or before September 19, 2011. Alderman Zimmerman seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

8. Adjourn

265-11

Alderman Zimmerman moved to adjourn the Council Meeting at 6:32 p.m. Alderman Meins seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 29th day of August, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** September 6, 2011

**Subject:** Second Reading of Ordinance No. 1257 amending Ward Boundaries

**Presenter:** Mike Carlson

**Background:** The Fourteenth Amendment to the United States Constitution guarantees equality of voting power. The courts have interpreted this as an honest and good faith effort to create districts as equal in population as is practicable. Apportionment with over 10% deviation is often determined to be malapportioned. The following state statutes address establishing ward boundaries for the first time noting that registered voters, times two, can be used until the next federal census is complete.

9-2-7. Determination of number of inhabitants in wards. For the purpose of dividing a municipality into wards, the number of inhabitants shall be determined by subdivision 2-14-2(20). However, the governing body may, by resolution, authorize its auditor, clerk, or finance officer to determine the number of inhabitants by filing in his office a certificate showing the whole number of persons registered to vote in each ward of the municipality. That number multiplied by two shall constitute the number of inhabitants until the next federal census is completed.

2-14-2. Definition of terms used in code. Terms used throughout the code of laws enacted by §2-16-13, mean:

(20) "Population," the number of inhabitants as determined by the last preceding federal census;

The City Council reviewed the proposed boundary change during the July 5<sup>th</sup> Noon session requesting that the information on the proposed change be included in the quarterly City Update published August 2<sup>nd</sup> in the Equalizer. First reading of the Ordinance was approved at the August 15<sup>th</sup> City Council meeting.

**Discussion:** The use of the 2010 City Census count of 10,571 would have the ideal population of each ward at 2,643. The following table includes the 2010 population with the current ward boundaries, the deviation for each ward, the 2000 population by ward and a column with the change in population by ward since the 2000

census. The total deviation is 16.27%, made up of the largest negative deviation in the Central Ward of -10.33%, and the largest positive deviation in the Southeast Ward of 5.94%. As the total deviation is greater than 10%, the ward boundaries need to be adjusted to reduce the total deviation.

	2010 Population <u>by Ward</u>	<u>Deviation</u>	2000 Population <u>by Ward</u>	Population Change <u>since 2000</u>
Northwest Ward	2,702	2.23%	2,592	110
Central Ward	2,370	-10.33%	2,686	(316)
Northeast Ward	2,699	2.12%	2,466	233
Southeast Ward	<u>2,800</u>	5.94%	<u>2,532</u>	<u>268</u>
	10,571		10,276	295
		16.27%	total deviation	

In reviewing the population by ward, it should be noted that Coyote Village was not occupied when the census count was being conducted and the mobile home park had been removed, thus it would be reasonable to assume that the population of the Central Ward might increase with the occupancy of Coyote Village.

By moving the ward boundary from Yale Street to University Street, the population of the Central Ward would be increased 226, while the Southeast Ward would be reduced by the same. The Central Ward would have a negative deviation that will be adjusted as Coyote Village is occupied and the Southeast Ward has the greatest negative deviation but, during the past decade, showed the largest increase.

	2010 Population <u>by Ward</u>	<u>Change Proposed</u>	Revised Population <u>by Ward</u>	<u>Deviation</u>
Northwest Ward	2,702		2,702	2.23%
Central Ward	2,370	226	2,596	-1.78%
Northeast Ward	2,699		2,699	2.12%
Southeast Ward	<u>2,800</u>	-226	<u>2,574</u>	-2.61%
	10,571		10,571	
				4.84% total deviation

The proposal keeps the majority of the ward boundaries intact and doesn't displace any existing council members while bringing the total deviation within the 10% required, complying with the Fourteenth Amendment.

Following the adoption of the ordinance changing the ward boundaries, the County Auditor will send notice to the registered voters of their ward change. As all wards vote at the same location, there is less inconvenience at the polls if the voter goes to vote at the wrong ward.

**Financial Consideration:** The cost would be the publication of the ordinance.

**Conclusion/Recommendations:** Administration would recommend adoption of Ordinance No. 1257 amending the ward boundaries. A roll call vote is required with second reading of an Ordinance.





## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** September 6, 2011

**Subject:** Ordinance No. 1258 – Amending Title XI of the 2008 Revised Ordinances of the City of Vermillion to add Chapter 119, Mobile Food Vendors

**Presenter:** John Prescott

**Background:** Since the August 15<sup>th</sup> City Council meeting, local restaurant owner Jere Chapman approached the City about allowing mobile food vendors. He has recently purchased the old mobile class room once owned by the Vermillion Public School District and plans to renovate it into a mobile food truck. The intent is to sell food from a window in the truck. Currently, Mr. Chapman can only operate this truck on private property after meeting state licensing requirements. An ordinance was developed to provide for mobile food vending operations on public right-of-ways. The City Council approved the first reading of Ordinance No. 1258 at the Special Meeting on August 29, 2011.

**Discussion:** The City researched other communities which have a mobile food vendor permit process. A number of features from other ordinances were utilized to develop the proposal in Ordinance No. 1258. Some requirements for mobile food vendors in the proposal include: food vending is limited to business districts, vending is to face the curb side of the street, seating is not to be provided, and alcohol and non-business items are not allowed to be sold. Maintaining the cleanliness of the area was important so regulations were developed to require the placement of a trash can for patrons, dispose of trash off-site and cleanup around the area. The permit would not allow the operator to set up in an area which is reserved for a special event. The organizer of the special event would retain the authority to determine who is allowed to participate at their event.

Since the first reading of the Ordinance, a couple of clarifications in language, as directed by City Council, were made and Section 119.04 was reformatted. As mobile food vendors are temporary in nature, staff is proposing to amend the language in 119.05 to remove reference to an annual license. Under New Business,

a resolution will need to be adopted to establish the fee for a mobile food vending permit. City staff is proposing a monthly fee vs. an annual fee.

**Financial Consideration:** The ordinance provides for a fee to be charged for the permit. A resolution to establish a fee is on the City Council agenda for consideration under New Business.

**Conclusion/Recommendations:** Administration recommends approving the second reading of Ordinance No. 1258 providing for mobile food vendor permits to be issued for sales on public right-of-ways. A roll call vote is required with second reading of an Ordinance.

## ORDINANCE NO. 1258

AN ORDINANCE AMENDING TITLE XI, ADDING CHAPTER 119, OF THE 2008 REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA ENTITLED MOBILE FOOD VENDORS PROVIDING FOR LICENSING AND REGULATION TO USE THE PUBLIC STREET IN THE GENERAL BUSINESS AND CENTRAL BUSINESS DISTRICTS.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, and it is hereby ordained by authority of the same, that Chapter 119 be created to provide new regulations for mobile food vendors as set forth below:

### **119.01. Purpose**

It is unlawful for any mobile food vendor to use a public right-of-way for any business within the city without first obtaining and possessing a valid registration permit in compliance with the provisions of this chapter.

### **119.02. Definitions**

“Mobile food vendor” shall mean any business establishment consisting of any enclosed trailer, van, pushcart, recreational vehicle, or similar enclosed mobile facility that is transported from site to site for the purpose of selling food to the public upon a public street and which is operated by a “food service establishment” and “mobile food service establishment” licensee as both are defined in SDCL Ch. 34-18.

### **119.03 Registration Permit; Application.**

An application for a mobile food vendor permit shall provide all of the information required for an itinerant merchant permit as required in 116.05 A-F, 116.05 H and 116.05 J. The applicant will also provide the following additional information as part of making an application:

- (A) Proof of the licenses issued by the South Dakota Department of Health to the operator for a SDCL Ch. 34-18 food service establishment and for the mobile unit as a SDCL Ch. 34-18 mobile food service establishment.
- (B) Proof of a valid insurance policy that provides minimum liability coverage of \$1,000,000 with the City of Vermillion named as an additional insured.
- (C) Written indemnity agreement that will hold harmless the City of Vermillion, its officers and employees, for any loss, liability or damage, including costs and disbursements such as reasonable attorney’s fees, for bodily injury or property damage sustained by a person as a result of the negligent installation, use or maintenance of a permitted mobile food vendor.

The application information outlined above shall be filed with the City Finance Officer including the permit fee.

#### **119.04 Sales; Restrictions.**

- (A) All sales in the public right-of-way must take place in areas zoned GB General Business or CB Central Business between the hours of 8:00 a.m. and 3:00 a.m. in areas approved by the City Manager or his assigned designee. A person engaged in this business shall not:
- (1) Locate in front of or within 50 feet adjacent to any non-mobile food business or open business without providing proof of the non-mobile food business owner's permission as part of the application.
  - (2) Attach mobile vending unit to any tree, garbage receptacle or street furniture.
  - (3) Locate mobile vending unit within 10 feet of any fire hydrant.
  - (4) Provide any free standing public seating, tables at which food may be consumed, other tables, stands, shelves, bins, equipment or any other kind of free standing accessory or feature unless the same was approved in the application.
  - (5) Utilize any free standing signage.
  - (6) Fail to provide a trash can for business and patron use during the hours of operation.
  - (7) Fail to clean up the area where the mobile vending unit is located plus 15 feet around the location.
  - (8) Dispose of trash generated by the business or patrons in public trash cans.
  - (9) Sell any alcoholic beverage.
  - (10) Utilize the permit in any area authorized by the City Council for a parade or special event two hours before or after, or during said event unless approved by the special event applicant for the space.
- (B) Permit holders shall, upon request by the City or emergency staff, be required to remove mobile vending units to allow street, sidewalk or utility access for emergency and maintenance operations, or both, and will be subject to the following further requirements:
- (1) The mobile food vendor must have self-contained utilities for the unit. No cords or hoses can run across the public sidewalks or streets or to a structure unless specifically approved by the City Council as part of the application.
  - (2) Permits are non-exclusive.
  - (3) Permits are for food, non-alcoholic beverages, and mobile food vendor-branded merchandise sales only.
  - (4) Permits are non-transferable and must be displayed on the mobile food unit at all times.
  - (5) Mobile food units shall not be located in areas or ways which block the view of traffic, traffic signals, traffic signs, bus stops, obstruct or cause to be obstructed the passage of sidewalk, street, alley or any other public place by causing people to congregate at or near the place where food is being sold or offered for sale.
  - (6) No customer shall be served on the street side of the mobile unit. All service must be on the curb side when the mobile unit is on or abutting a public street.
  - (7) A permit issued under this chapter shall not be used or represented in any manner as an endorsement by the City of Vermillion, or any department, officer or employee thereof.

- (8) The City of Vermillion may revoke and terminate the permit in the event the vendor violates any term, condition or provision of the permit, the City of Vermillion Code of Ordinances and/or state or federal laws. The vendor may terminate or surrender the permit at will any time prior to the expiration of the permit by providing written notice and surrendering the permit.

**119.05. Fees.**

The fee for each mobile food vendor permit shall be as set forth in the resolution as adopted by the City Council.

**119.06. Exemptions.**

The following activities, businesses, and or persons, as such are commonly known, shall be exempt from coverage of this chapter, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- (A) Mobile food vendors as part of a special event recognized by the City Council where the event organizers have provided permission for the vendors.
- (B) Where the mobile food vendor truck is being utilized by the express, prior invitation of the property owner for provision of food and/or beverage as part of a catering contract and not for sales to the general public.
- (C) Mobile food vendors located on private property that have all required state permits.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of September, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael Carlson, Finance Officer

First Reading: August 29, 2011  
Second Reading: September 6, 2011  
Published: September 16, 2011  
Effective: October 6, 2011



## *Council Agenda Memo*

**From:** Randy Isaacson, Water Superintendent

**Meeting:** September 6, 2011

**Subject:** Resell of City Water

**Presenter:** Randy Isaacson

**Background:** A July 20<sup>th</sup> letter from Dave Hertz to the City of Vermillion requested the ability to charge tenants at Midwest Mobile Village (411 Stanford Street) for water. Mr. Hertz wants permission to bill tenants for usage above 5,000 gallons. Water meters are currently installed in each individual mobile home. The cost for the first 5,000 gallons of water is built into the lot rent. Mr. Hertz wants to fairly distribute the cost of water above 5,000 gallons to his tenants based on usage.

The City Ordinance addressing the resale of utility services is as follows:

§ 51.21 RESALE OF UTILITY SERVICES.

- (A) Customers shall not resell to or share with others any service furnished by the city unless authorized by the City Council.
- (B) Where resale of utility service exists, the city will be under no obligation to furnish or maintain meters or other facilities for the resale of service by the reselling customer to the ultimate user.

**Discussion:** City staff met with Mr. Hertz and reviewed his water and current sewer rate. A sewer rate was determined for the mobile home park utilizing the winter 2011 water consumption. The current combined City rate for Water and Sewer service is \$6.12 per 1000 gallons.

**Financial Consideration:** There is no financial impact to the City's budget.

**Conclusion/Recommendations:** Administration recommends allowing Mr. Hertz to bill his tenants at Midwest Mobile Village for water usage above 5000 gallons at a rate not to exceed \$6.12 per 1000 gallons.

# Midwest Homes

## Rentals

(605) 624-4661

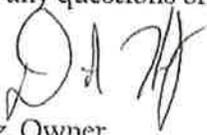
July 20<sup>th</sup>, 2011

RE: Midwest Rentals, LLC Resale of Water

Farrel Christensen & The City of Vermillion,

It has been brought to my attention that Midwest Rentals, LLC is in violation of a City of Vermillion ordinance in regards to the resale of utility services. While I understand the justification of this ordinance in most settings, I feel that the ordinance fails to consider some factors that landlords and owners of mobile home parks may face. In particular, these points must be raised and brought to the attention of the City of Vermillion. First, by installing water meters, I was attempting to find a fair way to distribute the ever rising cost of water usage without increasing lot rent for each owner. By monitoring the use of water to an extent, in my particular case, any amount over 5,000 gallons, I am able to fairly charge tenants based on their usage. In addition, other cities within South Dakota pursue policies which allow park owners to charge for water for example, Mitchell, SD. For a more local example, the City of Elk Point reads water meters at mobile home courts based on the discretion of the mobile home park's owner. By no means am I asking the City of Vermillion to read my water meters for me, instead I am asking that water meters in mobile home parks are permissible. The City of Vermillion must also understand that I am not profiting from the use of water meters, but I am merely passing the cost onto the consumer. By monitoring the usage of water within my mobile home park and charging tenants for usage over 5,000 gallons per month, I am not only controlling my costs, but I am also helping the City of Vermillion. The water meters help create a conscious effort among the tenants about their water usage which at times may be wasteful. By decreasing the amount of water used, the City of Vermillion has to treat less water than necessary. Lastly, it should be noted that mobile homes are a single family dwelling just as a house is a single family dwelling. Because of this, mobile homes should have the same treatment in regards to utilities as typical "residential housing structures" do. Mobile homes are not apartments but should be classified as structures such as houses. I respectfully request that the violation I received be reconsidered. I would like to discuss my thoughts with you on this matter in further detail and determine a way to alleviate this violation. Please contact me at your nearest convenience if you have any questions or concerns. I greatly appreciate your time and consideration with this matter.

Sincerely,



Dave Hertz, Owner  
dave@midwestreadymix.com  
Midwest Rentals, LLC  
605-670-9268



1405 E. Hwy 50 Vermillion, SD 57069  
Court Manager (605)670-8752 Office (605)624-4661 Fax (605)624-0075

[www.midwesthomes.com](http://www.midwesthomes.com)

RESOLUTION AUTHORIZING THE RESALE OF UTILITY SERVICES

WHEREAS, City ordinance provides that utility customers shall not resell or share with others any utility services furnished by the city unless authorized by the City Council, and;

WHEREAS, Dave Hertz owner of Midwest Mobile Village at 411 Stanford Street in an attempt to fairly distribute the utility costs from the City to the Mobile Village has requested the ability to resell water and wastewater services to the individual tenants, and;

WHEREAS, Midwest Mobile Village requests the ability to bill the individual tenants for water and wastewater service in excess of 5,000 gallons per month, and;

WHEREAS, Midwest Mobile Village understands that as owner they are responsible for furnishing and maintaining meters along with the resale utility billing.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Vermillion, South Dakota, that Dave Hertz owner of Midwest Mobile Village is authorized to resell water and wastewater services to individual tenants at 411 Stanford at a rate that is not in excess of the City utility fees.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of September, 2011.

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

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer



## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** September 6, 2011  
**Subject:** Resolution Establishing Mobile Food Vendor permit fee  
**Presenter:** John Prescott

**Background:** Earlier on the agenda, the City Council had second reading of Ordinance No. 1258 providing for the regulation and licensing of mobile food vendors to use the public streets in the general business and central business districts. The ordinance provided that the City Council, by resolution, will set mobile food vendor permit fees. The first reading of the ordinance proposed a fee to begin January 1 and end December 31, noting the annual fee shall not be prorated. With second reading, staff proposed to eliminate the annual fee language in the ordinance and simply have a fee set by resolution.

**Discussion:** In developing the ordinance, staff was able to find the fees of a few other cities. One Mississippi city had a fee of \$500 per year. As the adoption of this ordinance is late in 2011, it was discussed with Jim McCulloch to change the wording in section 119.05 to have the fee set by resolution. The resolution being proposed is to set the fee at \$50 for a 30 consecutive day period. This option may require the vendor to renew the permit several times during the year which will provide the option if the vendor is not complying with the ordinance requirements to not renew the permit.

Individuals applying for an itinerant merchant, peddler, solicitor permit also represent a temporary type of businesses in the community. These permits are issued by the day, week or month vs. on an annual basis.

**Financial Consideration:** The permit fee will be revenue to the general fund.

**Conclusion/Recommendations:** Administration recommends that if the second reading of Ordinance No. 1258 is approved, the City Council adopt a resolution to set the mobile food vendor permit fee at \$50 or an amount deemed appropriate by the City Council for a thirty day consecutive period.

**RESOLUTION TO ESTABLISH FEES FOR  
MOBILE FOOD VENDORS**

WHEREAS, the adoption of Ordinance 1258 provided regulations for the licensing of mobile food vendors to use the public right of way in the general business and central business districts; and

WHEREAS, Chapter 119 Sections § 119.05 of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish fees for mobile food vendor permits.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof said City at 7:00 p.m. on the 6<sup>th</sup> day of September, 2011 that the mobile food vendor permit fee shall be \$50 for each 30 consecutive day period.

This resolution shall become effective upon the adoption of Ordinances 1258.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of September, 2011

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:*** September 6, 2011  
***Subject:*** 2012 Appropriations Ordinance No. 1259  
***Presenter:*** John Prescott, City Manager

**Background:** SDCL 9-21-2 addresses the need for the City Council to adopt an annual budget:

The governing body of each municipality shall, no later than its first regular meeting in September of each year or within ten days thereafter, introduce the annual appropriation ordinance for the ensuing fiscal year, in which it shall appropriate the sums of money necessary to meet all lawful expenses and liabilities of the municipality. The ordinance shall specify the function and subfunction as prescribed by the Department of Legislative Audit for which the appropriations are made and the amount appropriated for each function and subfunction, which amount shall be appropriated from the proper fund. It is not necessary to appropriate revenue to be expended from an enterprise or trust and agency fund if the fund is not supported or subsidized by revenue derived from the annual appropriated tax levy. However, an annual budget for these funds shall be developed and published no later than December thirty-first of each year.

**Discussion:** The City Manager prepared and presented a budget to the City Council at the August 1<sup>st</sup> meeting. The City Council reviewed the proposed budget during hearings held on August 16<sup>th</sup> and 17<sup>th</sup>, 2011. The City Council's revisions from the budget hearings have been incorporated into the appropriation ordinance. The City Council revisions increased the appropriation from reserve to the general fund from \$142,384 to \$178,135.

**Financial Consideration:** The City Council must adopt an ordinance to provide for 2012 operations. Placing the 2012 Appropriations Ordinance on the first reading will comply with State law and is another step in providing for the 2012 operations.

**Conclusion/Recommendations:** Administration recommends approval of the first reading of the 2012 Appropriations Ordinance.

PROPOSED ORDINANCE NO. 1259  
 2012 APPROPRIATION ORDINANCE

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

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

2012 Budget

**GENERAL FUND**

REVENUES:

General Property Taxes	1,713,040	
Sales Tax	1,576,000	
Penalties & Interest	4,000	
Licenses & Permits	124,200	
Cable TV Franchise	116,000	
State Intergovernmental	261,800	
County Intergovernmental	125,900	
County Payment Emergency Communications	245,479	
Charges for Goods & Services	496,700	
Fines & Forfeits	44,050	
Miscellaneous Revenues	100,950	
<b>TOTAL GENERAL FUND REVENUES</b>		<b>4,808,119</b>

EXPENDITURES:

Policy & Administration:

General Government	506,227	
Finance Office	158,855	
Engineering	276,423	
Code Compliance	187,283	
Community Promotion	47,500	
<b>Total Policy &amp; Administration</b>		<b>1,176,288</b>

Public Safety & Security:

Police Administration & Invest.	432,432	
Police Patrol	1,178,714	
Emergency Communications	490,959	
Fire & Rescue	178,077	
Civil Defense	3,100	
Ambulance	266,947	
<b>Total Public Safety &amp; Security</b>		<b>2,550,229</b>

Maintenance & Transportation:

Municipal Garage	129,763	
Municipal Service Center	30,725	
Street Department	674,723	
Snow Removal	69,093	
Sweeping & Mowing	105,534	
Carpentry	31,673	
City Hall Maintenance	64,400	
Old Library Maintenance	0	
Old Landfill Maintenance	12,000	

Airport	124,297	
Total Maintenance & Transportation		1,242,208
<u>Human Development &amp; Leisure Services:</u>		
Library	527,602	
Parks & Forestry	266,250	
Swimming Pool	106,342	
Recreation	183,761	
Mosquito Control	19,078	
National Guard Armory Center	56,708	
Total Human Development & Leisure		1,159,741
TOTAL GENERAL FUND EXPENDITURES		<u>6,128,466</u>
GENERAL FUND NEEDS		(1,320,347)
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		4,800
Transfer from Utilities Engineering Fees		136,387
Appropriation from Reserve		<u>178,135</u>
GENERAL FUND BALANCE		<u><u>0</u></u>
<b>SPECIAL REVENUE FUNDS</b>		
<u>SECOND CENT SALES TAX FUND</u>		
Revenues		1,582,560
Expenditures - Second Cent Sales Tax		455,500
Transfer in Parks Capital		25,000
Transfer to Bike Path Capital Projects		(41,154)
Transfer to Bluff Enterprise Fund		(200,000)
Transfer to Airport Capital Projects		(8,600)
Transfer to Stanford Capital Projects		(450,000)
Transfer to Library Capital Projects		(1,400,000)
Transfer to City Hall Debt Service Fund		(336,854)
Appropriation from Reserve		<u>1,284,548</u>
SECOND CENT SALES TAX FUND BALANCE		<u><u>0</u></u>
<u>PARKS IMPROVEMENT FUND</u>		
Revenues-Recreation Fees		22,050
Expenditures - Parks Improvements		9,050
Transfer to Second Cent Sales Tax Fund		(25,000)
Appropriation from Reserve		<u>12,000</u>
PARKS IMPROVEMENT FUND BALANCE		<u><u>0</u></u>

BBB SALES TAX FUND

Revenues	283,800
Expenditures	263,900
Appropriation to Reserve	<u>(19,900)</u>
BBB SALES TAX FUND BALANCE	<u><u>0</u></u>

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees	180,004
Expenditures:	95,000
Appropriation to Reserve	<u>(85,004)</u>
STORMWATER FEE FUND BALANCE	<u><u>0</u></u>

LIBRARY FINE AND GIFT FUND

Revenues- Library Fine & Gifts	12,600
Expenditures - Library	12,600
Transfer to Library Capital Projects	(90,000)
Appropriation from Reserve	<u>90,000</u>
LIBRARY FINE AND GIFT FUND BALANCE	<u><u>0</u></u>

**DEBT SERVICE FUNDS**

DEBT SERVICE--SPECIAL ASSESSMENT FUND

Revenues	134,915
Expenditures	127,615
Interfund Loan	216,000
Transfer to Capital Projects	(216,000)
Appropriation to Reserve	<u>(7,300)</u>
SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE-- TIF District No. 3

Revenues	145,890
Expenditures	<u>145,890</u>
DEBT SERVICE - TIF 3 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - TIF District No. 4

Revenues	123,100
Expenditures	52,075
Appropriation to Reserve	<u>(71,025)</u>
DEBT SERVICE - TIF 4 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - CITY HALL

Revenues	15,000
Expenditures	351,854
Transfer in Sales Tax Fund	<u>336,854</u>
DEBT SERVICE - CITY HALL FUND BALANCE	<u><u>0</u></u>

**CAPITAL PROJECTS FUNDS**

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

Revenues	216,000
Expenditures	200,000
Transfer to General Fund	(4,800)
Appropriation to Reserve	<u>(11,200)</u>
CP SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - BIKE PATH

Revenues	186,846
Expenditures	228,000
Transfer from Second Cent Sales Tax	<u>41,154</u>
CP BIKE PATH FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - STANFORD ROAD

Revenues	748,000
Expenditures	1,198,000
Transfer from Second Cent Sales Tax	<u>450,000</u>
CP STANFORD ROAD FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	421,400
Expenditures	430,000
Transfer from Second Cent Sales Tax	<u>8,600</u>
CP AIRPORT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - LIBRARY

Revenues	201,500
Expenditures	1,961,486
Appropriation from Reserve	269,986
Transfer from Sales Tax	1,400,000
Transfer from Library SR Fund	<u>90,000</u>
CP LIBRARY FUND BALANCE	<u><u>0</u></u>

**INTERNAL SERVICE FUNDS (Information Only)**

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges		20,800	72,000	359,535
Interest on Investments	300			3,000
Other Revenues				42,000
Total Revenues	<u>300</u>	<u>20,800</u>	<u>72,000</u>	<u>404,535</u>
<u>Expenditures</u>				
Personnel			70,266	
Operating Expenses	300	19,400	2,367	
Capital				277,500
Total Expenditures	<u>300</u>	<u>19,400</u>	<u>72,633</u>	<u>277,500</u>
Transfer Out (In)				
(To) From Reserve		<u>(1,400)</u>	<u>633</u>	<u>(127,035)</u>
Fund Balance	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

**UTILITY AND ENTERPRISE FUNDS (Information Only)**

	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Golf Course Fund	Curbside Recycling Fund
<b>Revenues</b>							
Sales	5,415,000	1,240,800	1,370,000	893,120	1,242,000	692,730	96,500
Surcharge	719,000	260,000	304,000				
Other Revenue	75,000	49,700	7,000	402,000	2,200	51,600	18,000
Interest	228,900	19,290	14,164	10,000		3,600	
Grants				100			
Tax Increment						519,990	
<b>Total Revenues</b>	<b>6,437,900</b>	<b>1,569,790</b>	<b>1,695,164</b>	<b>1,305,220</b>	<b>1,244,200</b>	<b>1,267,920</b>	<b>114,500</b>
<b>Expenditures</b>							
Personnel	920,493	552,856	451,625	471,860		349,828	84,480
Operating Expenses	3,477,073	577,807	599,584	791,175	1,060,258	409,697	16,900
Capital	893,698	194,392	290,280	460,500	2,000	105,000	28,500
Debt Service		174,853	275,873				
Debt Service Surcha	574,485	235,669	276,217	123,655		468,550	8,408
<b>Total Expenditures</b>	<b>5,865,749</b>	<b>1,735,577</b>	<b>1,893,579</b>	<b>1,847,190</b>	<b>1,062,258</b>	<b>1,333,075</b>	<b>138,288</b>
Transfers Out	(884,950)	(38,583)	(28,679)		(194,200)		
Transfers In	9,000					200,000	
(To) From Reserve	303,799	204,370	227,094	541,970	12,258	(134,845)	23,788
<b>Fund Balance</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

The City Manager is directed to certify the following dollar amount of tax levies in ordinance to the Clay County Auditor: \$1,724,000.

Dated at Vermillion, South Dakota this 19th day of September, 2011.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, SOUTH DAKOTA

by \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: September 6, 2011  
Second Reading: September 19, 2011  
Publish: September 30, 2011  
Effective: October 19, 2011



## *Council Agenda Memo*

***From:*** Mike Carlson, Finance Officer  
***Meeting:*** September 6, 2011  
***Subject:*** Ordinance No. 1260 – 2011 Revised Appropriations  
***Presenter:*** John Prescott, City Manager

**Background:** In order for the City Council to make changes to the 2011 budget, adopted in September 2010, a revised or supplemental appropriations ordinance is required. The proposed changes were presented to the City Council during the budget meetings on August 16<sup>th</sup> and 17<sup>th</sup>, 2011.

**Discussion:** The revised appropriations ordinance includes changes and adjustments made to the 2011 budget based upon actual financial information obtained thus far in 2011. Revenues and expenses are different in some instances vs. what was anticipated last September. In some cases projects arise after the budget was adopted. In September 2010, the paving of E. Clark Street east of Anderson Street was not anticipated or included in the budget. The timing of project can also impact the budget. When the 2011 budget was being developed, it was anticipated and hoped that the Library addition would be underway by this time so expenditure of the 2<sup>nd</sup> Penny funds for this project were budgeted. While the Library addition and renovation project is now nearly completely funded, the timing is such that the 2<sup>nd</sup> Penny funds will not be expended in the 2011 budget year. The General Fund is being revised down \$42,600 as sales tax collections and some expenses have been reduced.

**Financial Consideration:** For the revisions to become effective, the City Council will need to adopt the revised appropriations ordinance.

**Conclusion/Recommendations:** Administration recommends that the City Council approve the first reading of the 2011 Revised Appropriations Ordinance.

PROPOSED ORDINANCE NO. 1260  
 2011 REVISED APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2011 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>2011 Revised Budget</u>	
<b>GENERAL FUND</b>		
<u>REVENUES:</u>		
General Property Taxes	1,642,160	
Sales Tax	1,530,000	
Penalties & Interest	4,000	
Licenses & Permits	114,225	
Cable TV Franchise	112,000	
State Intergovernmental	262,931	
County Intergovernmental	90,400	
County Payment Emergency Communications	229,781	
Charges for Goods & Services	483,525	
Fines & Forfeits	44,050	
Miscellaneous Revenues	<u>120,424</u>	
TOTAL GENERAL FUND REVENUES		4,633,496
<u>EXPENDITURES:</u>		
<u>Policy &amp; Administration:</u>		
General Government	502,762	
Finance Office	156,783	
Engineering	320,701	
Code Compliance	185,049	
Community Promotion	<u>58,203</u>	
Total Policy & Administration		1,223,498
<u>Public Safety &amp; Security:</u>		
Police Administration & Invest.	397,854	
Police Patrol	1,084,159	
Emergency Communications	459,562	
Fire & Rescue	172,993	
Civil Defense	3,000	
Ambulance	<u>259,177</u>	
Total Public Safety & Security		2,376,745
<u>Maintenance &amp; Transportation:</u>		
Municipal Garage	124,286	
Municipal Service Center	26,350	
Street Department	647,818	
Snow Removal	75,947	
Sweeping & Mowing	101,493	
Carpentry	30,506	
City Hall Maintenance	63,650	
Old Library Maintenance	0	
Old Landfill Maintenance	12,000	

Airport	116,533	
Total Maintenance & Transportation		1,198,583
<u>Human Development &amp; Leisure Services:</u>		
Library	507,477	
Parks & Forestry	260,466	
Swimming Pool	96,809	
Recreation	162,216	
Mosquito Control	24,062	
National Guard Armory Center	57,991	
Total Human Development & Leisure		1,109,021
TOTAL GENERAL FUND EXPENDITURES		<u>5,907,847</u>
GENERAL FUND NEEDS		(1,274,351)
Transfer from Electric Fund		803,117
Transfer from Water Fund		2,306
Transfer from Sewer Fund		1,402
Transfer from Liquor Fund		194,200
Transfer from Capital Projects		2,629
Transfer from Utilities Engineering Fees		136,387
Appropriation from Reserve		<u>134,310</u>
GENERAL FUND BALANCE		<u><u>0</u></u>
<b>SPECIAL REVENUE FUNDS</b>		
<u>SECOND CENT SALES TAX FUND</u>		
Revenues		1,558,700
Expenditures - Second Cent Sales Tax		434,050
Transfer to Bike Path Capital Projects		(23,700)
Transfer to Bluff Enterprise Fund		(200,000)
Transfer to Equipment Replacement		(12,894)
Transfer to Airport Capital Projects		(1,100)
Transfer to City Hall Debt Service Fund		(338,884)
Appropriation to Reserve		<u>(548,072)</u>
SECOND CENT SALES TAX FUND BALANCE		<u><u>0</u></u>
<u>PARKS IMPROVEMENT FUND</u>		
Revenues-Recreation Fees		22,050
Expenditures - Parks Improvements		12,550
Appropriation to Reserve		<u>(9,500)</u>
PARKS IMPROVEMENT FUND BALANCE		<u><u>0</u></u>

BBB SALES TAX FUND

Revenues	276,425
Expenditures	264,950
Appropriation to Reserve	<u>(11,475)</u>
BBB SALES TAX FUND BALANCE	<u><u>0</u></u>

STORMWATER MAINTENANCE FUND

Revenues - Stormwater Fees	174,712
Expenditures:	25,000
Appropriation to Reserve	<u>(149,712)</u>
STORMWATER FEE FUND BALANCE	<u><u>0</u></u>

LIBRARY FINE AND GIFT FUND

Revenues- Library Fine & Gifts	44,675
Expenditures - Library	13,600
Transfer to Capital Projects - Library	<u>(31,075)</u>
LIBRARY FINE AND GIFT FUND BALANCE	<u><u>0</u></u>

STREETSCAPE FUND

Revenues	0
Expenditures	1,749
Appropriation from Reserve	<u>1,749</u>
STREETSCAPE FUND BALANCE	<u><u>0</u></u>

**DEBT SERVICE FUNDS**

DEBT SERVICE--SPECIAL ASSESSMENT FUND

Revenues	144,107
Expenditures	136,807
Interfund Loan	64,800
Transfer to Capital Projects	(64,800)
Appropriation to Reserve	<u>(7,300)</u>
SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE-- TIF District No. 3

Revenues	128,657
Expenditures	356,368
Loan from Electric Fund	58,696
Appropriation from Reserve	<u>169,015</u>
DEBT SERVICE - TIF 3 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - TIF District No. 4

Revenues	110,296
Expenditures	48,350
Appropriation to Reserve	<u>(61,946)</u>
DEBT SERVICE - TIF 4 FUND BALANCE	<u><u>0</u></u>

DEBT SERVICE - City Hall

Revenues	15,000
Expenditures	353,884
Transfer In Sales Tax Fund	<u>338,884</u>
DEBT SERVICE - CITY HALL FUND BALANCE	<u><u>0</u></u>

**CAPITAL PROJECTS FUNDS**

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

Revenues	59,949
Expenditures	60,000
Transfer to General Fund	(2,629)
Transfer from Debt Service	64,800
Appropriation to Reserve	<u>(62,120)</u>
CP SPECIAL ASSESSMENT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - BIKE PATH

Revenues	0
Expenditures	23,700
Transfer from Second Cent Sales Tax	<u>23,700</u>
CP BIKE PATH FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - AIRPORT

Revenues	53,900
Expenditures	55,000
Transfer From Second Cent Sales Tax	<u>1,100</u>
CP AIRPORT FUND BALANCE	<u><u>0</u></u>

CAPITAL PROJECTS FUND - LIBRARY

Revenues	1,005,222
Expenditures	766,311
Appropriation to Reserve	(269,986)
Transfer From Library SR Fund	<u>31,075</u>
CP LIBRARY FUND BALANCE	<u><u>0</u></u>

**INTERNAL SERVICE FUNDS (Information Only)**

	Unemployment Fund	Copier - Fax- Postage Fund	Custodial Fund	Equipment Replacement Fund
<u>Revenues</u>				
Internal Dept Charges		20,700	80,200	335,896
Interest on Investments	300			3,000
Other Revenues				109,400
Total Revenues	<u>300</u>	<u>20,700</u>	<u>80,200</u>	<u>448,296</u>
<u>Expenditures</u>				
Personnel			71,258	
Operating Expenses	4,000	19,400	12,077	
Capital				410,600
Total Expenditures	<u>4,000</u>	<u>19,400</u>	<u>83,335</u>	<u>410,600</u>
Transfer (Out) In				12,769
(To) From Reserve	<u>3,700</u>	<u>(1,300)</u>	<u>3,135</u>	<u>(50,465)</u>
Fund Balance	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

**UTILITY AND ENTERPRISE FUNDS (Information Only)**

	Electric Fund	Water Fund	Wastewater Fund	Joint Powers Fund	Liquor Fund	Golf Course Fund	Curbside Recycling Fund
<u>Revenues</u>							
Sales	5,291,000	1,236,000	1,354,200	827,420	1,223,000	676,800	96,500
Surcharge	715,000	260,000	287,000				
Other Revenue	75,000	50,500	7,000	411,000	2,500	51,600	18,000
Interest	233,900	19,598	14,279	11,600		3,300	
Bond Proceeds			620,000				
Grants				100			
Tax Increment						505,710	
Total Revenues	<u>6,314,900</u>	<u>1,566,098</u>	<u>2,282,479</u>	<u>1,250,120</u>	<u>1,225,500</u>	<u>1,237,410</u>	<u>114,500</u>
<u>Expenditures</u>							
Personnel	888,628	527,132	433,497	454,258		342,104	81,956
Operating Expenses	3,436,169	555,505	652,322	793,175	1,043,623	406,463	15,775
Capital	597,567	105,053	449,520	649,500	2,000	93,500	
Debt Service		175,162	275,987				
Surcharge Debt Serv	573,798	235,669	260,738	128,048		466,675	8,408
Total Expenditures	<u>5,496,162</u>	<u>1,598,521</u>	<u>2,072,064</u>	<u>2,024,981</u>	<u>1,045,623</u>	<u>1,308,742</u>	<u>106,139</u>
Transfers Out	(884,950)	(38,583)	(28,679)		(194,200)		
Transfers In	9,000					200,000	
(To) From Reserve	<u>57,212</u>	<u>71,006</u>	<u>(181,736)</u>	<u>774,861</u>	<u>14,323</u>	<u>(128,668)</u>	<u>(8,361)</u>
Fund Balance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Dated at Vermillion, South Dakota this 19th day of September, 2011.

THE GOVERNING BODY OF THE CITY OF  
VERMILLION, SOUTH DAKOTA

by \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D. Carlson, Finance Officer

First Reading: September 6, 2011  
Second Reading: September 19, 2011  
Publish: September 30, 2011  
Effective: October 19, 2011



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** September 6, 2011

**Subject:** Resolution recognizing transfers from Electric Enterprise Fund to TIF No. 3 as non-interest bearing debt to be repaid from future Tax Increment

**Presenter:** Mike Carlson

**Background:** Tax incremental financing (TIF) district number 3 was created by the City Council in 1996 upon the recommendation of the Planning Commission to assist with business park improvements related to the construction of the initial Polaris facility. The acquisition and improvements to the district were financed by the issuance of Tax Incremental Revenue Bonds Series 1996B. The bond resolution provided a pledge of electric enterprise funds to cover a deficiency in the TIF fund as follows:

6.07 Transfer of Moneys from the Electric Enterprise Fund.

The City hereby covenants and agrees, for the benefit of the Owners from time to time of the Bonds, that, in the event that there is a deficiency in the Reserve Account, and such deficiency cannot be immediately replenished from amounts on hand in the Surplus Account, the City will transfer to the Reserve Account, from amount on hand in its Electric Enterprise Fund, an amount sufficient to replenish the deficiency in the Reserve Account. Any amounts so transferred shall be treated as a non-interest bearing loan from the Electric Enterprise Fund to the 1996B Tax Increment Fund, and shall be repaid from the next Tax Increment collections remaining after the required credits to the Bond Account and the Reserve Account have been made.

Due to deficiencies in the tax incremental revenue, the electric enterprise fund made the following transfers to the TIF No. 3 Debt Service Fund:

2005	\$34,815
2006	51,586
2007	31,343
2008	<u>70,000</u>
Total	\$187,744

For 2011, it is projected that the electric enterprise fund will need to transfer \$58,696 to the TIF No. 3 Debt Service Fund. This amount will be finalized when the balance of the taxes are collected later this year. This would bring the total transfer to \$246,440.

The final payment on the Tax Incremental Revenue Bonds Series 1996B was made in July 2011. The only debt remaining would be the transfers made by the Electric Enterprise Fund to cover tax incremental revenue shortfalls.

State statute 11-9-25 outlines the duration of the tax incremental financing district which is until the municipality has been reimbursed for expenditures previously made, has paid all monetary obligations, and has retired all outstanding tax incremental bonds.

11-9-25. Allocation to municipality of tax increments--Duration of allocation. Positive tax increments of a tax incremental district shall be allocated to the municipality which created the district for each year from the date when the district is created until the municipality or county has been reimbursed for expenditures previously made, has paid all monetary obligations, and has retired all outstanding tax incremental bonds. However, in no event may the positive tax increments be allocated longer than twenty years after the calendar year of creation.

The termination of a tax incremental district is as follows:

11-9-46. Termination of tax incremental district. The existence of a tax incremental district shall terminate when:

- (1) Positive tax increments are no longer allocable to a district under §11-9-25; or
- (2) The governing body, by resolution, dissolves the district, after payment or provision for payment of all project costs, grants, and all tax incremental bonds of the district.

**Discussion:** At the August 17<sup>th</sup> budget session, the City Council discussed the options of repayment to the Electric Enterprise Fund. A motion was made to bring a resolution to continue the TIF district in order to repay the loan from the Electric Enterprise Fund. The attached resolution is to recognize the transfers from the Electric Enterprise Fund to the TIF No. 3 Debt Service Fund as non-interest bearing loans to be repaid from future tax increment collections. With this resolution the TIF District will need to continue as there still is the debt to the Electric Enterprise Fund outstanding.

**Financial Consideration:** The estimate of tax collection for the TIF district for 2012 is \$141,890 along with the rent received from the farm ground of \$4,000 will provide \$145,890 during 2012 to repay the loan. If the same amounts are received for 2013 the loan will be repaid with any tax increment remaining distributed to the county, school and city.

**Conclusion/Recommendations:** Administration recommends adoption of the resolution recognizing transfers from Electric Enterprise Fund to TIF No. 3 as non-interest bearing debt to be repaid from future Tax Increment.

RESOLUTION RECOGNIZING TRANSFERS FROM ELECTRIC ENTERPRISE  
FUND TO TAX INCREMENTAL FINANCING DISTRICT NUMBER 3  
AS A NON-INTEREST BEARING DEBT OF THE FUND TO BE REPAID  
FROM FUTURE TAX INCREMENT COLLECTIONS

WHEREAS, the Vermillion City Council by resolution created Tax Incremental Financing (TIF) District Number 3 in 1996 following the recommendation of the Vermillion Planning Commission, and;

WHEREAS, the Vermillion City Council authorized the development of the of the district and financed the development by the issuance of Tax Incremental Revenue Bonds Series 1996B, and;

WHEREAS, to facilitate the issuance of the Tax Incremental Revenue Bonds the City Council pledged Electric Enterprise Funds should a deficiency exist in the tax increment receipts needed to repay the Series 1996B bonds. Such deficiencies were to be repaid from the next tax increment collections remaining after required credits to the TIF Bond Account and the TIF Reserve Account, and;

WHEREAS, the Electric Enterprise Fund transferred \$34,815 in 2005, \$51,586 in 2006, \$31,343 in 2007, \$70,000 in 2008 and is projecting \$58,696 for 2011 to the TIF No. 3 Debt Service Fund to meet the annual debt service requirements on the Tax Incremental Revenue Bonds Series 1996B bonds, and;

WHEREAS, such transfers represent a non-interest bearing loan between the TIF No. 3 Debt Service Fund and the Electric Enterprise Fund to be repaid from future tax increment collections, and

WHEREAS, the final payment was made on Tax Incremental Revenue bonds Series 1996B in July, 2011, thus future year's tax increment collections will be available to repay the non-interest bearing loan to the Electric Enterprise Fund.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion that the Electric Enterprise Funds transfers to the TIF No. 3 Debt Service Fund is considered non-interest bearing loan to be repaid from future year's tax increment collections.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of September, 2011

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

BY \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

BY \_\_\_\_\_  
Michael D Carlson, Finance Officer



## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** September 6, 2011  
**Subject:** Resolution amending Rental Registration Fees  
**Presenter:** John Prescott

**Background:** City ordinance provides that the rental registration fee be set by resolution of the City Council as provided in Section 94.05 Registration Required as follows:

(D) Fees. The payment of fees set forth by resolution of the City Council shall be a prerequisite to this required registration.

**Discussion:** During the budget hearings, the City Council discussed the rental registration fee with the direction to staff to bring a resolution adjusting the structure fee from \$20 to \$25 and the unit fee from \$12 to \$15. The proposed increase in rental registration fees was mainly to provide funding for the Vermillion Housing Authority. The VHA has been experiencing reductions in its administrative funds from the Federal Government. The City provided over \$9,300 to VHA earlier this year to cover the costs of the federally mandated, annual audit. For the year ended June 30, 2010, the Housing Authority provided over \$800,000 in rental housing assistance payments in the community.

The rental registration fees were last adjusted in October 2008 for the calendar 2009 registration process. That increase was related to the cost to provide the rental registration and inspection process.

**Financial Consideration:** The increased fee is projected to generate \$10,000 for the general fund. The 2012 budget includes a line item for the Vermillion Housing Authority.

**Conclusion/Recommendations:** Administration recommends adoption of the resolution amending the rental housing fees to be effective with the 2012 registration.

**RESOLUTION AMENDING RENTAL REGISTRATION FEES**

WHEREAS, Section §94.05 (D) of Title IV General Regulations of the 2008 Revised Ordinances of the City of Vermillion allows the City Council to establish and change the rental housing registration fees, and

WHEREAS, during the annual budget process it was determined there was a need to increase the rental housing registration fee.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. on the 6<sup>th</sup> day of September, 2011, that the rental housing registration fee be amended as follows:

Registration Required – 94.05 (D)

A fee of ~~\$20.00~~ 25.00 per structure and ~~\$12.00~~ 15.00 per unit.

This Resolution shall become effective with the calendar year 2012 and thereafter rental registrations.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of September, 2011.

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

By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

By \_\_\_\_\_  
Michael D. Carlson, Finance Officer



## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** September 6, 2011

**Subject:** Resolution fixing time and place for public hearing on special assessment for nuisance abatement

**Presenter:** Mike Carlson

**Background:** As part of the nuisance abatement process, the City incurred costs for tagging and hiring contractors to mow or remove the snow. The following state statute provided for the special assessment of these costs:

21-10-6. Abatement of nuisance--Notice required--Taxing cost of abatement--Civil action. A public nuisance may be abated without civil action by any public body or officer as authorized by law. Any municipality, county, or township may defray the cost of abating a public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred. If the nuisance abated is an unsafe or dilapidated building, junk, trash, debris, or similar nuisance arising from the condition of the property, the municipality, county, or township may commence a civil action against the owner of the real property for its costs of abatement in lieu of taxing the cost by special assessment.

Any private person may also abate a public nuisance which is specially injurious to such person or any private nuisance injurious to such person by removing or if necessary destroying that which constitutes the nuisance without committing a breach of the peace or doing unnecessary injury. If a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon the wrongdoer's land, reasonable notice shall be given to the wrongdoer before entering to abate it.

**Discussion:** The special assessment process provides that the governing body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on October 3, 2011. Following the hearing, the City Council will adopt a resolution approving the special assessment roll with any added adjustments in the amounts.

**Financial Consideration:** The cost will be postage and the publication of the notice.

**Conclusion/Recommendations:** Administration recommends the adoption of the resolution that sets the public hearing date for October 3, 2011.

RESOLUTION FIXING THE TIME AND PLACE FOR A HEARING  
AND NOTICE OF HEARING  
ON THE SPECIAL ASSESSMENT ROLL  
FOR NUISANCE ABATEMENT  
IN THE CITY OF VERMILLION, SOUTH DAKOTA

WHEREAS a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 6<sup>th</sup> day of September, 2011 for the abatement of public nuisance to be levied against the property abutting upon:

**NUISANCE ABATEMENT**

On various properties as follows:

<u>Name</u>	<u>Property Location</u>	<u>Corrective Action</u>	<u>Amount</u>
Terry M Amundson	111 W Dartmouth	tagging & removal	53.00
Richard D & Brenda M Blue &			
Chase Home Finances	215 N Pine	debris removal	479.79
Jeanine Halverson	10 S University	tagging & removal	169.60
Allen & Lisa Hesse	302 Prospect	tagging	31.80
Roger G. Jeck	16 E Dartmouth	debris removal	321.90
Edwin A Johnson &			
Michelle H. Martin	219 Prospect	tagging & removal	61.70
Edwin A Johnson &			
Michelle H. Martin	513 W Clark	tagging & removal	51.10
John L. Midyette	213 High	tagging & removal	111.30
Peter, Mark & Karen			
Monzel	601 Lewis	tagging & removal	84.80
Lief Nygaard	112 Walnut	tagging & removal	111.30
Timothy N Peterson &			
Elizabeth A. Goehring	716 Maple	tagging & removal	561.80
Gregory A. Robinson	517 W Clark	tagging & removal	95.40
Paul D. & Dorothy J.			
Rosenbaum	1407 E Main	tagging & removal	524.70
Timothy & Jane Tilden	324 N Dakota	tagging & removal	74.20
Charlie Vanwardhuizen	709 W Main	tagging & removal	227.90

in the City of Vermillion, Clay County, South Dakota, said special assessment being against the property for the corrective action.

WHEREAS said assessment roll, now on file in the office of the City Finance Officer of the City of Vermillion, South Dakota, is open for public inspection and is referred to for further particulars.

WHEREAS said assessment roll shows:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;

2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;
4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, IT IS RESOLVED that 3<sup>rd</sup> day of October, 2011, at the hour of 7:00 p.m. in the City Hall Council Chambers 25 Center Street in the City of Vermillion, Clay County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon said assessment roll. Any interested person may appear and show cause why the Governing Body of the said City of Vermillion, South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the nuisance abatement.

BE IT FURTHER RESOLVED that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall be and is hereby authorized and directed to cause this Resolution and Notice to be published in the official newspaper in the City of Vermillion, South Dakota, one week prior to the date set for such hearing.

BE IT FURTHER RESOLVED that the Finance Officer of the City of Vermillion, Clay County, South Dakota shall mail a copy of this Resolution and Notice, by first-class mail with postage thereon fully prepaid, addressed to the owner(s) of any property to be assessed for such nuisance abatement at their address as shown by the records of the Director of Equalization. Such mailing shall be done at least one (1) week prior to the date set for said hearing.

Dated at Vermillion, South Dakota, this 6<sup>th</sup> day of September 2011.

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

\_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

\_\_\_\_\_  
Michael D. Carlson, Finance Officer  
(SEAL)

**Publish: September 16, 2011**

City of Vermillion Special Assessment Roll

Nuisance Abatement

Resolution setting the public hearing September 6, 2011 for Hearing on October 3, 2011

Resolution to be considered on October 3, 2011

On various parcels

One annual installment at ten percent interest

<u>Name</u>	<u>Property Address, Legal and Parcel Number</u>	<u>Service</u>	<u>Invoice</u>	<u>Total</u>
Terry M. Amundson	111 W Dartmouth	grass/weed tagging 6/25/10	10.60	
	W 80' of 11 & W 120' of E 203' of	grass/weed tagging 8/12/10	31.80	
	Lot 13, Blk 85, Addn to Snyders	sidewalk snow tagging 12/2/10	10.60	53.00
	15730-08500-130-06			
Richard D & Brenda M Blue & Chase Home Finances	215 N Pine	debris removal 6/23/11	479.79	479.79
	N 32' of 10 & all 11 & 12 Blk 9			
	Bigelows University 15060-00900-120-00			
Jeanine Halverson	10 S University	sidewalk snow tagging 12/3/10	10.60	
	Lot 4, East End Addn	sidewalk snow removal 1/26/11	84.80	
	15230-00000-040-00	grass/weed removal 6/16/11	74.20	169.60
Allen & Lisa Hesse	302 Prospect	sidewalk snow tagging 12/2/10	10.60	
	Lots 6 & 7 Blk 57, Snyders	sidewalk snow tagging 1/25/11	10.60	
	15720-05700-070-00	grass/weed tagging 6/9/11	10.60	31.80
Roger G. Jeck	16 E Dartmouth	debris removal 1/21/11	321.90	321.90
	Comm 52' of SW Corner of 5 SE			
	Along S Line 53', N 140', Thence E 53',			
	Thence S 140' to POB Blk 86, Addn to Snyders 15730-08600-050-18			
Edwin A. Johnson & Michelle H. Martin	219 Prospect	grass/weed removal 6/8/11	61.70	61.70
	Lot 12 Blk 49 Snyders 15720-04900-120-00			

Edwin A. Johnson & Michelle H. Martin	513 W Clark E 10' of 6 & W 40' of 7 Blk 2 Lamberts Subdivision 15730-00200-070-00	grass/weed removal 6/8/11	51.10	51.10
John L. Midyette	213 High Lots 10 & 11 Blk 50 Snyders 15720-05000-110-00	sidewalk snow removal 2/23/10	111.30	111.30
Peter, Mark & Karin Monzel	601 Lewis Lot 1, Replat Auditors Tract A, S 1/2 of Lot 2 Nw 1/4 Sec 19-92-51 15860-09251-190-24	grass/weed removal 7/19/10 sidewalk snow tagging 12/3/10	74.20 10.60	84.80
Leif Nygaard	112 Walnut A-2 Outlot A, Torstensons 15760-00000-000-51	grass/weed removal 5/23/11	111.30	111.30
Timothy N. Peterson & Elizabeth A. Goehring	716 Maple E 77.7' of 11,12 & E 77.7' of S 1/2 of 13 Blk 3, Eastside 15270-00300-130-00	sidewalk snow tagging 12/3/10 sidewalk snow removal 12/15/10 sidewalk snow removal 1/19/11 sidewalk snow removal 1/26/11 grass/weed removal 5/14/11 grass/weed removal 6/6/11 grass/weed removal 7/7/11	10.60 79.50 84.80 84.80 92.75 92.75 116.60	561.80
Gregory A. Robinson	517 West Clark E. 10' of Lot 5 & W 50' of Lot 6 Blk 2 Lamberts Subdivision 15370-00200-060-00	grass/weed tagging 8/12/10 sidewalk snow removal 1/25/11	10.60 84.80	95.40
Paul D & Dorothy J. Rosenbaum	1407 E Main Dahl Tract 1 Exc. Lots H1 & H2 NE 1/4 NE 1/4 19-92-51 Misc Entries 15880-09251-191-20	grass/weed tagging 5/3/10 grass/weed tagging 6/25/10 grass/weed removal 8/17/10 sidewalk snow tagging 12/3/10 grass/weed removal 5/23/11 grass/weed removal 6/16/11	10.60 31.80 153.70 10.60 148.40 169.60	524.70
Timothy & Jane Tilden	324 N Dakota Lot 1 Blk 60 Snyders 15720-06000-010-00	grass/weed removal 5/23/11	74.20	74.20

Charlie Vanwardhuizen	709 W Main	grass/weed tagging 6/1/10	10.60	
	Lot LJ-1 & LJ-3 of outlot A Torsensons &	sidwalk snow tagging 12/2/10	10.60	
	W 43' of Lot 7 Van Meters	sidewalk snow removal 12/15/10	79.50	
	15810-01300-070-00	sidewalk snow removal 1/17/11	84.80	
		grass/weed tagging 5/26/11	10.60	
		grass/weed tagging 6/23/11	31.80	227.90



## *Council Agenda Memo*

**From:** José Domínguez, City Engineer

**Meeting:** September 6, 2011

**Subject:** Resolution for Funding Agreement for the Stanford Street Project

**Presenter:** José Domínguez

**Background:** For several years, the City has been planning on reconstructing Stanford Street from W. Main to W. Cherry Street. The reconstruction will include widening the street to three lanes, extending the storm sewer, constructing an 8-foot trail and constructing a 5-foot sidewalk. This work will be designed through a contract with Sayre Engineering. The costs associated with the project will be paid through a combination of City and Federal funds and assessments.

The Funding Agreement stipulates how the funding will be made and also has criteria that needs to be followed during the construction and future maintenance of the street. The City has entered into similar agreements with the DOT for the Cherry Street project, Crawford Road and Main Street projects.

**Discussion:** As part of the funding agreement, the City Council needs to pass a resolution accepting the agreement with the DOT.

**Financial Consideration:** The cost to the City, at this point, is nothing. It is estimated that the City will pay \$450,000, with the STIP funds providing \$779,000. The City will also assess the property owners close to \$100,000 to cover a portion of the project.

**Conclusion/Recommendations:** Administration recommends approving the resolution approving the funding agreement.

## **Resolution**

# **Accepting the Funding Agreement between the Department of Transportation and the City of Vermillion for Letting and Construction of Project P 5741(03), PCN 4535**

**WHEREAS**, the City of Vermillion wishes to reconstruct Stanford Street from W. Main to W. Cherry Street utilizing a combination of Local, State and Federal funds, and;

**WHEREAS**, the Governing Body of the City of Vermillion is asked by the South Dakota Department of Transportation to approve the above mentioned funding agreement by resolution, and;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the City of Vermillion accepts the Funding Agreement between the Department of Transportation and the City of Vermillion for Letting and Construction of Project P 5741(03), PCN 4535.

Dated at Vermillion, South Dakota this 6th day of September, 2011.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

---

John E. (Jack) Powell, Mayor

ATTEST:

---

Michael D. Carlson, Finance Officer

**URBAN SURFACE TRANSPORTATION PROGRAM  
FUNDING AGREEMENT  
BETWEEN  
DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF VERMILLION  
FOR LETTING AND CONSTRUCTION OF PROJECT P 5741(03), PCN 4535**

This Agreement is entered into by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and the City of Vermillion, South Dakota, referred to in this Agreement as the "CITY."

**BACKGROUND:**

1. The STATE and the CITY agree to let, in combination, grading and surfacing project number P 5741(03), PCN 4535, referred to in this Agreement as the "PROJECT," and the CITY utility project number 1205, PCN X01Y, referred to in this Agreement as the "CITY PROJECT," all located in Vermillion, South Dakota, on Stanford Street from Main Street to Cherry Street; and
2. The PROJECT costs will include preliminary engineering, materials, construction, and construction engineering.

**THE CITY AND THE STATE MUTUALLY AGREE AS FOLLOWS:**

A. The STATE will:

1. Provide technical assistance in the preparation of plans and specifications for the PROJECT, and review those documents prior to advertising and letting of the construction phase.
2. Obtain the necessary environmental clearances.
3. Advertise for bids and let the CITY PROJECT in combination with the PROJECT.
4. Require each bidder to submit separate bids covering the CITY PROJECT and the PROJECT. Award of the contract, with concurrence by the CITY, will be to one bidder based on the total combination bid for the two projects. The lowest responsible bid on the PROJECT will be the basis for determining State and Federal Funds participation.

If the total low combination bid for the CITY PROJECT and the PROJECT does not have, as part of that bid, the lowest bid on the PROJECT, the CITY will pay to the STATE the difference between that portion of the successful combination bid attributable to the PROJECT and the lowest bid on the PROJECT.

5. Provide construction administration for the PROJECT and make all eligible progress payments to contractors and vendors with 81.95% CITY STP funds and 18.05% associated STATE match.
6. In regard to the CITY projects that consist of water and sewer work, provide inspection of the trench backfill and conduct trench compaction testing for any portion of the CITY PROJECT which is situated under the surfacing of the PROJECT. The STATE will provide the CITY with a copy of all test reports. The STATE will bill the CITY for testing and inspection based on current standard rates and according to the actual number of sample locations. The CITY agrees to pay the STATE within thirty (30) days of receipt of billings from the STATE.

B. The CITY will:

1. Provide the STATE with all plans, specifications, and cost estimates for the CITY PROJECT, complete with review and approval by the Department of Environment and Natural Resources, prior to advertisement and letting.
2. Develop plans, specifications, and cost estimates for the PROJECT. The CITY will prepare plans according to South Dakota Department of Transportation guidelines and will utilize South Dakota Department of Transportation Specifications.
3. Provide all construction administration for the CITY PROJECT and make all contractor payments with 100% CITY funds.
4. Obtain all necessary right-of-way for both projects, according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in 1987. The CITY will use unaltered STATE forms in obtaining right-of-way.
5. Certify that all right-of-way and utility adjustments or agreements are in place prior to advertisement and letting.
6. Continue to maintain the PROJECT upon completion of construction as a public street and will dedicate the roadway and adjacent right-of-way for the public use.

C. ENCROACHMENTS

The CITY will enforce the following prohibitions against encroachments in the public right-of-way on the PROJECT and on the state trunk highway system within the CITY'S jurisdictional limits:

1. In outlying commercial areas and through residential areas, all encroachments on or above the right-of-way will be prohibited unless specifically permitted below.
2. The use of the right-of-way by owners or lessees of abutting property for the storage of vehicles, placement of portable signs, or other private use will be prohibited.
3. Where the highway passes through established business districts and the buildings are at the property line and are continuous or very closely spaced, encroachments overhanging the right-of-way will be prohibited except under the following conditions:
  - i. Awnings, canopies, marquees, and similar installations on buildings will be permitted to remain in place until such time that they become functionally or structurally obsolete, providing that the edge of such encroachment is not less than three (3) feet back from the face of the curb.
  - ii. Advertising or other similar signs which are less than three (3) feet back from the face of the curb and are supported wholly from the front of the building will be permitted to remain in place until such time that they become functionally or structurally obsolete, provided that the bottom of such encroachment is not less than fourteen and one half (14.5) feet above the curb elevation.
  - iii. The replacement of obsolete or the installation of new awnings, canopies, marquees, advertising signs, or similar installations supported wholly from the building will be permitted provided that no part of the encroachment is less than three (3) feet back from the face of the curb and eight (8) feet above the curb elevation.
  - iv. In the event the encroachments referred to in (i), (ii), and (iii) above, by reason of color or placement, obscure or in any way detract from the effectiveness of the highway signs, traffic signals, pedestrian safety, or interfere with the free or safe flow of the traffic, the

CITY will cause the removal of such encroachments or take appropriate measures to improve highway signs or traffic signals and traffic safety.

- v. The provisions of paragraph (3) and subparagraphs (i), (ii), (iii), and (iv) above will not apply to isolated business or commercial buildings in outlying areas.
- vi. In cases where there are encroachments of long standing which will in no way impair the highway operation or interfere with the free and safe flow of traffic and in the opinion of the STATE, the immediate removal would impose unreasonable hardship, the STATE may, at its discretion, permit the encroachment to remain for a specific period. This permission is subject to revocation or extension at the STATE'S discretion.

4. On Federal Aid Projects, no encroachments will be permitted except in conformance with 23 CFR 1.23.

D. In all sections of Title 23 United States Code and the Federal Aid Program Manual, the term "City" will be substituted for the term "State" whenever the PROJECT is not on the state trunk highway system.

#### E. UTILITIES

The CITY will control the location and maintenance of utilities within its right-of-way so as to not impair the free flow of traffic and provide the maximum safety to the traveling public.

#### F. PARKING

The CITY will enforce the prohibition of all parking, standing, and stopping in the traffic lanes constructed under the PROJECT in accordance with South Dakota Codified Law Chapter 32-30. The CITY will establish parking prohibitions if parking becomes a safety concern or hindrance.

The CITY further agrees that where curbs are not installed and are not to be installed under proposed improvement, the curbs, when proposed to be constructed in the future, will be at a lateral distance approved by the STATE. The CITY will be responsible for installation and financial obligations of any future constructed curbs.

Any temporary pavement marking needed to facilitate parking will be non-participating for federal funds.

#### G. LIGHTING

When a signal or roadway lighting system is installed on any street within the PROJECT or on any portion of the state trunk highway system within the CITY'S jurisdictional limits, the CITY will provide electrical power necessary to operate the signal or roadway lighting system and all necessary maintenance and replacements, in kind, of all parts and apparatus of said system, including lamps so as to ensure the continuing operation of said signal or roadway lighting systems until such time as the parties to this Agreement will agree to discontinue the operation of the said system. The CITY will be responsible for replacement of poles which may be damaged due to weather or by vehicle crashes.

If a signal is coordinated through the use of leased telephone lines, the CITY will pay the required hookup fee and monthly rental fees. The CITY further agrees that on the state trunk highway system, prior to changing the signal timing from that originally set by the STATE, the CITY will submit the necessary data and proposed timing to the STATE for approval.

#### H. PAVEMENT MARKING

The CITY will be responsible for maintenance of plastic pavement markings applied on the CITY streets. The CITY will use plastic material approved by the STATE in maintaining the plastic pavement

markings. The CITY will ensure that rubber cutting edges are used on the blades of snow removal equipment that is used in areas where plastic material is applied for the pavement markings.

I. On Urban Systems Projects the CITY will save harmless the STATE from any claim or damage made against it for consequential damage arising from and out of changing the grade of streets, causing loss or inconvenience to the property or business or surrounding property owners, or from any cause or causes whatsoever, after the PROJECT is completed and accepted.

J. The CITY acknowledges that the members of its governing board and engineering staff have examined the plans for the PROJECT prepared under the supervision of the STATE referred to in this Agreement.

K. The CITY will enact such ordinances as are necessary to properly enforce any of the above provisions.

L. The CITY will provide services in compliance with the Americans with Disabilities Act of 1990, and any amendments.

M. INDEMNIFICATION PROVISION

The CITY will indemnify the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceedings that may arise as the result of performing services under this Agreement. This section does not require the CITY to be responsible for or defend against claims or damages arising from errors or omissions of the STATE, its officers, agents, or employees.

N. FUNDING PROVISION

The Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, the Agreement may be terminated by the STATE. Termination for any of these reasons is not a default by the STATE nor does it give rise to a claim against the STATE.

O. CONTROLLING LAW PROVISION

The Agreement will be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement will be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

P. SEVERABILITY PROVISION

If any court of competent jurisdiction holds any provision of the Agreement unenforceable or invalid, such holding will not invalidate or render unenforceable any other provision of this Agreement.

Q. SUPERCESSION PROVISION

All other prior discussions, communications, and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and, except as specifically provided, this Agreement constitutes the entire agreement with respect to its subject matter.

R. DISPUTES

Any dispute concerning a question of fact in connection with the work not disposed of by agreement between the parties hereto will be referred to the STATE'S Secretary of Transportation or duly authorized representative for determination, whose decision in the matter will be final and conclusive on the parties to the Agreement.

S. SUBCONTRACT PROVISION

The CITY will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the STATE, and to provide insurance coverage for the benefit of the STATE in a manner consistent with this Agreement. The CITY will cause its subcontractors, agents, and employees to comply with applicable federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance. Failure to comply with federal requirements related to right-of-way, environmental clearances, utilities, and the bid letting process could jeopardize future federal funding.

T. RECORDS RETENTION AND AUDIT

1. All PROJECT charges will be subject to audit in accordance with current STATE procedures and United States Office of Management and Budget (OMB) Circular A-133. The CFDA Number for these funds is 20.205. Allowable costs will be determined in accordance with 49 CFR 18.22(b).
2. The CITY and its subcontractors will keep accounting records clearly identified with the Agreement.
3. Upon reasonable notice, the CITY and its subcontractors will allow the STATE, through any authorized representative, to have access to and the right to examine and copy all records, books, papers, or documents related to services rendered under this Agreement. The City will keep these records clearly identified and readily accessible for a period of three (3) years after the date final payment under this Agreement is made and all other pending matters are closed.

U. CERTIFICATION OF LOBBYING

The CITY certifies, to the best of the CITY'S knowledge and belief, that: No Federal appropriated funds have been paid or will be paid, by or on behalf of the CITY, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any of the above mentioned parties, the CITY will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The CITY will require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontract, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients will certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

V. AUTHORIZATION

The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution authorizing the execution of this Agreement by the Mayor as the CITY'S authorized representative is attached to this Agreement as Exhibit A.

This Agreement is binding upon signatories not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and the CITY to enter into the same.

City of Vermillion, South Dakota

By: John E. Bonnell

Its: Mayor

Date: 8.29.11

Attest: [Signature]  
City Auditor/Clerk

State of South Dakota  
Department of Transportation

By: \_\_\_\_\_

Its: Secretary

Date: \_\_\_\_\_

Local Transportation Programs

By: \_\_\_\_\_

Its: Program Manager

Date: \_\_\_\_\_

Approved as to Form: [Signature]  
Special Assistant Attorney General



CITY OF VERMILLION  
 INVOICES PAYABLE-SEPTEMBER 6, 2011

1 AIR DELIGHTS, INC	SUPPLIES	140.83
2 ALLIED INSURANCE	NOTARY BOND	100.00
3 AMERICAN BUS CORP.	TRAVEL-OUT & ABOUT ADVENTURES	731.32
4 AMERICAN LEGAL PUBLISHING	INTERNET RENEWAL	275.00
5 AMERICAN RED CROSS	PROFESSIONAL SERVICES	130.00
6 APPEARA	SUPPLIES	218.72
7 AQUA-PURE INC	SUPPLIES	341.98
8 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	153.18
9 AUDIO GO	BOOKS	191.94
10 AUTOMATIC BUILDING CONTROL	TESTING	321.00
11 BAKER & TAYLOR BOOKS	BOOKS	539.43
12 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	1,396.15
13 BARKLEY ASPHALT	ASPHALT	5,043.48
14 BASIN ELECTRIC POWER COOP	MAINTENANCE	1,379.63
15 BIRSCHBACH EQPT & SUPPLY	SUPPLIES	666.80
16 BOOK WHOLESALERS, INC	BOOKS	106.63
17 BORDER STATES ELEC SUPPLY	SUPPLIES	1,750.00
18 BOW CREEK METAL INC	POWDER COATING	40.00
19 BROWN TRAFFIC PRODUCTS	SUPPLIES	190.00
20 BRUNICKS SERVICE INC	SUPPLIES	212.20
21 BULLBERRY SYSTEMS, INC	911 GIS DATA MAINTENANCE	3,600.00
22 BUTLER MACHINERY CO.	PARTS	851.48
23 CADD/ENGINEERING SUPPLY, INC	SUPPLIES	105.76
24 CALLAWAY GOLF	MERCHANDISE	463.29
25 CAM COMMERCE	MAINTENANCE/SUPPORT	1,574.10
26 CAMPBELL SUPPLY	SUPPLIES	1,291.39
27 CANNON TECHNOLOGIES, INC	SUPPORT	1,300.00
28 CANON FINANCIAL SERVICES	COPIER CONTRACT	56.16
29 CASK & CORK	MERCHANDISE	579.90
30 CCP INDUSTRIES INC.	SUPPLIES	396.84
31 CENTRAL STATES WIRE PRODUCTS	SUPPLIES	6,100.54
32 CENTURY BUSINESS PRODUCTS	COPIER CONTRACT	40.00
33 CENTURYLINK	TELEPHONE	733.62
34 CERTIFIED TESTING SERVICES	TESTING	253.00
35 CHEMCO, INC	SUPPLIES	295.97
36 CHERRY STREET GRILLE	CATERING	212.00
37 CHESTERMAN CO	MERCHANDISE	1,869.08
38 CITY DIRECTORIES	ADVERTISING	400.00
39 CITY OF VERMILLION	POSTAGE/COPIES	3,668.85
40 CITY OF VERMILLION	UTILITY BILLS	42,665.80
41 CLAY COUNTY REGISTER OF DEEDS	FILING FEES	24.00
42 CLAY RURAL WATER SYSTEM	WATER USAGE	40.20
43 CLIA LABORATORY PROGRAM	CERTIFICATE FEE	150.00
44 CLIMATE SYSTEMS, INC	REPAIRS	745.45
45 COFFEE KING, INC	SUPPLIES	115.50
46 COLONIAL LIFE ACC INS.	INSURANCE	3,298.55
47 CONCRETE MATERIALS	GOLF SAND	830.64
48 COUNTRY BOOKS	BOOKS	30.98
49 COYOTE CHEMICAL COMPANY	PARTS	120.00

50 CULLIGAN WATER	WATER	78.00
51 CUMMINS CENTRAL POWER, LLC	PARTS	204.98
52 D & D PEST CONTROL	INSPECTION/TREATMENT	17.50
53 D-P TOOLS	SUPPLIES	182.41
54 DAKOTA BEVERAGE	MERCHANDISE	9,584.00
55 DAKOTA PC WAREHOUSE	COMPUTERS/REPAIRS	949.95
56 DAKOTA PUMP INC	PUMP	4,657.46
57 DAKOTA SECURITY SYSTEMS, INC	ALARM MONITORING	360.00
58 DAN KAVANAUGH	CHIP REPAIRS	90.00
59 DANKO MES, INC.	SUPPLIES	716.00
60 DELTA DENTAL PLAN	INSURANCE	5,542.38
61 DEMCO	SUPPLIES	424.89
62 DENNIS MARTENS	MAINTENANCE	833.34
63 DEPT OF REVENUE	TESTING	148.00
64 DETCO	SUPPLIES	291.28
65 DIAMOND VOGEL PAINTS	TRAFFIC PAINT	4,289.33
66 DUST TEX	ENTRY MAT	46.60
67 E.A SWEEN COMPANY	MERCHANDISE	298.33
68 EAGLE ELECTRIC	INSTALL LOAD MGMT CONTROLLERS	306.00
69 EARTHGRAINS BAKING CO.	SUPPLIES	111.84
70 ECHO ELECTRIC SUPPLY	PARTS	594.67
71 EMERGENCY MEDICAL PRODUCTS	SUPPLIES	1,073.03
72 ENERGY LABORATORIES	TESTING	1,040.00
73 ENGRAVER'S EDGE	MEDALS	56.70
74 ENTERSECT	USER AGREEMENT	79.00
75 ERIN J. SEEP	MAINTENANCE	87.00
76 EZ-LINER INDUSTRIES	REPAIRS	100.08
77 FARMER BROTHERS CO.	COFFEE PACKETS	37.88
78 FEDEX.	SHIPPING	10.57
79 FILTERTEC	SUPPLIES	300.52
80 FLAGS UNLIMITED	PARTS	140.00
81 FOLD-A-GOAL	NETS	138.00
82 FOOT-JOY	MERCHANDISE	97.14
83 FOREMAN MEDIA	COUNCIL MTG	50.00
84 FOREMOST EQUIPMENT	SUPPLIES	1,487.00
85 FRED HAAR CO, INC	PARTS	18.90
86 FULLERTON LUMBER CO	SUPPLIES	48.17
87 GALE	BOOKS	46.88
88 GARYS REPAIR	TOWING	176.00
89 GE CAPITAL	COPIER LEASE	114.48
90 GENTLE TOUCH CARPET CARE	CARPET/RUG CLEANING	218.43
91 GRAHAM TIRE CO.	TIRES	425.24
92 GRAYBAR ELECTRIC	PARTS	221.72
93 GREGG PETERS	FREIGHT	1,927.25
94 GREGG PETERS	RENT	937.50
95 HARTINGTON TREE LLC	GRIND STUMPS	222.00
96 HAUGER YARD/SNOW SERVICE	MOWING	104.00
97 HAWKINS WATER TREATMENT	CHEMICALS	5,540.84
98 HD SUPPLY WATERWORKS	SUPPLIES	1,875.40
99 HENDERSON EXHAUST PLUS	REPAIRS	167.50
100 HERREN-SCHEMPP BUILDING	MATERIALS	1,671.06
101 HILLYARD FLOOR CARE SUPPLY	SUPPLIES	325.46

102 HORNUNGS PRO GOLF	MERCHANDISE	301.56
103 HY VEE FOOD STORE	SUPPLIES	147.45
104 IN CONTROL, INC	PROFESSIONAL SERVICES	540.34
105 INDEPENDENCE WASTE	PORTABLE TOILET RENTAL/WASTE HAULING	1,559.89
106 INGRAM	BOOKS	620.75
107 JACKS UNIFORM & EQPT	UNIFORMS	557.30
108 JESSICA SLETTEN	REFUND SERVICE FEES	10.60
109 JOEY MUELLER	CLOTHING ALLOWANCE	100.00
110 JOHN A CONKLING DIST.	MERCHANDISE	7,435.60
111 JOHNSON BROTHERS FAMOUS BRANDS	MERCHANDISE	18,806.15
112 JOHNSON CONTROLS	REPAIRS	1,129.49
113 JOHNSON ELECTRIC	INSTALL CONTROLLERS	75.00
114 JOHNSON FEED, INC	TIRES/REPAIRS	2,237.70
115 JONES ACE HARDWARE	SUPPLIES	452.21
116 JONES FOOD CENTER	SUPPLIES	1,091.15
117 KALINS INDOOR COMFORT	REPAIRS	75.00
118 KAREN HARRIS	SAFETY BOOT REIMBURSEMENT	99.59
119 KARSTEN MFG CORP	MERCHANDISE	755.56
120 KEY CONTRACTING, INC	MANHOLE REHAB	25,168.00
121 KNIFE RIVER MIDWEST, LLC	ASPHALT	2,995.20
122 KNOLOGY	911 CIRCUIT/DIALUP SERVICE	2,780.95
123 KOLETZKY IMPLEMENT	PARTS	192.52
124 LAKESIDE EQUIPMENT	PARTS	148.00
125 LARRYS HOME REPAIR	REPAIRS	45.00
126 LAYNES WORLD	AWARD PLAQUE	58.84
127 LEISURE LAWN CARE	TREATMENT	50.00
128 LESSMAN ELEC. SUPPLY CO	SUPPLIES	496.20
129 LINCOLN MUTUAL LIFE	INSURANCE	482.88
130 LUKEN MEMORIALS, INC	BRONZE PLAQUES-PLATZ	1,385.00
131 LYLE SIGNS	SUPPLIES	154.23
132 MALLOY ELECTRIC	PARTS	672.89
133 MARKS LAWN CARE	MOWING/DEBRIS REMOVAL	590.00
134 MARKS MACHINERY	PARTS	120.05
135 MART AUTO BODY	TOWING	604.00
136 MASONRY COMPONENTS INC	REFUND HYDRANT DEPOSIT	36.59
137 MATHESON TRI-GAS, INC	OXYGEN/MEDICAL OXYGEN	168.37
138 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	824.00
139 MIDAMERICAN	REPAIRS	269.32
140 MIDWEST ALARM CO	ALARM MONITORING	60.00
141 MIDWEST BUILDING MAINTENANCE	MAT SVC	539.20
142 MIDWEST READY MIX	NATURAL ROCK/FLOWABLE FILL	237.75
143 MIDWEST TURF & IRRIGATION	PARTS	1,409.87
144 MIKE'S AUTO GLASS	REPAIRS	100.00
145 MISSOURI VALLEY MAINTENANCE	REPAIRS	756.60
146 MR. GOLF CAR, INC	REPAIRS/GOLF CAR RENTAL	1,002.40
147 MUHLBAUER ENTERPRISES	PARTS	20.40
148 N B GOLF LLC	GOLF CARS LEASE	3,741.60
149 NATIONAL ARBOR DAY FOUNDATION	MEMBERSHIP	15.00
150 NATIONAL MUSIC MUSEUM	CONTRIBUTION	7,500.00
151 NCL OF WISCONSIN, INC	SUPPLIES	727.93
152 NETSYS+	PROFESSIONAL SERVICES	290.00
153 NEW DEAL TIRE	TIRE DISPOSAL	1,634.00

154 NEW YORK LIFE	INSURANCE	95.00
155 NIKE INC	MERCHANDISE	213.96
156 NORTHERN TRUCK EQPT CORP	PARTS	1,910.42
157 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	476.75
158 OWENS INSPECTION SERVICES	REPAIRS	690.09
159 PEPSI COLA	POP	42.50
160 PETE LIEN & SONS, INC	CHEMICALS	7,825.44
161 PNC EQUIPMENT FINANCE	DEFIBRILLATOR LEASE	741.27
162 POMPS TIRE SERVICE, INC.	REPAIRS	492.50
163 POWERPHONE, INC	MEDICAL TABLET PROTOCOLS	518.00
164 PRAIRIE BERRY WINERY	MERCHANDISE	1,230.00
165 PRESSING MATTERS	BUSINESS CARDS	44.00
166 PRESTO-X-COMPANY	INSPECTION/TREATMENT	134.95
167 PRINT SOURCE	ADVERTISING	520.20
168 PROGRESSIVE BUSINESS PUBLISHING	SUBSCRIPTION	94.56
169 PUMP N PAK	FUEL	2,732.62
170 QUALITY EQUIPMENT AND SVC	BLADE SHARPENING	37.50
171 QUALITY TELECOMMUNICATION	PROFESSIONAL SERVICES	100.00
172 QUEEN CITY WHOLESALE	MERCHANDISE	946.91
173 QUILL	SUPPLIES	1,283.56
174 RACOM CORPORATION	MAINTENANCE CONTRACT	335.00
175 RANDOM HOUSE, INC	BOOKS	215.00
176 RANDY VOSS	REPAIRS	80.00
177 RASMUSSEN MOTORS, INC	REPAIRS	46.39
178 RECORDED BOOKS, INC	BOOKS	705.80
179 REGENT BOOK CO.	BOOKS	13.67
180 REINHART FOODSERVICE, LLC	MERCHANDISE	2,014.73
181 REPUBLIC NATIONAL DIST.	MERCHANDISE	16,000.46
182 RESCO	SUPPLIES	2,059.50
183 ROAD KING, INC	REPAIRS	442.64
184 ROSEWOOD GREENHOUSE	SUPPLIES	9.00
185 RUSTY JENSEN	SUPPLIES	34.78
186 SANITATION PRODUCTS	PARTS	110.87
187 SCHAEFFER MFG. CO	PARTS	713.70
188 SD ASSOC. OF RURAL WTR SYSTEMS	ANNUAL DUES	935.00
189 SD DEPT OF HEALTH	TATTOO INSPECTIONS	325.00
190 SD LIBRARY NETWORK	NETWORK ONGOING COSTS	10,108.50
191 SD MUNICIPAL LEAGUE	REGISTRATION	360.00
192 SD RETIREMENT SYSTEM	CONTRIBUTIONS	43,656.04
193 SDLA CONFERENCE	REGISTRATION	360.00
194 SDWWA-	REGISTRATION	20.00
195 SERVALL TOWEL & LINEN	SHOP TOWELS	58.80
196 SEVERN TRENT WATER PURIFICATION	PARTS	1,216.35
197 SIOUX CITY BOLT	PARTS	512.43
198 SIOUX CITY WINTRONIC	SUPPLIES	26.92
199 SIOUX EQUIPMENT	REPAIRS	521.54
200 SIOUX FALLS TWO WAY RADIO	REPAIRS	180.00
201 SIOUXLAND HUMANE SOCIETY	FEES	74.00
202 SLATTERY CONSTRUCTION	E CLARK EXTENSION/REFUND HYDRANT DEPOSIT	38,708.14
203 SPECIAL T'S AND MORE	EMBROIDERED CAPS	210.00
204 STANLEY SECURITY SOLUTIONS	KEYS	387.54
205 STEWART OIL-TIRE CO	REPAIRS	25.00