



Special Meeting Agenda

City Council

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

Monday, September 19, 2016

Prentis Park

Vermillion, South Dakota 57069

1. **Roll Call**
2. **Briefing on the September 19, 2016 City Council Regular Meeting** - Briefings are intended to be informational only and no deliberation or decision will occur on this item.
3. **Educational Item – Tour of Prentis Park pool construction – Jim Goblirsch.**
4. **Adjourn**

Please note: The City Council will meet at the entrance to the Prentis Park pool construction site along E. Clark Street to open the meeting and conduct the briefing before beginning the tour of the construction site.

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

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

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

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

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

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



City of Vermillion Council Agenda

7:00 p.m. Regular Meeting
Monday, September 19, 2016
City Council Chambers
25 Center Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. September 6, 2016 Special Meeting, September 6, 2016 Regular Meeting.
4. **Adoption of the Agenda**
5. **Visitors to be Heard**
 - a. Proclamation recognizing National Senior Center Month.
6. **Public Hearings**
 - a. Resolution Approving the Special Assessment Roll and Notice of Special Assessments for Nuisance Abatement.
 - b. Special Permit to exceed permissible sound levels by no more than 50% for USD Dakota Days Executive Board for Vermtown Bash street dance with DJ/live music on October 5, 2016 from 5:00 p.m. to 11:00 p.m. on Ratingen Platz and portions of Market and Main Streets.
 - c. Special permit to exceed permissible sound levels by no more that 50% for Sorority & Fraternity Life for Greek Life Awards Ceremony on Cedar Street between Plum and Pine Streets on September 23, 2016 from 5:00 p.m. to 8:00 p.m.
7. **Old Business**
 - a. Second Reading of Ordinance 1345 – Cable Franchise agreement with MIDCO.
 - b. Second Reading of Ordinance 1346 – 2017 Appropriations.
 - c. Second Reading of Ordinance 1347 – 2016 Revised Appropriations.
8. **New Business**
 - a. Request to close W. Main Street from Prospect Street to High Street and Market Street from W. Main Street to Kidder Street on Wednesday, October 5, 2016 from 5:00 p.m. to 11:00 p.m. for the Vermtown Bash.
 - b. Request to close Cedar Street from Pine Street to N. Plum Street on Friday, September 23, 2016 from 5:00 p.m. to 8:00 p.m. for the Greek Week Block Party.
 - c. Transfer of Fire Department equipment to Volin, Gayville and Centerville Fire Departments.
 - d. Library Board member appointment.
 - e. Tree Board member appointment.
 - f. Assignment of Airport hangar lease assignment from Grant Fluent to Dave Howard.
9. **Bid Openings**
 - a. Fire Department Turnout Gear.

10. City Manager's Report

11. Invoices Payable

12. Consensus Agenda

- a. Set a Public Hearing date of October 3, 2016 for a special permit to exceed permissible sound levels by no more than 50% for Vermillion Area Farmers Market for a band on the fairgrounds east of High Street and south of Cherry Street on or about Thursday, October 27, 2016 from 3:00 p.m. to 7:00 p.m.

13. Adjourn

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

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

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

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

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

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Vermillion City Council's Values and Vision

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



Unapproved Minutes
Council Special Session
September 6, 2016
Tuesday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Tuesday, September 6, 2016 at 12:00 noon at the Municipal Service Center on 115 W Duke.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Humphrey, Price, Sorensen, Mayor Powell

Absent: Meins, Ward

2. Educational Item - Tour of Municipal Service Center - Pete Jahn and Monty Munkvold

Pete Jahn, Street Superintendent and Monty Munkvold, Electric Superintendent, provided a tour of the Municipal Service Center including the electric substation. Pete and Monty answered questions of the City Council on the facility.

3. Briefing on the September 6, 2016 City Council Regular Meeting

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

4. Adjourn

281-16

Alderman Holland moved to adjourn the Council special session at 12:44 p.m. Alderman Erickson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of September, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA
BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Unapproved Minutes
City Council Regular Session
September 6, 2016
Tuesday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on September 6, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Holland, Humphrey, Price, Sorensen, Mayor Powell

Absent: Erickson, Meins, Ward

2. Pledge of Allegiance

3. Minutes

A. Minutes of August 15, 2016 Regular Meeting, August 15, 2016 Special Meeting, August 29, 2016 Special Meeting

282-16

Alderman Collier-Wise moved approval of the August 15, 2016 Regular Meeting, August 15, 2016 Special Meeting and August 29, 2016 Special Meeting minutes. Alderman Price seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

283-16

Alderman Price moved approval of the agenda. Alderman Holland seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

5. Visitors to be Heard

A. Proclamation recognizing National Arts in Education Week for 2016

Alderman Sorensen read the proclamation that designated the week of September 11-17, 2016 as "National Arts in Education Week" in Vermillion.

B. Proclamation recognizing Direct Support Professionals Recognition Week

Alderman Price read the proclamation that designated the week of September 11-17, 2016 as "Direct Support Professionals Recognition Week" in Vermillion. Mayor Powell presented the proclamation to Direct Support Professionals with SESDAC who thanked the Mayor and City Council for the proclamation.

6. Public Hearings

A. Special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event

Mike Carlson, Finance Officer, reported that an application for a special daily malt beverage and wine license was received from the Vermillion Area Chamber of Commerce and Development Company for Oktoberfest event on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street. Mike reported that the notice of public hearing and Police Chief's report are included in the packet. Mike noted that the Police Chief reported that there were no incidents with the events held last year noting that this year is at a new location. Mike reported that, as the event will be held on a City street and City property, ordinance allows the City to include "such conditions and restrictions, as the governing body may deem appropriate and consistent with state law." Mike stated that the request to exceed allowable noise levels and a street closure request are also on this agenda. Mike stated that the VCDC has provided a certificate of Insurance naming the City of Vermillion as an additional insured and provided a Release and Indemnification releasing the City from liability for the event. Mike noted that staff recommends the City Council consider and attach most of the following conditions: 1) Require the applicant identify and 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; 2) Require a plan for the cleanup and disposal of the cups and other materials after the event; 3) Provide restroom facilities; 4) Hours of sale may be limited. The noise permit states that the hours will be from 5:00 p.m. to 11:00 p.m. and the street closing request is from 4:00 p.m. to 11:00 p.m. and, as such, the sale hours could be restricted to that time period. Mike noted that the Police Chief's report indicated that a fenced area would be used with staff monitoring all egress points and wristbands would be used to identify those of age. Mike noted that representatives of the VCDC are present to answer any questions.

284-16

Alderman Holland moved approval of the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and

Development Company for Oktoberfest event on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street with the conditions listed above with sales hours from 4:00 p.m. to 11:00 p.m. each day. Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

B. Special permit to exceed permissible sound levels for the Vermillion Area Chamber of Commerce and Development Company on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event

Mike Carlson, Finance Officer, reported that an application to exceed permissible sound levels by no more than 50% was received from the Vermillion Area Chamber of Commerce and Development Company on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event. Mike stated that the application and notice of hearing are included in the packet. Mike noted that this is a new location from last year and recommended approval.

285-16

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% for the Vermillion Area Chamber of Commerce and Development Company on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event. Alderman Holland seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. First Reading of Ordinance 1345 - Cable Franchise Agreement with Midco

John Prescott, City Manager, reported that the current cable franchise ordinance was adopted in 1999 and provided for a 15-year nonexclusive franchise agreement for cable television services. John noted that the original franchise agreement was signed with Zylstra Communications Corporation but has been transferred several times since 1999 and is currently held by Midco. John noted that the ordinance also provided for two one year extensions that were granted by the City Council. John reported that discussions have been ongoing with Midco the last couple of years to develop the proposed draft franchise. John noted that a draft of the franchise was presented to the Utilities Committee at their meeting on Wednesday, July 20, 2016 and major points were reviewed and discussed. John noted that the Utilities Committee

reported at the August 1, 2016 meeting with a recommendation to approve. John stated that the draft ordinance was posted on the City web site for review. John reported on the major items of the nonexclusive cable franchise ordinance.

Dan Nelson, representing Midco, thanked the City for updating the cable franchise noting that the ordinance is nonexclusive. Dan answered questions of the City Council on the cable service and franchise.

286-16

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1345 entitled An Ordinance Related to Re-Authorizing the Grant of Cable Communications Franchise in the City Of Vermillion; Setting Forth Conditions Accompanying the Grant of the Franchise 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 6th day of September, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Holland. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 6 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

B. Request to close W. Main Street from the alley-way between Mead Lumber Company and CorTrust Bank to Prospect Street and Market Street from Main Street south one half block from 4:00 p.m. until 11:00 p.m. for the 2nd Annual Oktoberfest celebration on Friday, September 30 and Saturday, October 1, 2016.

Derek Chancellor, Administrative Intern, reported that the Vermillion Area Chamber of Commerce and Development Company has applied for a street closing request for September 30 and October 1 from 4:00 p.m. to 11:00 p.m. each day for OktoberFest events. Derek stated that the closing is for Main Street from the alley way between Mead Lumber Company and CorTrust Bank to Prospect Street and Market Street from Main Street south one half block. Derek stated that the request and diagram are included in the packet. Derek noted that the application indicated that adjoining property owners have been notified and that event staff would be cleaning up.

287-16

Alderman Collier-Wise moved approval of the street closing request of the Vermillion Area Chamber of Commerce and Development Company for Main Street from the alley way between Mead Lumber Company and CorTrust Bank to Prospect Street and Market Street from Main Street south one half block on September 30 and October 1 from 4:00 p.m. to 11:00 p.m. each day. Alderman Sorensen seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

C. Agreement with FOP #19 for 2016-2018 for eligible Police Department employees

John Prescott, City Manager, reported that the Fraternal Order of Police #19 began representation of the Police Officers and Detective in the second half of 2015. John reported that the previous union agreement ended on December 31, 2015. John noted that the City of Vermillion Labor and Finance Committee met several times in 2016 to review progress on negotiating the union agreement with FOP #19. John reported that City staff met with the FOP #19 union representatives on several occasions in 2016 and reached agreement on a proposal within the guidelines established by the Labor and Finance Committee. John reported that the Labor and Finance Committee reported on the progress of negotiations and recommended approval of the agreement at the August 15, 2016 meeting. John reviewed the proposed FOP union agreement items and recommended approval of the union agreement.

288-16

Alderman Collier-Wise moved approval of the union agreement with the Fraternal Order of Police #19 for 2016-2018 representing eligible Police Department employees. Alderman Sorensen seconded the motion. John Cole, representing the FOP #19 union, wanted to thank the City Council and City Manager for their consideration on the proposed agreement. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

D. Review and use of malt beverage markup receipts collected, proposal to use funding during 2017 budget year, and public input on continuation of the wholesale license fee

John Prescott, City Manager, reported that, during the development of the ordinance to implement a 5% markup on the wholesale cost of malt beverages, staff included an annual update to the community in the proposal. John stated that license holders were provided notice that this item was included on tonight's agenda. John stated that the ordinance implementing the 5% markup on the wholesale cost of malt beverages became effective on July 1, 2015. John reported that for the six months of 2015 the revenue was \$64,188.47 and that for the first

eight months of 2016 the revenue was \$78,441.74. John reported that all of the proceeds from the collection in the revised 2016 budget and proposed 2017 budget were placed in the Prentis Park Debt Service fund to repay the general obligation bond that was issued for park improvements. John stated that the City Council should receive public input on the continuation of the wholesale license fee. Discussion followed on the markup.

289-16

Alderman Price moved to close the public input on the malt beverage markup and continue the wholesale license fee with the proceeds being used to retire the general obligation bond issued for Prentis Park improvements. Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

E. First Reading of Ordinance 1346 - 2017 Appropriations

John Prescott, City Manager, reported that the proposed budget was presented to the City Council on August 1st and the Council held hearings to review the budget on August 10th and 11th. John thanked the City Council for the time spent meeting with all the departments to refine the budget. John reviewed some of the major items that are included in the 2017 budget ordinance. Discussion followed on the budget.

290-16

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1346 entitled An Ordinance Adopting the 2017 Budget Ordinance of the City of Vermillion 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 6th day of September, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Collier-Wise. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 6 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

F. First Reading of Ordinance 1347 - 2016 Revised Appropriations

John Prescott, City Manager, reported that the City Council adopted the 2016 budget in September 2015 and, during the 2017 budget process, the

2016 budget amounts were revised based upon information that is currently available. John reviewed some of the major changes to the 2016 budget amounts, noting that there will most likely be a supplemental budget needed later this year for items that will change between now and the end of the year. John answered questions on the revised budget.

291-16

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

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1347 entitled An Ordinance Adopting the 2016 Revised Budget Ordinance 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 6th day of September, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Holland. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 6 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

G. Final Plat of Lot 1, Block 1, Chadima Addition

Jose Dominguez, City Engineer, reported that a plat was received for property owned by Chadima Enterprises located on the north side of 317th Street. Jose stated that the new lot is 1.7 acres in size and is zoned to allow the proposed use. Jose reported that the plat falls within the Joint Jurisdictional Zoning Area which requires the review and recommendation by the County's Planning Commission. Jose reported that the County's Planning Commission reviewed the plat at their August 29th meeting and recommended approval to the City Council. Discussion followed.

292-16

After reading the same once, Alderman Holland moved approval of the following plat:

WHEREAS IT APPEARS that the owners thereof have caused a plat to be made of the following described real property: Lot 1, Block 1, Chadima Addition to the City of Vermillion, Clay County, South Dakota for approval.

BE IT RESOLVED that the attached and foregoing plat has been submitted to and a report and recommendations thereon made by the Clay County Planning Commission to the City Council of Vermillion which has approved the same.

BE IT FURTHER RESOLVED that the attached and foregoing plat has been submitted to the Governing Body of the City of Vermillion which has examined the same, and it appears that the systems of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city, and that all taxes and special assessments, if any, upon the tract or subdivision have been fully paid and that such plat and survey thereof have been executed according to law, and the same is hereby accordingly approved.

The motion was seconded by Alderman Collier-Wise. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

H. 115kV Substation Improvements Project Final Documents

Shane Griese, Utility Manager, reported that in April of 2014 the City Council awarded the Harold K. Scholz Company the 115kV Substation Improvement Project. Shane noted that the project was to improve reliability of the electrical system as well as upgrading existing equipment at the main substation located at the Municipal Service Center on W. Duke Street. Shane stated that the project, initially anticipated to be completed in late 2014, was delayed for different reasons during the life of the contract, but the main delay was due to construction issues with the new building constructed to house the electrical equipment. Shane stated that the project has now been completed by Harold K. Scholz Company per contract documents and to the satisfaction of both DGR and City Staff. Shane stated that the original contract was for a total of \$743,967.74 but the actual final cost of the project was \$720,640.22 providing a savings of \$23,327.52. Shane stated that the final payment to Harold K. Scholz Company for \$63,064.02 is included in the invoices payable later on the agenda. Shane recommended approval of final documents for the project. Discussion followed.

293-16

Alderman Sorensen moved approval of the final documents for the 115kV Substation Improvement project with contractor Harold K. Scholz Company. Alderman Holland seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

I. Resolution authorizing the application for a DENR Grant/Loan for the purchase of a Landfill Dozer

Bob Iverson, Solid Waste Director, reported that included in the 2017 budget is the replacement of the 2010 Caterpillar dozer. Bob noted that the current dozer had additional hours as it was used to compact solid waste while the baler was being replaced following the October 2012 landfill fire. Bob stated that funding proposed for the new dozer would be applying for \$300,000 of grant/loan funding from South Dakota Department of Environment and Natural Resources and \$200,000 of reserves. Bob stated that he will be requesting grant funding and a loan for the balance to be repaid over seven years at 2.25% interest. Bob reviewed the use of the dozer in the landfill operations and answered questions. Bob noted that the grant loan application due date is October 1st with funding notification in January 2017.

294-16

After reading the same once, Alderman Collier-Wise moved adoption of the following:

RESOLUTION AUTHORIZING THE
GRANT/LOAN APPLICATION TO DENR FOR LANDFILL

WHEREAS, the City of Vermillion is a member of the Joint Powers agreement for the operation of the Vermillion Landfill and an integrated solid waste system; and

WHEREAS, the organization serves the solid waste disposal and recycling needs of the residents of Clay and Yankton Counties along with other areas of the region; and

WHEREAS, the City of Vermillion is the member that is responsible for the operation of the Vermillion Landfill; and

WHEREAS, it has been determined that there is a need for replacement of the landfill dozer and related equipment at the Vermillion Landfill; and

WHEREAS, the 2017 budget adopted by the Vermillion City Council included the purchase of said equipment to be funded by grant/loan and local funds;

NOW, THEREFORE, BE IT RESOLVED that a grant/loan application requesting funds of \$300,000 and \$200,000 of solid waste department funds, for a total project of \$500,000, be submitted to the South Dakota Department of Environment and Natural Resources Regional Landfill Fund for assistance and the City Manager be authorized to execute the application on behalf of the City of Vermillion.

Dated at Vermillion, South Dakota this 6th day of September, 2016.

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 Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

J. Permit for consumption but not sale on Friday, September 16, 2016 from 7:00 p.m. to 9:00 p.m. for Edith B. Siegrist Vermillion Public Library at 18 Church for "Books & Brews" event

Mike Carlson, Finance Officer, reported that Susan Heggstad, on behalf of the Vermillion Public Library, has requested a permit to consume alcoholic beverages on public property for a "Books & Brew" event at the Edith B. Siegrist Vermillion Public Library garden behind the library from 7:00 p.m. to 9:00 p.m. on September 16, 2016. Mike noted that, if the weather does not cooperate, the event will be held in the Kozak Room. Mike stated that a copy of the request and information on the event was included in the packet. Mike noted that the City Council previously approved a consumption request for May 20th, June 17th, July 15th and August 19th with no incidents reported. Mike reported that state statute provides that the Governing Body of a municipality may permit the consumption, but not sale, of any alcoholic beverage on property owned by the public.

295-16

Alderman Collier-Wise moved approval of the permit for consumption but not sale on public property for a "Books & Brew" event at the Edith B. Siegrist Vermillion Public Library garden behind the Library or the Kozak Room from 7:00 p.m. to 9:00 p.m. on September 16, 2016. Alderman Holland seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Alderman Collier-Wise wanted to invite the community to the library on September 16th from 7:00 p.m. to 9:00 p.m. to meet the new Library Director, Dan Burniston.

K. Resolution fixing the time and place for a hearing and notice of hearing to levy special assessments for nuisance abatement
 Mike Carlson, Finance Officer, reported that, as part of the nuisance abatement process, the City incurred costs for tagging, hiring contractors to mow or remove the snow and remove debris. Mike reported that the State statute provides for the special assessment of these costs and requires that the City Council set a public hearing date, notify the property owners by sending notice and publishing the notice of hearing. The resolution will set a public hearing date of September 19, 2016 and provides for notice to the property owners. Discussion followed.

296-16

After reading the same once, Alderman Collier-Wise moved adoption of the following:

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 6th day of September, 2016 for the abatement of public nuisance to be levied against the property abutting upon:

NUISANCE ABATEMENT

| <u>Name</u> | <u>Legal/Location</u> | <u>Corrective Action</u> | <u>Amount</u> |
|------------------------|--------------------------------|-----------------------------------|---------------|
| Doug L. Akins | 15720-05100-020-00 | snow tagging 11/23/2015 | 10.60 |
| | Lots 1 & 2 Blk 51 Snyders | grass tagging 5/10/2016 | 10.60 |
| | 226 High | grass tagging & mowing 5/23/2016 | 103.84 |
| | | grass tagging & mowing 6/17/2016 | 98.52 |
| | | grass tagging 7/8/2016 | 53.25 |
| Apostolic Faith Church | 15050-06200-090-00 | grass tagging & removal 8/14/2015 | 74.20 |
| Contract For Deed | W 71' Of N 1/2 Of Lot 8 & | snow tagging & removal 2/9/2016 | 84.80 |
| Dennis A. Klein | W 71' Of Lot 9 Blk 62 | grass tagging & removal 5/2/2016 | 76.85 |
| | Bigelows Addn | | |
| | 23 N Harvard | | |
| Raymond Gill Jr. | 15170-00100-030-00 | grass tagging & removal 7/30/15 | 95.40 |
| | S 18' Of Lots 1 & 2 & N 32' Of | grass tagging 5/2/16 | 10.60 |
| | Lot 3 Blk 1 College Park | grass tagging & removal 5/20/16 | 98.51 |

15 Linden

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|--|---|---------------------------------|--------|
| Alice I Kutilek Revocable Trust | 15720-04100-120-00 | grass tagging & removal 7/17/15 | 95.40 |
| | Lot 12 Blk 41 Snyders | grass tagging & removal 8/27/15 | 116.60 |
| | 119 Franklin | snow tagging & removal 2/9/16 | 84.80 |
| | | grass tagging & removal 5/10/16 | 98.05 |
| | | grass tagging & removal 6/10/16 | 119.81 |
| | | grass tagging & removal 7/8/16 | 141.11 |
| Alice Kutilek & Sheila Isom | 15730-08300-020-03 S 50' Of E 106.25' Lot 2 Blk 83 Addn To Snyders Addn 420 Franklin | grass tagging & removal 5/2/16 | 79.50 |
| Peter Mark & Karin Monzel | 15860-09251-190-24 | grass tagging & removal 7/17/15 | 169.60 |
| | Lot 1 Replat Of Aud Tract A S | grass tagging & removal 9/21/15 | 135.15 |
| | 1/2 Lot 2 NW 1/4 19-92-51 Aud | grass tagging & removal 5/17/16 | 76.85 |
| | Tract 19-92-51 601 Lewis | grass tagging & removal 5/24/16 | 335.48 |
| Joseph & Arlene G. Radziewicz | 15770-09252-140-10 | grass tagging & removal 5/17/16 | 96.73 |
| | W 160' Of S 225' & E 73.75' | grass tagging & removal 6/10/16 | 138.45 |
| | Of S 150' Of Outlot V-2 | grass tagging & removal 7/8/16 | 159.75 |
| | SE 1/4 14-92-52 208 Carr | | |
| Ronald John Rothschadl Etal %Kristi Hunhoff | 15720-03800-040-00 | grass tagging 5/10/16 | 10.60 |
| | Lot 4 BLK 38 Snyders 14 Washington | grass tagging & removal 5/16/16 | 253.87 |
| Abul Shaifullah | 15080-00100-070-00 | grass tagging & removal 8/27/15 | 247.78 |
| | Lot 7 Blk 1 Replat Of Blessing | snow tagging & removal 1/4/16 | 76.85 |
| | 325 Prentis | snow tagging 2/9/16 | 31.80 |
| Timothy & Jane Tilden | 15720-06000-010-00 | snow tagging & removal 11/24/15 | 148.40 |
| | Lot 1 Blk 60 Snyders | grass tagging & removal 5/2/16 | 76.85 |
| | 324 N Dakota | grass tagging & removal 5/20/16 | 98.51 |

On various properties as follows:

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:

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

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;

The amount assessed against each lot;

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;

Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, BE IT RESOLVED that 19th day of September, 2016, 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 6th day of September, 2016.

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

John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 6 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. 2016 Sidewalk Repair Assessment project

Jose Dominguez, City Engineer, reported that the sidewalks in the northeast quadrant of the City were inspected in 2015. Jose reported that notices of need to repair were sent to the property owners in 2015 with a deadline to have the permit for repair returned to the City no later than the end of June 2016. Jose stated that these sidewalk improvements will be special assessed against the property owners upon completion. Jose said that bid specifications for the sidewalk repairs were sent to seven potential bidders with four bids received on August 31st. Jose stated that the low bid was from M & M Construction LLC of \$21,416 and recommended acceptance of the bid.

Bids for sidewalk repairs: M & M Construction, LLC \$21,416.00; Walker Construction \$23,820.50; Krump Concrete Construction LLC \$38,742.00; Masonry Components, Inc \$60,650.00

297-16

Alderman Price moved approval of the low bid of M & M Construction LLC of \$21,416 for sidewalk repair assessment project for the northeast quadrant. Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

B. Liquefied Propane Quotes

Shane Griese, Utility Manger, reported that the City has an annual consumption of approximately 17,000 gallons of liquefied propane. Shane reported that the majority is used at the landfill building with smaller quantities at the Recycling Center and Wastewater Treatment Plant. Shane reported that quotes were requested for the annual supply with documents sent to seven providers with five quotes received. Shane reported that the low quote was from Butch's Propane, Inc. at \$.682/gallon and recommended approval of the low quote.

Quote for up to 17,000 gallons of liquefied propane delivered to city facilities: Longs Propane \$.779/gallon plus \$.10/gallon that were contracted but not delivered; Tri County Oil & Propane \$.719/gallon; Star Energy \$.85/gallon; Ferrelgas \$.849/gallon; Butch's Propane, Inc \$.682/gallon.

298-16

Alderman Sorensen moved approval of the low quote of Butch's Propane, Inc. for the purchase of up to 17,000 gallons of liquefied propane at \$.682/gallon. Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

C. Fuel Quotes

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

Item 1 - 4,350 gal unleaded 10% ethanol: Stern Oil \$1.7771, Brunick's Service \$1.84; Item 2 - 1,000 gal unleaded gasoline - regular: Stern Oil \$2.0857, Brunick's Service \$2.13; Item 3 - 3,000 gal Diesel fuel dyed: Stern Oil \$1.6734, Brunick's Service \$1.72; Item 4 - 1,000 gal diesel fuel-clear: Stern Oil \$1.9899, Brunick's Service \$2.00.

299-16

Alderman Price moved approval of the low quote of Stern Oil on all four fuel quote items. Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

10. City Manager's Report

A. John reported that the Ribs, Rods and Rock'n Roll events are this Friday and Saturday, September 9th and 10th. John noted that some downtown streets will be closed on Friday, Saturday and part of Sunday for the related events.

B. John reported that the Tri-State Cruisers annual car show is Wednesday, September 7th and portions of Main, Court and Center Street are closed from 5:00 p.m. to 9:00 p.m.

C. John wanted to remind citizens that glass should not be placed in the recycling trailers in the community or in the curbside bins. John stated that glass is accepted at the Recycling Center. John stated that approximately 17 tons of glass was recycled this past week being the third load recycled since the program began in May 2015. John stated that the annual household hazardous waste collection is scheduled for Friday, October 7th from 2:00 p.m. to 6:00 p.m. with a fee of \$10 per vehicle.

D. John reported that there is a vacancy on the Library Board for a term that will expire in May 2017 due to a member resigning. John also stated that there is a vacancy for a two year term on the Tree Board. John requested interested individuals to complete the Expression of Interest forms and return them by noon on Friday, September 16, 2016 in anticipation of City Council appointment at the September 19th meeting.

E. John reported on receipt of Raffle Notifications for the following:

1. The USD Veterans Club is selling \$10 tickets until November 10, 2016. The main prize is an AR-15 rifle valued at \$650 and if 300+ tickets are sold a laptop will also be added as a prize. Funds from the raffle will be used for community supper expenses, Vets club t-shirts, and professional & leadership development activities.

2. St. Agnes Youth Group is selling \$1 tickets until October 16, 2016. The prize is a 2013 Jeep Liberty SUV valued at \$2300. Funds from the raffle will be used for St. Agnes youth group activities.

3. St. Agnes PTSA is selling a hundred tickets at \$120 per ticket. Three numbers will be drawn each month with one \$300 and 2 \$100 prizes. Proceeds will be used by PTSA to support programs at St. Agnes school.

4. Save A Warrior will be selling tickets at \$1 each, 6 for \$5, or \$10 for an arm span length on October 22, 2016. The prizes will be donated items such as koozies, gift certificates, t-shirts, etc. All proceeds go to Save A Warrior.

PAYROLL ADDITIONS AND CHANGES

Library: Sean Bomkamp \$8.55/hr, Taylor Peters \$8.55/hr; Communications: Jessica Standley \$19.77/hr; Golf Clubhouse: Sam Nicholson \$8.55./hr, Charlotte Yaw \$8.55/hr, Justin Ackermann \$9.00/hr; Golf Maintenance: Trenton Guenther \$8.55/hr, Tyler Highland \$8.55/hr, Ean Kiddoo

\$8.55/hr; Curbside Recycling: Dan Hanson \$17.37/hr, James Conway \$15.17/hr

11. Invoices Payable

300-16

Alderman Price moved approval of the following invoices:

| | | |
|-----------------------------|----------------------------|-----------|
| AGK Electric | underground reimbursement | 930.00 |
| Aladtec, Inc | scheduling software | 1,995.00 |
| Allegiant Emergency Service | fire fighter equipment | 974.90 |
| America's Test Kitchen | books | 31.90 |
| American Legal Publishing | subscription | 375.00 |
| Appearra | supplies | 109.12 |
| Aqua-Pure Inc | chemicals | 4,816.00 |
| Aramark Uniform Services | uniform cleaning | 267.36 |
| Argus Leader Media #1085 | subscription | 25.00 |
| Avera Occupational Medicine | testing | 69.90 |
| Baker & Taylor Books | books | 715.86 |
| Batteries Plus | battery | 64.95 |
| BHS Marketing, LLC | soda ash | 13,645.72 |
| Bierschbach Eqpt & Supply | supplies | 392.50 |
| Blackstone Audio Inc | books | 250.00 |
| Bob Dehner | water heater rebate | 315.00 |
| Bob Iverson | safety boots reimbursement | 77.35 |
| Bomgaars | supplies | 33.48 |
| Border States Elec Supply | supplies | 963.77 |
| Bound Tree Medical, LLC | supplies | 3,139.12 |
| Brian Steffen | safety boots reimbursement | 99.98 |
| Brock White Co | supplies | 178.62 |
| Brunicks Service Inc | fuel | 1,565.50 |
| BSN Sports Inc | uniforms | 1,579.20 |
| Butler Machinery Co. | parts | 1,844.55 |
| Campbell Supply | supplies | 700.07 |
| Cask & Cork | merchandise | 437.25 |
| CDW Government, Inc | supplies | 57.45 |
| Center Point Large Print | books | 32.87 |
| Century Business Products | copier contract/copies | 406.06 |
| Centurylink | telephone | 745.77 |
| Certified Laboratories | supplies | 156.25 |
| Chesterman Co | merchandise | 1,529.74 |
| City Of Sioux Falls | testing | 58.00 |
| City Of Vermillion | copies/postage | 1,110.38 |

| | | |
|-----------------------------|------------------------------|-----------|
| City Of Vermillion | utility bills | 49,881.97 |
| Class C Solutions Group | supplies | 148.60 |
| Cody Sommervold | CDL test reimbursement | 95.00 |
| Colonial Life Acc Ins. | insurance | 3,266.93 |
| Concrete Materials | golf sand | 858.81 |
| Convergint Technologies LLC | alarm monitoring | 480.00 |
| Coyote Convenience | fuel | 30.81 |
| Coyote Rentals | water heater/wiring rebate | 170.00 |
| Credit Collections Bureau | commission | 59.82 |
| D-P Tools | tools | 366.90 |
| Dakota Beverage | merchandise | 8,743.90 |
| Dakota PC Warehouse | supplies | 162.97 |
| Dakota Supply Group | supplies | 301.82 |
| Delta Dental Plan | insurance | 6,404.16 |
| Denis Kronaizl | refund amb overpayment | 531.48 |
| Dennis Martens | maintenance | 833.34 |
| Dept Of Revenue | testing | 345.00 |
| DGR Engineering | professional services | 7,674.00 |
| Diamond Vogel Paints | traffic paint | 6,715.05 |
| Dust Tex | entry mat | 80.00 |
| E.A Sween Company | merchandise | 341.92 |
| Earthgrains Baking Co's Inc | supplies | 126.02 |
| Echo Electric Supply | supplies | 6,895.68 |
| Electric Pump, Inc | repairs | 12,017.31 |
| Electronic Engineering | supplies | 674.72 |
| Elliott Equipment Co | repairs | 3,209.68 |
| Energy Laboratories | testing | 1,150.00 |
| Farmer Brothers Co. | supplies | 117.30 |
| Farner Bocken Company | merchandise | 617.60 |
| Farrell's Heating & Air Co | repairs | 344.70 |
| Fastenal Company | supplies | 61.42 |
| Fedex. | shipping | 11.77 |
| Fleet Safety Supply | fire equipment | 958.64 |
| Foreman Media | council mtg | 100.00 |
| Four Winds Interactive | maintenance | 384.81 |
| Gale | books | 738.52 |
| Global Dist. | merchandise | 339.00 |
| Graham Tire Co. | tires | 1,253.74 |
| Graymont Capital Inc | chemicals | 8,020.09 |
| Gregg Peters | freight/refund electric fees | 1,896.60 |
| Gregg Peters | rent | 937.50 |
| Guarantee Oil Co Inc | supplies | 1,086.90 |
| Hach Co | supplies | 2,601.03 |

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|---------------------------------|-------------------------------|-----------|
| Harold K Scholz Co | substation improvements final | 63,064.02 |
| Hartington Tree LLC | stump grinding | 204.00 |
| Hauff Mid-America Sports | supplies | 1,734.55 |
| Hauger Lawn Service | mowing | 128.00 |
| HD Supply Waterworks | supplies | 2,260.71 |
| Heiman, Inc. | fire fighter equipment | 4,146.62 |
| Helms & Associates | airport improvements | 18,742.81 |
| Herren-Schempp Building | supplies | 19.85 |
| Hillyard Floor Care Supply | repairs | 64.95 |
| Hy Vee Food Store | supplies | 583.15 |
| Independence Waste | waste hauling/toilet rental | 1,559.70 |
| Ingram | books | 2,616.45 |
| Istate Truck Center | repairs | 347.01 |
| J & L Harley-Davidson | repairs | 287.06 |
| Jacks Uniform & Eqpt | uniform | 2,580.40 |
| Janitor's Closet, Ltd | supplies | 277.26 |
| Jerry's Chevrolet Buick Gm | parts | 320.60 |
| Jessica Standley | meals reimbursement | 172.00 |
| John A Conkling Dist. | merchandise | 6,198.30 |
| Johnson Brothers Of Sd | merchandise | 9,561.28 |
| Johnson Controls | repairs | 2,932.88 |
| Jonathan Warner | meals reimbursement | 264.00 |
| Jones Food Center | supplies | 1,309.50 |
| Kalins Indoor Comfort | repairs | 321.92 |
| Karsten Mfg Corp | merchandise | 436.04 |
| Knife River Midwest, LLC | asphalt/rock | 6,319.95 |
| Komline-Sanderson | parts | 1,917.57 |
| League Of Minnesota Cities | advertising | 332.13 |
| League Of Nebraska Municipality | advertising | 73.15 |
| Leggette, Brashears & Graham | professional services | 2,108.39 |
| Leisure Lawn Care | fertilize | 50.00 |
| Lessman Elec. Supply Co | supplies | 464.00 |
| Liberty Tire Recycling LLC | haul tires | 15,918.64 |
| Little Italy's | lunch | 37.92 |
| Locators And Supplies, Inc | supplies | 2,320.88 |
| Malloy Electric | parts | 1,414.31 |
| Marks Machinery | parts | 151.96 |
| Marley Carlson | refund amb overpayment | 542.63 |
| Mart Auto Body | repairs | 1,311.78 |
| Martinson Construction | sidewalk/approach repairs | 1,737.90 |
| Matheson Tri-Gas, Inc | medical oxygen | 413.31 |
| MC2, Inc | supplies | 823.82 |
| McCulloch Law Office | professional services | 999.00 |

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|--------------------------------|----------------------------|-----------|
| Mead Lumber | supplies | 340.77 |
| Medical Waste Transport, Inc | haul medical waste | 129.48 |
| Medico Life & Health Insurance | insurance | 405.39 |
| Michael Todd & Co. | supplies | 184.63 |
| Micro Marketing LLC | supplies | 197.95 |
| Midwest Alarm Co | alarm monitoring | 66.00 |
| Midwest Building Maintenance | mat svc | 474.90 |
| Midwest Ready Mix & Equipment | concrete | 319.50 |
| Midwest Turf & Irrigation | parts | 961.46 |
| Midwest Wheel Companies | parts | 274.48 |
| Missouri River Energy Service | infrared inspection | 3,549.20 |
| Missouri Valley Maintenance | repairs | 1,868.71 |
| Mobile Electronic Service | repairs | 1,604.31 |
| Nalco Chemical Co | chemicals | 270.95 |
| NBS Calibrations | balance/calibration | 3,928.34 |
| NCL Of Wisconsin, Inc | supplies | 526.40 |
| Netsys+ | professional services | 535.00 |
| New York Life | insurance | 35.01 |
| Newman Traffic Signs | supplies | 1,751.90 |
| NFAAF-Easton Yankton Archery | supplies | 2,800.00 |
| Northeast Nebraska News Co | advertising | 58.20 |
| Northern Safety Co. Inc | supplies | 217.92 |
| Northland | supplies | 409.50 |
| Northwest Concrete Cutting | repairs | 596.94 |
| Office Systems Co | copier contract/copies | 664.37 |
| Overhead Door Of Sioux City | repairs | 934.50 |
| Party Fun Rentals, LLC | movie package | 215.00 |
| Pauls Plumbing | repairs | 870.96 |
| PCC, Inc | commission | 1,924.08 |
| Penworthy Company | books | 230.35 |
| Pete Bindner Inc | crushed concrete/asphalt | 23,920.00 |
| Phil Wiebelhaus | safety boots reimbursement | 100.00 |
| Pomps Tire Service, Inc. | repairs | 35.00 |
| Positive Promotions | supplies | 356.05 |
| Precision Lawn Care | mowing | 768.75 |
| Pressing Matters | supplies | 149.00 |
| Presto-X-Company | inspection/treatment | 147.47 |
| Print Source | advertising | 245.00 |
| Pump N Pak | fuel | 68.31 |
| Quality Books Inc. | books | 1,354.60 |
| Quill | supplies | 945.48 |
| Racom Corporation | maintenance contract | 1,275.70 |
| Reams Sprinkler Supply | bliss park irrigation | 456.99 |

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|-----------------------------|--------------------------|------------|
| Recorded Books, Inc | books | 339.00 |
| Reflective Apparel Factory | uniform shirts | 182.90 |
| Regent Book Co. | books | 16.06 |
| Reinhart Foodservice, LLC | merchandise | 1,532.70 |
| Republic National Dist. | merchandise | 9,809.80 |
| Resco | supplies | 252.00 |
| Ricchio Inc. | Prentis park pool | 280,804.00 |
| Riekes Equipment Co. | parts | 248.59 |
| Riverside Hydraulics & Lab | parts | 49.04 |
| RJ Thomas Mfg Co, Inc | parks grills | 766.19 |
| Ron Maher | work boots reimbursement | 100.00 |
| Ryan Anderson | meals reimbursement | 172.00 |
| Ryan Hough | tuition reimbursement | 2,100.00 |
| Sanford Health Plan | participation fees | 54.00 |
| Sanford USD Medical Center | supplies | 357.36 |
| Schaeffer Mfg. Co | supplies | 638.40 |
| SD Chapter IAAI | registration | 100.00 |
| SD Dept Of Public Safety | teletype service | 3,090.00 |
| SD Electrical Commission | wiring permit | 95.00 |
| SD Municipal League | registration | 100.00 |
| SD Retirement System | contributions | 50,575.91 |
| SD State Historical Society | membership | 40.00 |
| SDPRA | registration | 1,000.00 |
| Security Shredding Service | document shredding | 35.00 |
| Servall Towel & Linen | shop towels | 16.80 |
| Sewah Studios Inc | historical marker | 2,340.00 |
| Sioux City Journal | advertising | 411.38 |
| Sioux Equipment | parts | 321.42 |
| Sioux Falls Two Way Radio | repairs | 40.97 |
| Siouxland Libraries | book replacement | 7.99 |
| Sooland Bobcat | parts | 56.72 |
| Southern Glazer's Of SD | merchandise | 1,571.40 |
| Special T's And More | uniform t-shirts | 46.40 |
| Stern Oil Co. | supplies | 1,792.99 |
| Stewart Oil-Tire Co | repairs | 100.00 |
| Stuart C. Irby Co. | supplies | 687.00 |
| Sturdevants Auto Parts | supplies | 1,082.94 |
| Sun Mountain | merchandise | 649.00 |
| Superior Lamp | supplies | 772.54 |
| Tapco | supplies | 1,076.40 |
| Taylor Made | merchandise | 1,854.62 |
| Titan Machine-Productivity | supplies | 89.75 |
| Titleist Drawer Cs | merchandise | 2,910.01 |

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|------------------------------|-----------------------------|------------|
| Tony Klunder | meals reimbursement | 264.00 |
| Topkote Inc | chip sealing | 81,782.16 |
| Treatment Resources, Inc | pumps | 8,532.19 |
| Triview Communications | telephone | 549.50 |
| Truck-Trailer Sales | parts | 81.10 |
| True Value | supplies | 751.45 |
| United Way | contributions | 507.70 |
| University Cleaners | professional services | 71.00 |
| Van Diest Supply Co | chemicals | 1,260.20 |
| Vast Broadband | e911 circuit/dialup service | 1,415.45 |
| Verizon Wireless | cell phones/wireless comm | 1,958.32 |
| Vermeer High Plains | parts | 4,229.00 |
| Vermillion Ace Hardware | supplies | 1,007.10 |
| Vermillion Area Arts Council | online registration | 41.75 |
| Vermillion Concrete | concrete work | 16,151.40 |
| Vermillion Ford | parts | 114.84 |
| Vermillion Public Library | reimb for fine collected | 53.50 |
| Vermillion Youth Football | online registration | 3,617.42 |
| Visa/First Bank & Trust | fuel/lodging/supplies | 6,385.06 |
| Wal-Mart Community | supplies | 1,390.17 |
| Walker Construction | repairs | 2,057.85 |
| Walt's Homestyle Foods, Inc | merchandise | 217.20 |
| Welfl Construction Co | Prentis park pool | 155,435.00 |
| Wesco Distribution, Inc | supplies | 2,521.94 |
| Westech Engineering, Inc | parts | 135.80 |
| Yamaha Golf & Utility | golf cars lease | 3,772.17 |
| Yankton Janitorial Supply | supplies | 358.52 |
| Yankton Medical Clinic | testing | 99.00 |
| Zee Medical Service | supplies | 405.00 |
| Ziegler Inc | parts | 271.06 |
| Zimco Supply Co | supplies | 2,094.20 |
| Zuercher Technologies LLC | software maintenance | 33,835.00 |
| Marty Nygren | Bright Energy Rebate | 122.00 |
| Ryan Anderson | Bright Energy Rebate | 18.00 |
| Nygren's True Value | Bright Energy Rebate | 596.75 |
| Vermillion Vision Clinic | Bright Energy Rebate | 520.23 |
| Amanda Nyhaug | Bright Energy Rebate | 9.00 |
| Brian Treiber | Bright Energy Rebate | 20.00 |
| Kris Knisely | Bright Energy Rebate | 20.00 |
| Bob Dehner | Bright Energy Rebate | 296.00 |
| Marjorie Schissel | Bright Energy Rebate | 6.00 |
| Nancy Betzen | Bright Energy Rebate | 102.00 |
| Ernetta Fox | Bright Energy Rebate | 525.00 |

Kalins Indoor Comfort

Bright Energy Rebate

100.00

Alderman Collier-Wise seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

12. Consensus Agenda

A. Set a public hearing date of September 19, 2016 for a special permit to exceed permissible sound levels by no more than 50% for USD Dakota Days Executive Board for Vermtown Bash street dance with DJ/Live music on October 5, 2016 from 5:00 p.m. to 11:00 p.m. on Ratingen Platz and portions of Market and Main Streets.

B. Set a public hearing date of September 19, 2016 for a special permit to exceed permissible sound levels by no more than 50% for Sorority & Fraternity Life for Greek Life Awards Ceremony on Cedar Street between Plum and Pine Streets on September 23, 2016 from 5:00 p.m. to 8:00 p.m.

301-16

Alderman Price moved approval of the consensus agenda. Alderman Holland seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

302-16

Alderman Humphrey moved to adjourn the Council Meeting at 8:01 p.m. Alderman Sorensen seconded the motion. Motion carried 6 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 6th day of September, 2016.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.

PROCLAMATION
National Senior Center Month

WHEREAS, older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations; and

WHEREAS, the Main Street Center (Senior Citizen Services of Vermillion) has acted as a catalyst for mobilizing the creativity, energy, vitality, and commitment of the older residents of Vermillion and Clay County; and

WHEREAS, through a wide array of services, programs, and activities, the Main Street Center empowers older adults to contribute to their own health and well-being, independence and the well-being of their fellow citizens of all ages; and

WHEREAS, the Main Street Center affirms the dignity, self-worth, and independence of older persons by facilitating their decisions and actions; tapping their experiences, skills, and knowledge; and enabling their continued contributions to the community; and

WHEREAS, the Main Street Center provides opportunities for seniors to stay active and healthy, continue learning, share experiences and stay connected with friends and community members.

NOW, THEREFORE, BE IT RESOLVED that in an effort to acknowledge the importance and the many contributions of the Main Street Center and call upon all citizens to recognize the special contributions of the senior center participants and the special efforts of the staff and volunteers who work every day to enhance the well-being of the older adults of our community.

Dated in Vermillion, South Dakota this 19th day of September, 2016.

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 19, 2016
Subject: Resolution Approving Special Assessment Roll for Nuisance Abatement
Presenter: Mike Carlson

Background: On September 6th the City Council adopted a resolution setting a public hearing date of September 19th for nuisance abatement special assessments. The notice was published and letters were sent by first class mail to the property owners of record. The hearing is required by the following state statute:

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

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

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

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

Since the notices were mailed and published, two property owners have paid the fees, one property changed hands and two others have called on the amounts.

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

Conclusion/Recommendations: It is recommended that the City Council receive any public comments and consider the information. Administration is not aware of any information that has not been previously presented with respect to any of the proposed special assessments that would warrant reducing the amount. Administration recommends adoption of the resolution. After adoption, a copy of the resolution is mailed to the property owners who will be allowed 30 days to pay the assessment without interest.

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

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

NUISANCE ABATEMENT as listed at the end of this Resolution

in the City of Vermillion, Clay County, South Dakota. The assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, South Dakota on the 6th day of September, 2016.

WHEREAS, said Governing Body, by resolution, fixed this time and place for hearing upon the assessment roll for the 19th day of September, 2016 and directed the City Finance Officer of the City of Vermillion, Clay County, South Dakota to publish a Resolution and Notice for such hearing in the official newspaper of Vermillion, South Dakota, one week prior to the date set for said hearing. Said Resolution and Notice described, in general terms, the improvement for which the special assessment is levied, the date of filing of the assessment roll, the time and place for the hearing, that the assessment roll would be open for public inspection at the office of the City Finance Officer of Vermillion, South Dakota, and referred to the assessment roll for further particulars. The Finance Officer was further directed to mail a copy of the Resolution and Notice by first-class mail, postage thereon fully prepaid, addressed to the property owners of any property to be assessed for such improvement at their address, as shown by the records of the Director of Equalization, at least one week prior to the date set for the hearing.

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

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

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

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

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

NOTICE IS HEREBY GIVEN, that the assessments mentioned in the assessment roll will be payable according to the provisions of Plan One as set forth in SDCL Sections 9-43-102 to 9-43-113.

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

NOTICE IS FURTHER GIVEN, that the approved assessment roll will be filed with the City Finance Officer on 20th day of September, 2016. The assessment is payable in one (1) installment at ten percent (10%) per annum interest on unpaid installments. The first installment due date is January 1, 2017.

The assessment roll herein referred to is attached.

Dated at Vermillion, South Dakota, this 19th day of September, 2016.

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

John E. Jack Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

(SEAL)

CERTIFICATE OF ADOPTION

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

Michael D. Carlson, Finance Officer

City of Vermillion Special Assessment Roll

| Name | Legal/Location | Corrective Action | Amount |
|------------------------|---------------------------------|-----------------------------------|---------------|
| Doug L. Akins | 15720-05100-020-00 | snow tagging 11/23/2015 | 10.60 |
| | Lots 1 & 2 Blk 51 Snyders | grass tagging 5/10/2016 | 10.60 |
| | 226 High | grass tagging & mowing 5/23/2016 | 103.84 |
| | | grass tagging & mowing 6/17/2016 | 98.52 |
| | | grass tagging 7/8/2016 | <u>53.25</u> |
| | | Total | 276.81 |
| Apostolic Faith Church | 15050-06200-090-00 | grass tagging & removal 8/14/2015 | 74.20 |
| Contract For Deed | W 71' Of N 1/2 Of Lot 8 & | snow tagging & removal 2/9/2016 | 84.80 |
| Dennis A. Klein | W 71' Of Lot 9 Blk 62 | grass tagging & removal 5/2/2016 | <u>76.85</u> |
| | Bigelows Addn | Total | 235.85 |
| | 23 N Harvard | | |
| Alice I Kutilek | 15720-04100-120-00 | grass tagging & removal 7/17/15 | 95.40 |
| Revocable Trust | Lot 12 Blk 41 Snyders | grass tagging & removal 8/27/15 | 116.60 |
| | 119 Franklin | snow tagging & removal 2/9/16 | 84.80 |
| | | grass tagging & removal 5/10/16 | 98.05 |
| | | grass tagging & removal 6/10/16 | 119.81 |
| | | grass tagging & removal 7/8/16 | <u>141.11</u> |
| | | Total | 655.77 |
| Alice Kutilek & | 15730-08300-020-03 | grass tagging & removal 5/2/16 | 79.50 |
| Sheila Isom | S 50' Of E 106.25' Lot 2 Blk 83 | | |
| | Addn To Snyders Addn | | |
| | 420 Franklin | | |
| Peter Mark & | 15860-09251-190-24 | grass tagging & removal 7/17/15 | 169.60 |
| Karin Monzel | Lot 1 Replat Of Aud Tract A S | grass tagging & removal 9/21/15 | 135.15 |
| | 1/2 Lot 2 NW 1/4 19-92-51 Aud | grass tagging & removal 5/17/16 | 76.85 |

| | | | |
|-----------------------|--------------------------------|---------------------------------|---------------|
| | Tract 19-92-51 | grass tagging & removal 5/24/16 | <u>335.48</u> |
| | 601 Lewis | Total | 717.08 |
| | | | |
| Abul Shaifullah | 15080-00100-070-00 | grass tagging & removal 8/27/15 | 247.78 |
| | Lot 7 Blk 1 Replat Of Blessing | snow tagging & removal 1/4/16 | 76.85 |
| | 325 Prentis | snow tagging 2/9/16 | <u>31.80</u> |
| | | Total | 356.43 |
| | | | |
| Timothy & Jane Tilden | 15720-06000-010-00 | snow tagging & removal 11/24/15 | 148.40 |
| | Lot 1 Blk 60 Snyders | grass tagging & removal 5/2/16 | 76.85 |
| | 324 N Dakota | grass tagging & removal 5/20/16 | <u>98.51</u> |
| | | Total | 323.76 |

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

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: September 19, 2016

Subject: Special permit to exceed permissible sound levels by no more than 50% for USD Dakota Days Executive Board on Ratingen Platz and portions of Market and Main Streets on October 5, 2016 from 5:00 p.m. to 11:00 p.m. for Vermtown Bash

Presenter: Mike Carlson

Background: Jessie Sadlon on behalf of the Dakota Days Executive Board has applied for a special permit to exceed allowable noise levels for Vermtown Bash on October 5, 2016, to be held at Ratingen Platz (corner of W. Main Street and Market Street) and portions of Main and Market Streets. A copy of the application and a map of the area along with the notice of hearing are attached.

There is a request to close a portion of Market and W. Main Streets later on the agenda.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.

6. Public Hearing; item b

- b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.
- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute.

| Use District | 11:00 p.m.-6-00 a.m. | 6-00 a.m.-11:00 p.m. |
|---------------------------|----------------------|----------------------|
| Residential | 50 dB(A) | 55dB(A) |
| Commercial | 55 dB(A) | 60dB(A) |
| Industrial & Agricultural | 75 dB(A) | 80dB(A) |

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Discussion: The event is being sponsored by the Dakota Days Executive Board as part of the Dakota Days activities.

The City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering,

when a noise permit is sought, include the availability of restroom facilities; clean up of the area, and disposal of waste.

Financial Consideration: The fee for the special permit is \$25.

Conclusion/Recommendations: Administration recommends issuance of the special permit, unless information is presented at the public hearing that indicates that there are problems related to the noise.

REQUEST FOR SPECIAL PERMIT TO EXCEED PERMISSIBLE SOUND LEVELS BY NO MORE THAN 50% OF CITY NOISE ORDINANCE

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Dakota Days Executive Board
Contact Person Jessie Sadlon (Internal overall chair) Phone 503-489-0993
E-Mail Address Jessie.Sadlon@coyotes.usd.edu
Contact Person Address 414 E Clark St., Vermillion, SD 57069
Location of Event The Platz Date of Event Oct. 5, 2010
Duration of event: From time 5pm to time 11pm

The ordinance asks if this is a suitable location with appropriate facilities:

yes.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

Public event that's open to all students and the community called Vermillion Bash - street dance with DJ/live music - including grill out

Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of Applicant Kittu Brudner Date 8/22/14

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT
TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 19th day of September, 2016 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following applications for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

USD Sorority & Fraternity Life request for a special permit to exceed allowable sound levels for an awards ceremony for Greek Week on Cedar Street between Plum and Pine Streets on Friday, September 23, 2016 between 5:00p.m. and 8:00 p.m.

USD Dakota Day Committee request for a special permit to exceed allowable sound levels for a street dance with DJ/live music as part of the Vermtown Bash on Ratingen Platz and portions of Main and Market Streets on Wednesday, October 5, 2016 between 5:00 p.m. and 11:00 p.m.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 2nd day of September, 2016.

Michael D. Carlson, Finance Officer

Publish: September 9, 2016

Published once at the approximate cost of _____.

Council Agenda Memo

From: Mike Carlson, Finance Officer

Meeting: September 19, 2016

Subject: Special permit to exceed permissible sound levels by no more than 50% for USD Sorority and Fraternity Life on Cedar Street between Pine and Plum Streets on September 23, 2016 from 5:00 p.m. to 8:00 p.m. for awards ceremony

Presenter: Mike Carlson

Background: Sami Baus on behalf of USD Sorority and Fraternity Life has applied for a special permit to exceed allowable noise levels for an awards ceremony on September 23, 2016, to be held on Cedar Street between Pine and Plum from 5:00 p.m. to 11:00 p.m. A copy of the application and a map of the area along with the notice of hearing are attached.

There is a request to close a portion of Cedar Street later on the agenda.

The city noise ordinance is as follows:

Sec. 90.01. Noises prohibited.

(A)General prohibitions: In addition to the specific prohibitions outlined below, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons, or any person by committing any act or acts of disturbance within the limits of the City of Vermillion.

(B)The following acts are declared to be in violation of this chapter.

- 1) Sound equipment prohibited: Except for emergency vehicles, it shall be unlawful for any person to operate or cause to be operated upon the streets or public places in the city a sound truck or car with sound amplification equipment in operation. "Sound truck" as used herein means any vehicle having thereon or attached thereto any sound amplification equipment. "Sound amplification equipment" as used herein means any machine or device for the amplification of the human voice, music or other sound, but shall not include radio or warning devices on vehicles used for traffic warning or control purposes.
- 2) Stereos, radios, television sets, musical instruments and similar devices:
 - a. Using, operating or permitting the use or operation of any stereo, radio, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in paragraph (1) above, in such a manner as to violate this section or cause a noise disturbance.

- b. The operating of any such device between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way or when operated from within a private residence.
- 3) Maximum permissible sound levels: It shall be unlawful for any person to operate or permit the operation of any stationary source of sound in such a manner as to create a sound pressure level during any ten-minute measurement period which exceeds the limits set forth for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. Sound level measurements shall be made at a distance of fifty (50) feet from source with a sound level meter of type 2 or better, using the “A” weighting scale, in accordance with standards promulgated by the American National Standards Institute.

| Use District | 11:00 p.m.-6-00 a.m. | 6-00 a.m.-11:00 p.m. |
|---------------------------|----------------------|----------------------|
| Residential | 50 dB(A) | 55dB(A) |
| Commercial | 55 dB(A) | 60dB(A) |
| Industrial & Agricultural | 75 dB(A) | 80dB(A) |

- (C) It shall be a violation of this section if the sound which is measured creates a sound pressure level greater than the levels set forth for the receiving land use district for ninety (90) per cent of the time in any measurement period, such as the level exceeded for nine (9) minutes of a ten-minute period.
- (D) Special Permit - The City Council may, following a Public Hearing, issue a Special Permit to exceed allowable sound levels by not more than 50% of the allowable limit within the Use District, in a suitable location with appropriate facilities, during the allowable time. It shall be required of any applicant for a Special Permit to demonstrate that the event for which the permit is requested be of public benefit. An applicant shall submit a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source. Application for a Special Permit shall be made with the City Finance Officer, and shall be accompanied with an application fee of \$25.00. Application for a Special Permit shall be completed no later than 30 days prior to the proposed event, and it shall contain all applicable information relative to the nature and purpose of the event. (Ord. No. 1100, 10-1-01)
- (E) Semi-tractors; prohibited noises: It shall be unlawful for any person within the city limits of Vermillion, to make, or cause to be made, loud or disturbing or offensive noises with any mechanical devices operated by compressed air and used for purposes of assisting braking on any semi-tractor, except for the aversion of imminent danger. (Ord. No. 1102, 10-15-01)

Discussion: From the diagram the speaker will be located on Cedar Street next to Pine Street.

The City Council will need to determine, at the public hearing, if it is in a suitable location with appropriate facilities, during the allowable time and if the applicant can demonstrate the public benefit of the event. Relevant questions for a public gathering,

when a noise permit is sought, include the availability of restroom facilities; clean up of the area, and disposal of waste. This will be the first year for this event on the street.

Financial Consideration: The fee for the special permit is \$25.

Conclusion/Recommendations: Administration recommends issuance of the special permit, unless information is presented at the public hearing that indicates that there are problems related to the noise.

REQUEST FOR SPECIAL PERMIT TO EXCEED PERMISSIBLE SOUND LEVELS BY NO MORE THAN 50% OF CITY NOISE ORDINANCE

This application shall be completed no later than thirty (30) days prior to the proposed event and shall contain all applicable information relative to the nature and purpose of the event.

Organization Requesting Sorority & Fraternity Life
Contact Person Sami Baus Phone 605-999-9176
E-Mail Address Sami.baus@coyotes.usd.edu
Contact Person Address 707 East Cedar

Location of Event Cedar Street Date of Event Sept. 23rd, 2016
Duration of event: From time 5pm to time 8pm

The ordinance asks if this is a suitable location with appropriate facilities:

City block / outside. We will also have people using
AD & TTBD as restroom areas. The panhellenic & IFC
councils will also be the cleanup crew for this event.

The ordinance asks the applicant to demonstrate that the event for which the permit is requested be of public benefit. Describe the public benefit:

Award ceremony for SFL Greek Week. Since the Greek
Community does a lot for the City of Vermillion philanthropy
wise, we ask to hold our award ceremony in^{the} Vermillion
Streets

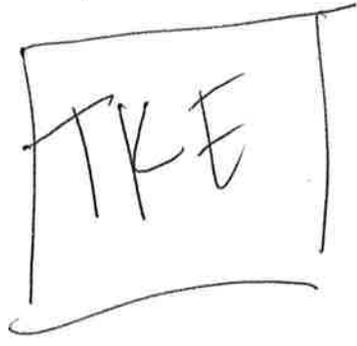
Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

File this application along with the diagram with the finance officer accompanied with an application fee of \$25.00.

Signature of Applicant Sami Baus Date Aug. 26th, 2016

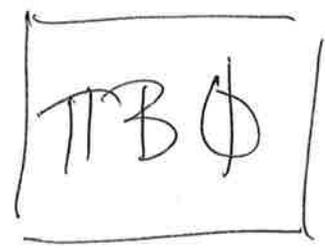
Please send invoice to the University of South Dakota
- Laura Rof (Advisor of Sorority & Fraternity Life)

Plum

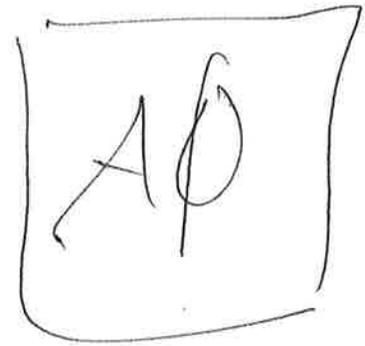


100ft. 50dB

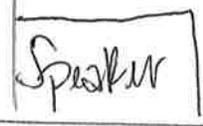
C
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50ft. 70dB



20ft. 90dB



40 dB

20ft.

200ft.

Pine



residential



ATA

NOTICE OF PUBLIC HEARING FOR SPECIAL PERMIT
TO EXCEED ALLOWABLE SOUND LEVELS

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 19th day of September, 2016 at the hour of 7:00 P.M. in the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following applications for a special permits to exceed allowable sound levels which has been filed in the Finance Officer's Office:

USD Sorority & Fraternity Life request for a special permit to exceed allowable sound levels for an awards ceremony for Greek Week on Cedar Street between Plum and Pine Streets on Friday, September 23, 2016 between 5:00p.m. and 8:00 p.m.

USD Dakota Day Committee request for a special permit to exceed allowable sound levels for a street dance with DJ/live music as part of the Vermtown Bash on Ratingen Platz and portions of Main and Market Streets on Wednesday, October 5, 2016 between 5:00 p.m. and 11:00 p.m.

NOTICE IS FURTHER GIVEN THAT any person, persons, or their attorney may appear and be heard at said scheduled public hearing who are interested in the approval or rejection of any such application for special permit.

Dated at Vermillion, South Dakota this 2nd day of September, 2016.

Michael D. Carlson, Finance Officer

Publish: September 9, 2016

Published once at the approximate cost of _____.

Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 19, 2016

Subject: Second reading of Ordinance 1345 – Midco cable franchise agreement

Presenter: John Prescott

Background: In September 1999, the City Council adopted Ordinance 1078. This ordinance provided for a 15-year nonexclusive franchise agreement for cable television services. The original franchise agreement was signed with Zylstra Communications Corporation but has been transferred several times since 1999 and is currently held by Midco. The options for two twelve-month extensions in the original franchise agreement have been utilized.

Discussion: Discussions were held with Midco regarding the extension of the current franchise. Midco did not like the existing franchise document and, through these discussions, a proposed draft franchise was developed. A draft of the franchise was presented to the Utilities Committee at their meeting on Wednesday, July 20, 2016 and major points were reviewed and discussed. The Utilities Committee recommendation to approve the proposed ordinance was presented at the August 1, 2016 meeting. The City Council approved first reading of Ordinance 1345 at the September 6, 2016 meeting.

The proposed franchise is for 10 years and there are no system improvement payments included. As noted during the first reading of the ordinance, the proposal has been updated since the August 1st presentation. Free video service has been expanded to include a number of city buildings that were previously omitted. The number of PEG channels is reduced from three in the current franchise agreement to two with the new ordinance. Presentations to the City Council are included in the new franchise agreement. The cable franchise fee will remain at 5% on gross revenue. The requirement to install service to new developments is for those within 150 feet of existing lines or 10 subscribers within a quarter mile of existing service.

City Attorney Jim McCulloch has reviewed the proposed franchise.

Financial Consideration: None at this time. Revenue from the cable franchise fee is placed in the General Fund.

Conclusion/Recommendations: The Utilities Committee, as well as Administration, recommend that the City Council move forward in adopting the cable TV franchise agreement. Second reading of an ordinance requires a roll call vote.

ORDINANCE NO. 1345

**AN ORDINANCE RELATED TO RE-AUTHORIZING THE GRANT OF CABLE
COMMUNICATIONS FRANCHISE IN THE CITY OF VERMILLION; SETTING FORTH
CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE**

CITY OF VERMILLION, SOUTH DAKOTA

SEPTEMBER 19, 2016

CABLE TELEVISION FRANCHISE AGREEMENT

WITH

MIDCO

| | |
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THIS FRANCHISE AGREEMENT made and entered into as of the 19th day of September, 2016 by and between the City of Vermillion, a municipal corporation duly organized under the laws of the State of South Dakota (hereinafter referred to as “Municipality”) and MIDCO (hereinafter referred to as “Company”), a South Dakota corporation with its principal place of business located in Sioux Falls, South Dakota.

WITNESSETH

WHEREAS, Company currently holds a cable communications franchise agreement for the construction and operation of a cable communications system within the Municipality; and

WHEREAS, Municipality is authorized to grant one or more non-exclusive franchises for the provision of cable service within Municipality by means of a cable system; and

WHEREAS, Municipality has reviewed Company’s request and has considered the terms and conditions for a new franchise and the future cable-related community needs and interests of the Municipality; and

WHEREAS, Municipality has determined that granting of this franchise will assist in meeting the cable-related needs and interests of the community, such as by providing a portion of the funding necessary for public, educational, and government channels; and

WHEREAS, Municipality has determined that granting of a franchise on the terms set forth herein is in the public interest and in the interest of the Municipality and its residents.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, in consideration of the mutual covenants and promises herein contained, that the following sections regarding the terms and conditions of the franchise agreement be recreated and amended and the parties hereto agree as follows:

SECTION 1. SHORT TITLE AND DEFINITIONS

1. Short Title. This Ordinance shall be known and cited as the Cable Communications Regulatory Ordinance.
2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.
 - (a) “Basic Cable Service” means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7).
 - (b) “Cable Programming Service” means any Video Programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such Video Programming, other than:

Video Programming carried on the Basic Service Tier;

Video Programming offered on a pay-per-channel or pay-per-program basis;

or

A combination of multiple channels of pay-per-channel or pay-per program Video Programming offered on a multiplexed or time-shifted basis so long as the combined service:

Consists of commonly-identified Video Programming; and

Is not bundled with any regulated tier of service.

Cable Programming Service as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §543(1)(2) and 47 C.F.R. 76.901(b) (1993).

- (c) “Cable Service” means the one-way transmission to Subscribers of Video Programming, or other programming service, and Subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.
- (d) “Cable System” or “System” shall have the meaning ascribed to it in federal law.
- (e) “Council” means the Vermillion, South Dakota City Council.
- (f) “Franchise” means an initial authorization, or renewal thereof issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System or other MVPD facility.
- (g) “Franchise Area” means the area within the corporate boundaries of the Grantor.
- (h) “Grantee” is the entity which is granted a Franchise in City pursuant to this Ordinance, its agents and employees, lawful successors, transferees or assignees.
- (i) “Grantor” is the City of Vermillion, South Dakota.
- (j) “Gross Revenue” means all amounts of monthly revenue received from Cable Service, Cable Programming Service, advertising sales, fees on equipment leased by customers in order to provide video services, and Pay Television directly by the Grantee from the operation of its System within Franchise Area. Gross Revenue shall not include bad debt.
- (k) “Multichannel Video Program Distributor” or “MVPD” means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, an OVS provider, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.
- (l) “Open Video Services” or “OVS” means any video programming Services provided to any person by a Franchisee certified by the FCC to operate an Open Video System pursuant to Section 47 U.S.C. 573, as may be amended, regardless of the Facilities used.
- (m) “Pay Television” means the delivery over the System of pay-per-channel or pay-per-program audio-visual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or

Cable Programming Services.

- (n) “Person” is any person, firm, partnership, association, corporation, company, or other legal entity.
- (o) “Standard Installation” means any residential installation which can be completed using a drop of one hundred fifty (150) feet or less.
- (p) “Street” means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by Grantor.
- (q) “Subscriber” means any Person who lawfully receives Cable Service.
- (r) “Video Programming” means programming provided by, or generally considered comparable to programming provided by a television broadcast station.

SECTION 2. GRANT OF AUTHORITY AND GENERAL PROVISIONS

1. Franchise Required. It shall be unlawful for any Person or Entity to construct, operate or maintain a Cable System or MVPD facility or to provide Cable Service, Video Programming or other MVPD services, including OVS, in the Grantor without a Franchise authorizing the same, unless applicable federal or State law prohibits the Grantor's enforcement of such a requirement.
2. Grant of Franchise. Any Franchise that is granted in City shall be subject to the terms and conditions contained herein.
3. Grant of Nonexclusive Authority.
 - (a) A Grantee shall have the right and privilege to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the Streets, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in Franchise Area, existing poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in Franchise Area of a Cable System. Grantee is not authorized to erect any new poles without the express written permission of the Grantor.
 - (b) A Franchise shall be nonexclusive, and Grantor reserves the right to grant a similar use of said Streets to any MVPD at any time, provided, however, that all Franchises shall contain the same terms and conditions as this Franchise in order that one MVPD is not granted a competitive advantage over another. In the event a MVPD commences operation without a Franchise or is granted a Franchise to operate by the Grantor, the terms and conditions of which do not comply with this Ordinance, other Grantees shall have the right either (i) to opt in to the competitor's Franchise by providing ten (10) days prior written notice to the Grantor; or (ii) to petition the Grantor for modifications to its Franchise, in which case the Grantor shall work in good faith with the affected Grantee(s) to review and adopt modifications which the Grantee(s) deem necessary, review and approval by Grantor shall not be unreasonably denied.
 - (c) Before granting an additional franchise, the Grantor shall give written notice to all Grantees of any new application, identifying the applicant for such additional Franchise and providing at least thirty (30) days prior notice of the date, time, and place at which the Grantor shall consider and/or determine whether such additional Franchise should be granted.

- (d) Every Franchise shall apply to the entire service area of the Grantor, as it exists now or may later be configured.
 - (e) Neither City nor Grantee(s) may unilaterally alter the material rights and obligations set forth in this Franchise. In the event of a conflict between any other ordinance and this Franchise, the Franchise shall control.
4. Franchise Term. A Franchise shall be in effect for a period of up to ten (10) years from the date of acceptance by a Grantee, unless renewed, revoked, or terminated sooner as herein provided.
 5. Territorial Area Involved. A Franchise shall be granted for the corporate boundaries of Grantor, as it exists from time to time. In the event of annexation by Grantor, or as development occurs, any new territory shall become part of the area covered. Grantor shall advise Grantee whenever property is annexed. Whenever the Grantee shall receive a request for service from at least ten (10) residences within 1,320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its system to such subscribers at no cost to said subscribers for system extension, other than the usual collection fees for all subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition, or market development of the system, or as provided for under Section 2 item 6 of this franchise.
 6. Subscriber Charges for Extensions of Service. No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate his cable drop underground, existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to subscribers, or a density of less than ten (10) residences per 1,320 cable-bearing strand feet of trunk or distribution cable, service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. If a potential Subscriber requires a non-Standard Installation *e.g.* a Drop in excess of one hundred fifty (150) feet, Grantee shall, upon request, provide a quote for construction of the non-Standard Installation and shall establish a mutually acceptable payment schedule not to exceed one (1) calendar year. For residential installations only, Grantee shall be responsible for all costs of the Standard Installation and the Subscriber shall be responsible for one half (1/2) of the Actual Cost of any construction required beyond the cost of the Standard Installation; Grantee shall be responsible for the balance of the costs for the non-Standard Installation.
 7. Written Notice. All notices, reports, or demands required to be given in writing under this Ordinance shall be deemed to be given when delivered personally to any officer of Grantee or Grantor's Manager of this Ordinance as specified in a Franchise.

SECTION 3. APPLICATION FOR NEW FRANCHISE

1. Application Information. An application for an initial Franchise to provide Video Programming shall provide the following information in writing.
 - (a) Applicant name and business address of Applicant.
 - (b) A statement as to the proposed Franchise Area, and whether Applicant holds an existing authorization to access the Rights-of-Way in the City and a map of the areas where such authorization exists if for an area other than the entire City.
 - (c) Resume of prior history of Applicant, including the legal, technical, and financial expertise of Applicant in the Cable Service field.

- (d) List of officers, directors, and managing employees of Applicant and resumes of each.
 - (e) A proposed construction and schedule to provide Cable Service or Video Programming to Subscribers.
 - (f) A certificate of insurance consistent with the requirements of this Ordinance.
 - (g) A description of the Cable System the Applicant intends to build, including its capacity, the types of equipment proposed for use and the Cable Services or Video Programming which will be offered.
 - (h) A description of the financial qualifications of the Applicant to construct and operate the System including a balance sheet, income statement sources and uses of funds statement and pro forma projections for at least three (3) years of operation subsequent to System completion.
 - (i) A proposed plan for Public, Educational, and Government Access Channels, including funding, facilities, and equipment and capacity on the System to be dedicated for educational and governmental use if applicable.
2. Evaluation Criteria. The Initial Franchise Application may be evaluated according to the following criteria, and approved within one-hundred eighty (180) days after City deems the Application is complete. In the event Applicant is already authorized to occupy the Rights-of-Way, the time for review and approval will be ninety (90) days.
- (a) The evidence of legal, technical and financial ability required in the Applicant's proposal will be such as to assure the ability to complete the entire System within a reasonable time from the date the Franchise is granted. The City will also consider the Applicant's ability to operate the System and provide the necessary Cable Services or Video Programming in compliance with the terms of this Ordinance.
 - (b) The City Manager or designee shall prepare a report and make his or her recommendations respecting such application to the City Council.
 - (c) A public hearing held at a regularly scheduled council meeting shall be set prior to any grant of a Franchise, at a time and date approved by the City Council. A published Notice of the regularly scheduled meeting shall be considered sufficient public notice. Within thirty (30) days after the close of the hearing, the City Council shall make a decision based upon the evidence received at the hearing as to whether or not the Franchise(s) should be granted, and, if granted subject to what conditions.
 - (d) The City may consider any additional information that it deems applicable.

SECTION 4. CONSTRUCTION AND OPERATIONS STANDARDS

1. Conditions on Street Use.
- (a) A Grantee shall obtain all required permits from Grantor before commencing any construction upgrade or extension of the System.
 - (b) The Grantor shall impose no special permit fees upon a Grantee for access to the public way.
 - (c) Conditions of street occupancy. All transmission and distribution structures, existing poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to

cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways.

- (d) Restoration of public ways. If during the course of Grantee's construction, operation, or maintenance of the system there occurs a disturbance of any public way by the Grantee, it shall, at its expense, replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance as determined by the City Engineer. The restoration shall take place within 20 days during non-weather precluded construction times unless otherwise approved by Grantor.
- (e) If at any time during the period of this Franchise Grantor shall elect to alter, or change the grade or location of any utility, Street, alley or other public way, a Grantee shall, at its own expense, upon reasonable notice by Grantor, not less than five (5) business days, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System. If Grantor reimburses other occupants of the Street, a Grantee shall be likewise reimbursed.
- (f) A Grantee shall, on request of any Person holding a moving permit issued by Grantor, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and a Grantee shall be given not less than ten (10) days advance notice to arrange for such temporary changes.
- (g) A Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of Grantor so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee. Absent an emergency situation, Grantee shall provide Grantor and affected homeowners reasonable advance notice of Grantee's intent to trim trees. The Grantee shall reasonably compensate the franchising authority for any damages caused by such trimming, or shall, in its sole discretion and at its own cost and expense, reasonably replace all trees or shrubs damaged as a result of any construction of the system undertaken by the Grantee. Such replacement shall satisfy any and all obligations the Grantee may have to the franchising authority pursuant to the terms of this section.
- (h) Nothing contained in this Ordinance shall relieve any Person from liability arising out of the failure to exercise reasonable care to avoid injuring Grantee's facilities.
- (i) In areas where all other utility lines are placed underground, Grantee shall construct and install its cables, wires and other facilities underground. In any area where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of the pole.
- (j) A Grantee shall at all times construct and operate its System in accordance with applicable FCC Technical specifications.
- (k) In the event that the use of any part of the system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such systems or property has been installed in any street or public place without complying with the requirements of this Ordinance, or the rights granted hereunder have been terminated, cancelled or have expired, Grantee shall, subject to the rights of the City to acquire the system, promptly remove from the streets, or public places all such property and poles of such system other than any which the City may permit to be abandoned in place. In the event of such removal, Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the City Engineer.

- (l) Any property of Grantee to be abandoned in place shall be abandoned in such a manner as the City may prescribe. Upon permanent abandonment of the property of Grantee in place, it shall submit to the City an instrument to be approved by the City, transferring to the City the ownership of such property.
- (m) All cable and passive equipment for cable television reception service installed by Grantee at a subscriber's location shall remain the property of Grantee and Grantee shall have the right to remove said cable and equipment. Upon termination of service to any subscriber, the Grantee shall promptly remove all its above ground facilities and equipment from the premises of such subscriber upon his request.
- (n) No poles or other wire-holding structures shall be erected by the Grantee without prior approval of the of the City with regard to locations, height, type or any other pertinent aspect, which approval shall not be unreasonably withheld. However, no locations of any pole or wire-holding structure of the Grantee shall be a vested interest and such poles or structures shall be removed or modified by the Grantee at its own expense whenever the City or its designated representative determines that the public convenience would be enhanced thereby.
- (o) Where poles or other wire-holding structures already existing in use in serving the City are available for use by Grantee, but it does not make arrangements for such use, the City may require the Grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to the Grantee are just and reasonable.
- (p) Where the City or a public utility serving the City desires to make use of poles or other wire-holding structures of the Grantee but agreement therefore, with the Grantee cannot be reached, the City Council may require the Grantee to permit such use for such consideration as is just and reasonable and upon such terms as the Council determines the use would enhance the public convenience and would not unduly interfere with the Grantee's operations.
- (q) Grantee shall furnish to and file with City the as built maps of the System including location of underground facilities. Grantee shall also file updates of such maps, plats and permanent records annually if changes have been made in the System.
- (r) Subject to Federal Law and Regulation, Grantee shall at all times maintain on file with the Finance Officer a schedule setting forth all rates and charges to be made to subscribers for basic cable service, including installation charges.
- (s) During the term hereof, the City may regulate rates only if authorized to do so by Federal Communications Commission regulations and then such regulation shall only be in accordance with the provisions of such regulations.

SECTION 5. SYSTEM PROVISIONS AND PUBLIC SERVICES

1. Operation and Maintenance of System. A Grantee shall render effective service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible.
2. Service to Schools and City. A Grantee shall, subject to the line extension requirements of Section 2.5 herein, provide one (1) Drop and one (1) outlet of Basic Cable Service at no cost to the accredited K-12 schools and the City facilities listed in Appendix A, attached to this Agreement. The outlets of Basic Service shall not be used to distribute or sell services in or throughout such buildings. Users of such outlets shall hold the Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but limited to, those arising from copyright liability. The Grantee shall not be required to provide

an outlet to such buildings where the drop line from the feeder cable to said building or premises exceeds 150 cable feet or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. If additional outlets of Basic Service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials.

- (a) PEG Channel. Grantee shall dedicate two (2) channels for public, educational and governmental ("PEG") programming. Every Subscriber receiving Cable Service over a Grantee's System shall receive the PEG channels at no additional charge. The PEG channels shall be provided as part of Basic Cable Service and shall not be moved without the City's written approval which shall not be unreasonably withheld. The Grantee shall cablecast all PEG programming produced or created by the City, or its designee, including any live programming. The City may use the PEG channels for any lawful purpose including to cablecast programming produced by the City, local educational institutions or other public institutions, or members of the public.
 - (b) The City shall have sole responsibility for managing and controlling the PEG channels. The City shall establish rules for the programming, operation or administration of the PEG channels, which shall be subject to Grantee's review and approval. Grantee shall have no responsibility whatsoever for the programming, operation or administration of the PEG channels.
3. Emergency Use. In the case of any emergency or disaster, a Grantee shall, upon request of the City Council or City Manager, make available its facilities to the City for emergency use. A Grantee shall comply with the emergency alert requirements of federal law.
 4. Lockout Device. Upon the request of a Subscriber, Grantee shall provide by sale or lease a Lockout Device.

SECTION 6. OPERATION AND ADMINISTRATION PROVISIONS

1. Indemnification of Grantor.
 - (a) A Grantee shall indemnify, defend, and hold harmless Grantor, its officers, boards, committees, councils, elected officials, employees and agents, from and against all liability, damages, and penalties which they may legally be required to pay as a result of the exercise of a Franchise granted pursuant to this Ordinance, except claims covered by worker's compensation insurance or any claims arising from or related to Grantor's negligence. Nothing in this Ordinance relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work complete with grading, regarding, or changing the line of a Street or public place or with the construction or reconstruction of a sewer or water system.
 - (b) In order for Grantor to assess its rights to be indemnified, defended, and held harmless, Grantor must with respect to each claim:
 - i. Promptly notify a Grantee in writing of any claim or legal proceeding which gives rise to such right;
 - ii. Afford Grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and
 - iii. Fully cooperate with reasonable requests of Grantee, at Grantee's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to paragraph ii. above.

2. Insurance. A Grantee shall maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage, in protection of Grantor in its capacity as such. The policies of insurance shall be in the sum of not less than One Million Dollars (\$1,000,000) for personal injury or death of any one Person, and Three Million Dollars (\$3,000,000) for personal injury or death of two or more Persons in any one occurrence, Five Hundred Thousand Dollars (\$500,000) for property damage to any one Person and One Million Dollars (\$1,000,000) for property damage resulting from any one act or occurrence. Grantee shall provide Grantor with a Certificate of Insurance naming the Grantor as an additional insured.
3. Franchise Fee.
 - (a) A Grantee will pay Grantor a monthly franchise fee in the amount of five (5%) percent of Grantee's Gross Revenues.
 - (b) The franchise fee shall be payable monthly, together with a brief report showing the basis for the computation.
 - (c) The period of limitation for recovery of any franchise fee payable hereunder shall be five (5) years from the date on which payment by Grantee is due.
4. Compliance and Monitoring. The Grantee shall make available for inspection by authorized representatives of the City, its books, accounts and financial records at reasonable times and upon reasonable advance notice for the purpose of verifying payments. Grantee shall not be required to maintain any books for longer than five years. Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature. Grantee shall not be required to provide subscriber information in violation of applicable law regarding subscriber privacy.

SECTION 7. REVOCATION, ABANDONMENT, AND SALE OR TRANSFER

1. Grantor's Right to Revoke. Grantor reserves the right to revoke, terminate or cancel a Franchise, if after strictly following the procedures required by Section 7.2 herein, it is determined that a Grantee has violated any material provision of its Franchise or this Ordinance and has failed to substantially cure said violation.
2. Procedures for Revocation.
 - (a) Grantor shall provide a Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee sixty (60) days subsequent to receipt of the notice in which to substantially cure the violation or to provide adequate assurance of performance.
 - (b) Grantee shall be provided the right to a public hearing affording due process before the Grantor Council prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (a) above. Grantor shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.
 - (c) After the public hearing and upon written determination by Grantor to revoke the Franchise, Grantee may appeal said decision with an appropriate state or federal court or agency.
 - (d) During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires.
 - (e) Upon satisfactory correction by Grantee of the violation upon which said notice was given, the initial

notice shall become void.

3. Sale or Transfer of Franchise. No sale or transfer of a Franchise shall take place without the written approval of the Grantor per applicable federal law, which approval shall not be unreasonably withheld. All of the rights, privileges, obligations, duties, and liabilities created by this Franchise shall pass to and be binding upon the successor or assign of a Grantee.

SECTION 8. MISCELLANEOUS PROVISIONS

1. Franchise Renewal. Any renewal of a Franchise shall be done in accordance with applicable federal law.
2. Amendment of Franchise. A Grantee and Grantor may agree to amend a Franchise. Such written amendments may be made at any time.
3. Marketing. A Grantee shall have the right to conduct direct selling in the Franchise Area, including door to door sales, subject to the registration and compliance provisions of Grantor's existing ordinance.
4. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, unenforceable or unconstitutional by a decision of any authority or court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and the remainder shall remain in full force and effect.
5. Status Reports. Grantee shall periodically meet with the City Council to brief them on the status of the system and franchise. Grantee acknowledges City has the right to amend this section to require different types and frequencies of reports.

SECTION 9. PUBLICATION, EFFECTIVE DATE

1. Publication; Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.

First Reading: September 6, 2016
Second Reading: September 19, 2016
Published: September 23, 2016
Effective: October 13, 2016

2. Acceptance.
 - (a) Grantee shall accept this Franchise by executing same. Such acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes. With its acceptance, Grantee shall also deliver any insurance certificates required herein that have not been previously delivered.
 - (b) Upon acceptance of this Franchise, Grantee shall be bound by all the terms and conditions contained herein.

Passed and adopted at Vermillion, South Dakota this 19th day of September 2016.

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

By _____
John E. (Jack) Powell, Mayor

ATTEST:

Michael D. Carlson, Finance Officer

and

MIDCONTINENT COMMUNICATIONS

By _____

Its _____
Midcontinent Communications Investor, LLC
Managing Partner of Midcontinent Communications

ATTEST:

By _____

Its _____

For questions or correspondence concerning this document, contact:

Nancy Vogel, Director of Regulatory Finance
Midco
3901 N Louise Avenue
Sioux Falls, SD 57107
605.357.5485
Nancy.Vogel@Midco.com

APPENDIX A – MUNICIPAL LOCATIONS

**Bluffs Golf Course
2021 E. Main Street**

**Vermillion Recreation Department
603 Princeton Street**

**City Hall – City Council Chambers
25 Center Street**

**Water Treatment Plant
118 Church Street**

**Municipal Liquor Store
820 Cottage Avenue**

**Austin Elementary School
300 High Street**

**Municipal Service Center
115 W. Duke Street**

**Jolley Elementary School
224 S. University Street**

**Recycling Center
840 N. Crawford Road**

**Public School Administration Office
17 Prospect Street**

**Vermillion Civil Defense
15 N. Washington Street**

**Vermillion High School
1001 E. Main Street**

**Vermillion Police Department
15 N. Washington Street**

**Vermillion Middle School
422 Princeton Street**

**Vermillion Public Library
18 Church Street**

**Clay County Extension Office
515 High Street**

**Vermillion Radigan Fire EMS
820 N. Dakota Street**

**Vermillion Main Street Center
320 W. Main Street**

Council Agenda Memo

From John Prescott, City Manager

Meeting: September 19, 2016

Subject: Second Reading of Ordinance No. 1346 - 2017 Appropriations

Presenter: John Prescott

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: A budget proposal for 2017 was prepared and presented to the City Council at the August 1 meeting. The City Council reviewed the proposed budget during special meetings held on August 10 and 11, 2016. The City Council approved first reading of Ordinance 1346 to adopt 2017 Appropriations at the September 6th meeting.

The City Council's revisions from the budget meetings have been incorporated into the appropriation ordinance. These changes include funding the Fire Chief and Assistant City Manager for all of 2017 and conversion of the part-time Fire Inspector position to full-time to assist with rental housing follow-up inspections. The general fund appropriation from reserve increased to \$1,381,962 which includes \$1,000,000 for the pool, \$14,961 for Norbeck Street special assessment interest, and \$367,001 to meet General Fund obligations. As discussed during the budget meetings, a 75% increase in health insurance costs is included due to an even higher renewal that was presented. Staff is working with a consultant to address this matter. As noted during the budget meetings, a budget revision will likely be presented during the 1st quarter of 2017 to reflect the final impact of health insurance costs on the overall budget. The City anticipates finalizing the 2017 health insurance costs during the month of October.

The 2016 budget included property tax revenues of \$2,236,000 with the only increase in revenue related to growth. The budget includes a 2.25% cost of living adjustment for employee wages. The general fund has \$80,000 for street maintenance work such as asphalt patching, traffic paint and sealant material. While the overall amount to be spent on streets will increase in 2017, the amount from general fund remained the same as chip sealing costs come from the second penny sales tax fund.

Rate increases have been included for the water, wastewater, and storm water utilities. Any change in the electric rate will be evaluated later this year once the cost for the purchase of electricity in 2017 is provided in late October.

The budget also includes the purchase of new library materials, hike/bike path repair or rerouting funding, funding for the Vermillion Now 2! Pledge, Prentis Street lift station replacement project and northeast electrical substation project, and many other improvements throughout the community.

Financial Consideration: The City Council must adopt an ordinance to provide for 2017 operations. Adopting the 2017 Appropriations Ordinance will comply with State law and is an important step in providing for the 2017 operations.

Conclusion/Recommendations: Administration recommends approval of the second reading of the 2017 Appropriations Ordinance No. 1346. A roll call vote is required with the second reading of an ordinance.

PROPOSED ORDINANCE NO. 1346
 2017 APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2017 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>2017 Budget</u> | |
|---|--------------------|-----------|
| GENERAL FUND | | |
| <u>REVENUES:</u> | | |
| General Property Taxes | 2,241,000 | |
| Sales Tax | 1,920,000 | |
| Penalties & Interest | 5,000 | |
| Licenses & Permits | 159,950 | |
| Cable TV Franchise | 109,000 | |
| State Intergovernmental | 628,400 | |
| County Intergovernmental | 74,500 | |
| Charges for Goods & Services | 599,600 | |
| Fines & Forfeits | 45,350 | |
| Miscellaneous Revenues | <u>223,525</u> | |
| TOTAL GENERAL FUND REVENUES | | 6,006,325 |
| <u>EXPENDITURES:</u> | | |
| <u>Policy & Administration:</u> | | |
| General Government | 606,320 | |
| Finance Office | 194,429 | |
| Engineering | 328,773 | |
| Planning & Zoning | 800 | |
| Code Compliance | 241,516 | |
| Community Promotion | <u>114,961</u> | |
| Total Policy & Administration | | 1,486,799 |
| <u>Public Safety & Security:</u> | | |
| Police Administration & Invest. | 511,405 | |
| Police Patrol | 1,437,457 | |
| Fire & Rescue | 277,906 | |
| Emergency Management | 2,200 | |
| Ambulance | <u>350,185</u> | |
| Total Public Safety & Security | | 2,579,153 |
| <u>Maintenance & Transportation:</u> | | |
| Municipal Garage | 177,428 | |
| Municipal Service Center | 35,280 | |
| Street Department | 674,483 | |
| Snow Removal | 73,181 | |
| Sweeping & Mowing | 110,842 | |
| Carpentry | 33,474 | |
| City Hall Maintenance | 88,450 | |
| Old Landfill Maintenance | 13,000 | |
| Airport | <u>103,801</u> | |
| Total Maintenance & Transportation | | 1,309,939 |

Human Development & Leisure Services:

| | | |
|-----------------------------------|---------|------------------|
| Library | 627,377 | |
| Parks & Forestry | 320,154 | |
| Swimming Pool | 179,900 | |
| Recreation | 203,970 | |
| Mosquito Control | 19,659 | |
| National Guard Armory Center | 52,926 | |
| Total Human Development & Leisure | | 1,403,986 |
| TOTAL GENERAL FUND EXPENDITURES | | <u>6,779,877</u> |

GENERAL FUND NEEDS (773,552)

| | | |
|--|-------------|-----------------|
| Transfer to 911 Fund - Communications | (300,922) | |
| Transfer to Prentis Park Debt Service | (112,000) | |
| Transfer to STIP Project Main Street | (225,000) | |
| Reserved for STIP Projects | (116,000) | |
| Transfer to Prentis Park Capital Project | (1,000,000) | |
| 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 | 6,800 | |
| Transfer from Utilities Engineering Fees | 136,387 | |
| Transfer from BID #1 | 1,300 | |
| Appropriation from Reserve | 1,381,962 | |
| GENERAL FUND BALANCE | | <u><u>0</u></u> |

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

| | | |
|---|-----------|-----------------|
| Revenues | 1,931,500 | |
| Expenditures - Second Cent Sales Tax | 498,100 | |
| Transfer to Bike Path Capital Projects | (240,380) | |
| Transfer to Airport Capital Projects | (30,000) | |
| Transfer to City Hall Debt Service Fund | (349,770) | |
| Transfer to TIF #6 Debt Service | (31,575) | |
| Transfer to Prentis Park Capital Projects | (708,851) | |
| Transfer to Prentis Park GO Debt Service | (87,070) | |
| Appropriation from Reserve | 14,246 | |
| SECOND CENT SALES TAX FUND BALANCE | | <u><u>0</u></u> |

PARKS IMPROVEMENT FUND

| | | |
|-----------------------------------|--------|-----------------|
| Revenues-Recreation Fees | 4,760 | |
| Expenditures - Parks Improvements | 13,935 | |
| Appropriation from Reserve | 9,175 | |
| PARKS IMPROVEMENT FUND BALANCE | | <u><u>0</u></u> |

BBB SALES TAX FUND

| | | |
|----------------------------|----------|-----------------|
| Revenues | 358,900 | |
| Expenditures | 321,125 | |
| Appropriation to Reserve | (37,775) | |
| BBB SALES TAX FUND BALANCE | | <u><u>0</u></u> |

911 FUND -COMMUNICATIONS

| | |
|----------------------------|-----------------|
| Revenues | 324,921 |
| Expenditures | 625,843 |
| Transfer from General Fund | 300,922 |
| 911FUND FUND BALANCE | <u><u>0</u></u> |

BUSINESS IMPROVEMENT DISTRICT #1

| | |
|---|-----------------|
| Revenues | 65,000 |
| Expenditures | 55,250 |
| Transfer to General Fund | 1,300 |
| Appropriation to Reserve | (8,450) |
| Business Improvement District #1 Fund Balance | <u><u>0</u></u> |

STORMWATER MAINTENANCE FUND

| | |
|-----------------------------|-----------------|
| Revenues - Stormwater Fees | 233,200 |
| Expenditures: | 590,000 |
| Appropriation from Reserve | 356,800 |
| STORMWATER FEE FUND BALANCE | <u><u>0</u></u> |

LIBRARY FINE AND GIFT FUND

| | |
|------------------------------------|-----------------|
| Revenues- Library Fine & Gifts | 18,380 |
| Expenditures - Library | 14,620 |
| Appropriation to Reserve | (3,760) |
| LIBRARY FINE AND GIFT FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT FUND

| | |
|------------------------------------|-----------------|
| Revenues | 46,899 |
| Expenditures | 32,338 |
| Interfund Loan | 162,000 |
| Transfer to Capital Projects | (162,000) |
| Appropriation to Reserve | (14,561) |
| DS SPECIAL ASSESSMENT FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE-- TIF District No. 5

| | |
|-----------------------------------|-----------------|
| Revenues | 45,235 |
| Expenditures | 45,235 |
| DEBT SERVICE - TIF 5 FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE-- TIF District No. 6

| | |
|--|-----------------|
| Revenues | 29,045 |
| Expenditures | 60,620 |
| Transfer from Second Cent Sales Tax Fund | 31,575 |
| DEBT SERVICE - TIF 6 FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE - CITY HALL

| | |
|--|-----------------|
| Revenues | 35,170 |
| Expenditures | 3,105,890 |
| Transfer from Second Cent Sales Tax Fund | 349,770 |
| Appropriation from Reserve | 2,720,950 |
| DEBT SERVICE - CITY HALL FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE - PRENTIS PARK GO BOND

| | |
|---|-----------------|
| Expenditures | 199,070 |
| Transfer from Second Penny Sales Tax Fund | 87,070 |
| Transfer from General Fund Malt Beverage | 112,000 |
| DEBT SERVICE - PRENTIS PARK BOND FUND BALANCE | <u><u>0</u></u> |

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

| | |
|------------------------------------|-----------------|
| Expenditures | 150,000 |
| Transfer to General Fund | (6,800) |
| Transfer from Debt Service | 162,000 |
| Appropriation to Reserve | (5,200) |
| CP SPECIAL ASSESSMENT FUND BALANCE | <u><u>0</u></u> |

CAPITAL PROJECTS FUND - AIRPORT

| | |
|--|-----------------|
| Revenues | 570,000 |
| Expenditures | 600,000 |
| Transfer from Second Cent Sales Tax Fund | 30,000 |
| CP AIRPORT FUND BALANCE | <u><u>0</u></u> |

CAPITAL PROJECTS FUND - PRENTIS PARK

| | |
|--|-----------------|
| Revenues | 36,780 |
| Expenditures | 1,745,631 |
| Transfer from General Fund | 1,000,000 |
| Transfer from Second Cent Sales Tax Fund | 708,851 |
| CP PRENTIS PARK FUND BALANCE | <u><u>0</u></u> |

CAPITAL PROJECTS FUND - BIKE PATH

| | |
|--|-----------------|
| Revenues | 36,320 |
| Expenditures | 276,700 |
| Transfer from Second Cent Sales Tax Fund | 240,380 |
| CP BIKE PATH FUND BALANCE | <u><u>0</u></u> |

CAPITAL PROJECTS FUND - MAIN STREET SIGNALS

| | |
|---------------------------------------|-----------------|
| Expenditures | 225,000 |
| Transfer from General Fund STIP | 225,000 |
| CP W MAIN MILL & OVERLAY FUND BALANCE | <u><u>0</u></u> |

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, 2016
Second Reading: September 19, 2016
Publish: September 30, 2016
Effective: October 20, 2016

Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 19, 2016

Subject: Second Reading of Ordinance No. 1347 – 2016 Revised Appropriations

Presenter: John Prescott

Background: To make changes to the 2016 budget, which the City Council adopted in September 2015, a revised or supplemental appropriations ordinance is required. The proposed changes to the 2016 budget were presented to the City Council during the budget meetings held on August 10 and 11, 2016. The City Council approved the first reading of Ordinance 1347 at the September 6th meeting.

Discussion: The revised appropriations ordinance includes changes and adjustments made to the 2016 budget based upon actual financial information obtained thus far in 2016. Revenues and expenses are different in some instances versus what was anticipated last September. The timing and the amount to be paid for the Prentis Park improvements was not known in September 2015 as bids on the project weren't opened until February 2016. A year delay in the airport overlay has moved the funding from the 2016 to 2017 budget. Again, DOT has delayed work on the repairs to the Vermillion River hike/bike repair project which moved the project from 2016 to 2017. Receipt of the federal grant for the fire department grant was unknown at the time the budget was adopted.

This year a couple of personnel items made an impact. There were changes in wages due to the departure of long time employees, not filling positions while 2017 budget challenges are worked out, a reorganization within the Parks staff, and budgeting for a position that was to be partially funded by a grant that was not received.

The net result is that the 2016 General Fund revenues and expenses are proposed to be revised from \$7,768,131 to \$7,589,670. Second Penny fund revenues and expenses are proposed to be revised from \$1,962,905 to \$2,034,515

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 second reading of the 2016 Revised Appropriations Ordinance No. 1347. A roll call vote is required with the second reading of an ordinance.

PROPOSED ORDINANCE NO. 1347
 2016 REVISED APPROPRIATION ORDINANCE

AN ORDINANCE ADOPTING the 2016 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>2016 Revised Budget</u> | |
|---|----------------------------|-----------|
| GENERAL FUND | | |
| <u>REVENUES:</u> | | |
| General Property Taxes | 2,195,700 | |
| Sales Tax | 1,864,500 | |
| Penalties & Interest | 5,000 | |
| Licenses & Permits | 159,950 | |
| Cable TV Franchise | 108,000 | |
| State Intergovernmental | 788,722 | |
| County Intergovernmental | 73,500 | |
| Charges for Goods & Services | 574,600 | |
| Fines & Forfeits | 45,350 | |
| Miscellaneous Revenues | 215,925 | |
| TOTAL GENERAL FUND REVENUES | 6,031,247 | 6,031,247 |
| <u>EXPENDITURES:</u> | | |
| <u>Policy & Administration:</u> | | |
| General Government | 551,896 | |
| Finance Office | 183,319 | |
| Engineering | 307,609 | |
| Planning and Zoning | 800 | |
| Code Compliance | 204,024 | |
| Community Promotion | 143,797 | |
| Total Policy & Administration | 1,391,445 | 1,391,445 |
| <u>Public Safety & Security:</u> | | |
| Police Administration & Invest. | 488,864 | |
| Police Patrol | 1,315,020 | |
| Fire & Rescue | 249,705 | |
| Emergency Management | 2,200 | |
| Ambulance | 343,616 | |
| Total Public Safety & Security | 2,399,405 | 2,399,405 |
| <u>Maintenance & Transportation:</u> | | |
| Municipal Garage | 140,483 | |
| Municipal Service Center | 35,000 | |
| Street Department | 673,005 | |
| Snow Removal | 79,129 | |
| Sweeping & Mowing | 113,972 | |
| Carpentry | 30,967 | |
| City Hall Maintenance | 103,800 | |
| Old Library Maintenance | 0 | |
| Old Landfill Maintenance | 13,000 | |
| Airport | 103,464 | |
| Total Maintenance & Transportation | 1,292,820 | 1,292,820 |

Human Development & Leisure Services:

| | | |
|-----------------------------------|---------|------------------|
| Library | 622,195 | |
| Parks & Forestry | 293,412 | |
| Swimming Pool | 124,386 | |
| Recreation | 184,833 | |
| Mosquito Control | 19,655 | |
| National Guard Armory Center | 52,033 | |
| Total Human Development & Leisure | | 1,296,514 |
| TOTAL GENERAL FUND EXPENDITURES | | <u>6,380,184</u> |

GENERAL FUND NEEDS (348,937)

| | |
|---|-----------|
| Transfer to 911 Fund | (279,931) |
| Transfer to Prentis Park Debt Service | (115,000) |
| Transfer to Prentis Park Capital Projects | (319,455) |
| Transfer to STIP Project Main Street | (54,000) |
| Transfer to Equipment Replacement | (8,300) |
| Reserved for STIP Projects | (432,800) |
| 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 BID #1 | 1,240 |
| Transfer from Utilities Engineering Fees | 136,387 |
| Appropriation from Reserve | 419,771 |
| GENERAL FUND BALANCE | <u>0</u> |

SPECIAL REVENUE FUNDS

SECOND CENT SALES TAX FUND

| | |
|---|-----------|
| Revenues | 2,034,515 |
| Expenditures - Second Cent Sales Tax | 732,150 |
| Transfer to Bike Path Capital Projects | (9,620) |
| Transfer to Airport Capital Projects | (8,500) |
| Transfer to City Hall Debt Service Fund | (348,460) |
| Transfer to TIF #6 Debt Service | (42,400) |
| Transfer to Prentis Park Capital Projects | (656,042) |
| Transfer to Prentis Park GO Debt Service | (48,455) |
| Transfer to Equipment Replacement | (13,500) |
| Appropriation to Reserve | (175,388) |
| SECOND CENT SALES TAX FUND BALANCE | <u>0</u> |

PARKS IMPROVEMENT FUND

| | |
|-----------------------------------|----------|
| Revenues-Recreation Fees | 17,260 |
| Expenditures - Parks Improvements | 79,760 |
| Appropriation from Reserve | 62,500 |
| PARKS IMPROVEMENT FUND BALANCE | <u>0</u> |

BBB SALES TAX FUND

| | |
|----------------------------|----------|
| Revenues | 347,500 |
| Expenditures | 333,300 |
| Appropriation to Reserve | (14,200) |
| BBB SALES TAX FUND BALANCE | <u>0</u> |

911 FUND -COMMUNICATIONS

| | |
|----------------------------|-----------------|
| Revenues | 288,035 |
| Expenditures | 567,966 |
| Transfer from General Fund | 279,931 |
| 911FUND- FUND BALANCE | <u><u>0</u></u> |

BUSINESS IMPROVEMENT DISTRICT #1

| | |
|---|-----------------|
| Revenues | 62,000 |
| Expenditures | 65,200 |
| Transfer to General Fund | 1,240 |
| Appropriation from Reserve | 4,440 |
| Business Improvement District #1 Fund Balance | <u><u>0</u></u> |

STORMWATER MAINTENANCE FUND

| | |
|-----------------------------|-----------------|
| Revenues - Stormwater Fees | 239,000 |
| Expenditures: | 160,000 |
| Appropriation to Reserve | (79,000) |
| STORMWATER FEE FUND BALANCE | <u><u>0</u></u> |

LIBRARY FINE AND GIFT FUND

| | |
|------------------------------------|-----------------|
| Revenues- Library Fine & Gifts | 16,920 |
| Expenditures - Library | 16,000 |
| Appropriation to Reserve | (920) |
| LIBRARY FINE AND GIFT FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE FUNDS

DEBT SERVICE--SPECIAL ASSESSMENT FUND

| | |
|---------------------------------|-----------------|
| Revenues | 200,098 |
| Expenditures | 169,073 |
| Interfund Loan | 91,800 |
| Transfer to Capital Projects | (91,800) |
| Appropriation to Reserve | (31,025) |
| SPECIAL ASSESSMENT FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE - TIF District No. 5

| | |
|-----------------------------------|-----------------|
| Revenues | 27,256 |
| Expenditures | 27,256 |
| DEBT SERVICE - TIF 5 FUND BALANCE | <u><u>0</u></u> |

DEBT SERVICE - TIF District No. 6

| | |
|--|----------|
| Revenues | 18,220 |
| Expenditures | 60,620 |
| Transfer from Second Cent Sales Tax Fund | 42,400 |
| DEBT SERVICE - TIF 6 FUND BALANCE | <u>0</u> |

DEBT SERVICE - City Hall

| | |
|--|-----------------|
| Revenues | 25,750 |
| Expenditures | 407,130 |
| Transfer from Second Cent Sales Tax Fund | 348,460 |
| Appropriation to Reserve | (32,920) |
| DEBT SERVICE - CITY HALL FUND BALANCE | <u>(65,840)</u> |

DEBT SERVICE - Prentis Park Bond

| | |
|---|----------|
| Expenditures | 201,455 |
| Transfer from Second Penny Sales Tax Fund | 48,455 |
| Transfer from General Fund Malt Beverage | 115,000 |
| Appropriation from Reserve | 38,000 |
| DEBT SERVICE - PRENTIS PARK BOND FUND BALANCE | <u>0</u> |

CAPITAL PROJECTS FUNDS

CAPITAL PROJECTS FUND - SPECIAL ASSESSMENT

| | |
|------------------------------------|----------|
| Expenditures | 85,000 |
| Transfer from Debt Service | 91,800 |
| Appropriation to Reserve | (6,800) |
| CP SPECIAL ASSESSMENT FUND BALANCE | <u>0</u> |

CAPITAL PROJECTS FUND - BIKE PATH

| | |
|-------------------------------------|----------|
| Revenues | 43,680 |
| Expenditures | 53,300 |
| Transfer from Second Cent Sales Tax | 9,620 |
| CP BIKE PATH FUND BALANCE | <u>0</u> |

CAPITAL PROJECTS FUND - AIRPORT

| | |
|-------------------------------------|----------|
| Revenues | 161,500 |
| Expenditures | 170,000 |
| Transfer from Second Cent Sales Tax | 8,500 |
| CP AIRPORT FUND BALANCE | <u>0</u> |

CAPITAL PROJECTS FUND - PRENTIS PARK

| | |
|---------------|-----------|
| Revenues | 56,100 |
| Expenditures | 4,126,729 |
| Bond Proceeds | 3,095,132 |

| | |
|-------------------------------------|----------|
| Transfer from General Fund | 319,455 |
| Transfer from Second Cent Sales Tax | 656,042 |
| CP PRENTIS PARK FUND BALANCE | <u>0</u> |

CAPITAL PROJECTS FUND - MAIN SIGNALS

| | |
|---|----------|
| Expenditures | 54,000 |
| Transfer from General Fund STIP | 54,000 |
| CP WEST MAIN MILL/OVERLAY & SIGNAL FUND BALANCE | <u>0</u> |

INTERNAL SERVICE FUNDS (Information Only)

| | Unemployment Fund | Copier - Fax- Postage Fund | Custodial Fund | Equipment Replacement Fund |
|-------------------------|----------------------|----------------------------------|-------------------|----------------------------------|
| <u>Revenues</u> | | | | |
| Internal Dept Charges | - | 18,150 | 92,000 | 482,524 |
| Interest on Investments | 130 | - | - | 4,400 |
| Other Revenues | - | - | - | 66,900 |
| Total Revenues | <u>130</u> | <u>18,150</u> | <u>92,000</u> | <u>553,824</u> |
| <u>Expenditures</u> | | | | |
| Personnel | - | - | 94,879 | - |
| Operating Expenses | 130 | 16,350 | 3,519 | - |
| Capital | - | - | 500 | 678,300 |
| Total Expenditures | <u>130</u> | <u>16,350</u> | <u>98,898</u> | <u>678,300</u> |
| Transfer (Out) In | | | | 49,718 |
| (To) From Reserve | - | (1,800) | 6,898 | 74,758 |
| Fund Balance | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |

UTILITY AND ENTERPRISE FUNDS (Information Only)

| | Electric Fund | Water Fund | Wastewater Fund | Joint Powers Fund | Liquor Fund | Golf Course Fund | Curbside Recycling Fund |
|---------------------|------------------|------------------|--------------------|----------------------|------------------|---------------------|-------------------------------|
| <u>Revenues</u> | | | | | | | |
| Sales | 5,600,000 | 1,480,000 | 1,590,000 | 1,444,850 | 1,586,000 | 729,400 | 116,000 |
| Surcharge | 720,000 | 270,000 | 332,000 | - | - | - | - |
| Other Revenue | 100,000 | 49,675 | 8,800 | 114,120 | - | 67,995 | 200 |
| Interest | 172,145 | 6,445 | 8,106 | 1,700 | 550 | 4,525 | 325 |
| Grants | - | - | - | 116,000.00 | - | - | - |
| Total Revenues | <u>6,592,145</u> | <u>1,806,120</u> | <u>1,938,906</u> | <u>1,676,670</u> | <u>1,586,550</u> | <u>801,920</u> | <u>116,525</u> |
| <u>Expenditures</u> | | | | | | | |
| Personnel | 1,021,704 | 624,835 | 504,531 | 535,299 | - | 377,567 | 98,333 |
| Operating Expenses | 3,683,280 | 560,430 | 674,406 | 684,090 | 1,354,859 | 419,846 | 12,900 |
| Capital | 618,224 | 154,696 | 172,140 | 318,500 | 14,000 | 13,000 | 250 |
| Debt Service | - | 187,105 | 258,109 | 196,813 | - | - | 8,408 |
| Surcharge Debt Serv | 654,238 | 235,669 | 291,013 | - | - | - | - |
| Total Expenditures | <u>5,977,446</u> | <u>1,762,735</u> | <u>1,900,199</u> | <u>1,734,702</u> | <u>1,368,859</u> | <u>810,413</u> | <u>119,891</u> |
| Transfers Out | (884,950) | (38,583) | (28,679) | - | (194,200) | - | (27,918) |
| Transfers In | 9,000 | - | - | - | - | - | - |
| Bond Proceeds | 4,385,000 | - | 134,500 | - | - | - | - |
| (To) From Reserve | (4,123,749) | (4,802) | (144,528) | 58,032 | (23,491) | 8,493 | 31,284 |
| 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, 2016.

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, 2016
Second Reading: September 19, 2016
Publish: September 30, 2016
Effective: October 20, 2016

Council Agenda Memo

From: Derek Chancellor, Administrative Intern

Meeting: September 19, 2016

Subject: Street closure request for Dakota Days Executive Board's Vermtown Bash

Presenter: Derek Chancellor

Background: The Dakota Days Executive Board at the University of South Dakota is requesting a temporary street closing of W. Main Street from Prospect Street to High Street and Market Street from W. Main Street to Kidder Street on Wednesday, October 5, 2016 from 5:00 p.m. to 11:00 p.m. for the Vermtown Bash. Earlier on the agenda is a request to exceed permissible sound levels by no more than 50% which is to facilitate the event.

Discussion: The completed street closure request application form is attached. The submitted application indicates that arrangements have been made for all staff members of the Dakota Days Executive Board to cleanup all facilities after the event.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends approval of the street closure of W. Main Street from Prospect Street to High Street and Market Street from W. Main Street to Kidder Street on Wednesday, October 5, 2016 from 5:00 p.m. to 11:00 p.m. for the Vermtown Bash.

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

CITY OF VERMILLION REQUEST TO CLOSE CITY STREET

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

Organization Requesting Dakota Days Executive Board

Contact Person Jessie Radlun Phone 503-689-0993

E-Mail Address Jessie.Radlun@coyotes.usd.edu

Contact Person Address 414 E Clark St., Vermillion SD 57069

Event Vermillion Bash Date(s) of Event Oct. 5, 2016

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

Street Main St. from Market St. ^{to Prospect St.} to Kidder

Street Closing Times 5pm ^{High St.} to 11 pm

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

If approved, the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing. Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes - all of Dakota Days executive staff will be there to help clean up with all facilities

Signature of Applicant Kathleen Breidman Date 8/22/2016

Vermont Bash Street Closure October 5, 2016 5 pm - 11 pm



Council Agenda Memo

From: Derek Chancellor, Administrative Intern

Meeting: September 19, 2016

Subject: Street closure request for USD Sorority and Fraternity Life's Greek Week Block Party

Presenter: Derek Chancellor

Background: The USD Sorority and Fraternity Life organization is hosting a Greek Week Block Party on Friday, September 23, 2016. The group is requesting the temporary closure of a one-block section of Cedar Street, from Pine Street to Plum Street, from 5:00 p.m. until 8:00 p.m. to accommodate the event.

Discussion: The group requests to have Cedar Street, from Pine Street to N. Plum Street, closed from 5:00 p.m. to 8:00 p.m. on Friday, September 23, 2016. The street closure request application indicates that neighboring properties have been notified. The application form further indicates that members of the Pan-Hellenic Council (PHC) and the Interfraternity Council (IFC) will be responsible for all cleanup and those who attend the event will be held to a high standard to respect City property.

Financial Consideration: None

Conclusion/Recommendations: Administration recommends authorizing the closure of Cedar Street from Pine Street to N. Plum Street on Friday, September 23, 2016 from 5:00 p.m. to 8:00 p.m. for the Greek Week Block Party.

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

CITY OF VERMILLION REQUEST TO CLOSE CITY STREET

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

Organization Requesting Sorority and Fraternity Life

Contact Person Sami Baus Phone 605-999-9176

E-Mail Address sami.baus@coyotes.usd.edu

Contact Person Address 707 East Cedar

Event Greek Week Block Party Date(s) of Event Friday, Sept. 23rd

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

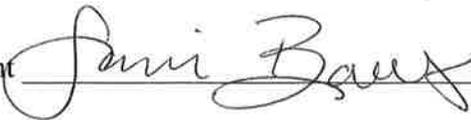
Street Cedar Street from Plum to Pine

Street Closing Times 5:00 pm to 8:00 pm

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

If approved, the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing. Have arrangements been made for clean up after the event and other facilities? Please describe:

Yes, the PHC and IFC councils will be responsible for all cleanup as well as people who are attending will be held on a high standard to respect the cities property.

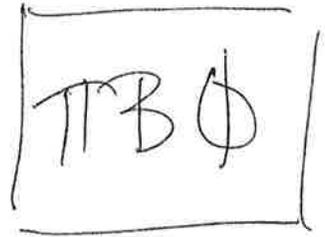
Signature of Applicant  Date Aug 25th, 2016

Plum

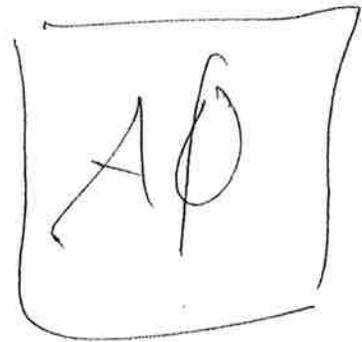


100ft. 50dB

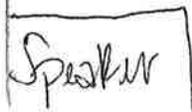
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50ft. 70dB



20ft. 90dB

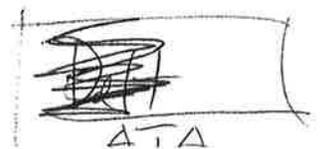
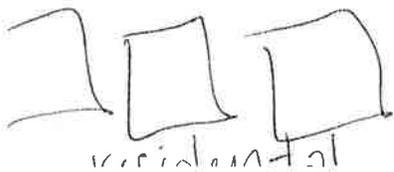


0 dB

20ft.

200

Pine



Council Agenda Memo

From: John Prescott, City Manager
Meeting: September 19, 2016
Subject: Transfer of Fire Department Equipment
Presenter: Matt Callahan, EMS Chief

Background: The 2015 AFG grant and Second Penny funds have provided for the replacement of self-contained breathing apparatus (SCBA) equipment and all current helmets. The Vermillion Fire Department has visited with area Fire Departments who may be able to utilize the old equipment. The Fire Department is requesting a transfer of assets to various South Dakota Fire Departments. The following State Statute allows the City to make transfers of property.

6-5-2. Gratuitous transfers of real property to political subdivisions and nonprofit corporations. Any county, municipality, sanitary district, township, or school district may convey and transfer any real property which is held or owned by it, the title to which has been obtained and which is not held for public use or which is about to be abandoned for public purposes, to another political subdivision or nonprofit corporation for public purposes and accommodation without offering the property for sale and without requiring said political subdivision or nonprofit corporation to pay therefore.

EMS Chief Matt Callahan of the Vermillion Fire and EMS Department is suggesting that the Volin, Gayville, and Centerville Fire Departments be transferred the old equipment, as is, with no warranty included.

Discussion: The City Council will need to approve the transfer of this equipment to the aforementioned departments. Attached is a memo from EMS Chief Matt Callahan of the Vermillion Fire and EMS Department listing the equipment that the City is willing to transfer to the respective Fire Departments if the City Council approves.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends that the City Council approve the transfer of equipment from the Vermillion Fire and EMS Department to the Volin, Gayville, and Centerville Fire Departments.



Vermillion Fire EMS Department
25 Center Street • Vermillion, SD 57069
Ph: 605.677.7098 • Fax: 605.677.7054
www.vermillion.us

September 12th, 2016

Dear City of Vermillion Council Members,

After obtaining the 2015 AFG grant, which allowed us to replace our SCBAs and then use second penny funds to replace all of our current helmets, we are requesting a transfer of assets to the following departments for the following equipment:

Volin Fire Department

13 – MSA Airpacks (each includes 1 mask, 1 backpack, 2 bottles)
35 – Bullard UST Fire Helmets

Gayville Fire Department

5 – MSA Airpacks (each includes 1 mask, 1 backpack, 2 bottles)

Centerville Fire Department

4 – MSA Airpacks (each includes 1 mask, 1 backpack, 2 bottles)

These items will be transferred as is with no warranty attached. These departments will be able to utilize this equipment for many years to come.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. R. Callahan", is written over a white background.

Matthew R. Callahan
Deputy Chief
Vermillion Fire EMS Department

Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 19, 2016

Subject: Library Board Appointment

Presenter: Mayor Powell

Background: By State Statute, the City Council is charged with appointing members of the Library Board.

9-10-9. Officers and employees appointed by governing body--Others appointed by city manager. The auditor, attorney, library board of trustees, and the treasurer shall be appointed by the governing body and may be removed at any time by such governing body. The auditor and the treasurer shall each appoint all deputies and employees in his office. All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, shall be appointed by the manager and may be removed by him.

The Board is comprised of five (5) citizens, appointed by the City Council, and one (1) member of the City Council. The board terms are for three (3) years and expire in May.

Discussion: Dan Burniston was appointed to the Library Board in 2014. He resigned at the start of the August Library Board meeting. Dan's Library Board term expires in May 2017. The other current members of the Library Board and term expiration year are: Diane Leja (2017), Fern Kaufman (2018), Martha Muellenberg (2019), and Gabrielle Strouse (2019). The City Council member is appointed when City Council Committee assignments are made in July of even years. The current council member serving on the board is Kelsey Collier-Wise.

Three Expression of Interest forms were submitted to fill the balance of the Board term. Copies of the three Expression of Interest forms are attached. The opening was advertised on the City website, at the Library, and at the last City Council meeting.

Financial Consideration: With the exception of the City Council representative, each member of the Library Board is paid \$15 per meeting.

Conclusion/Recommendations: Administration recommends appointing one individual to complete a term on the Library Board which expires in May 2017.



Return completed forms to:
City of Vermillion, John
Prescott
25 Center Street
Vermillion, SD 57069

CITIZEN BOARD/COMMISSION EXPRESSION OF INTEREST FORM

Board/Commission on which you are interested in serving: Vermillion Public Library

Title: Mr. Mrs./Miss/Ms. Dr. Name: Susan Curtin

Home Address: 208 Court St., Vermillion

Email Address: susan.curtin@usd.edu Phone #: (814) 671-1025

Number of years you have lived in/around Vermillion: 3 months

Occupation: Associate Professor Employer: USD

Business Address: 414 E. Clark St., Vermillion

Prior elected or appointed offices held (if any): _____

Present and past community volunteer activities:

In PA—President, League of Women Voters—8 years; Board member, CASA—4 years; Advisory Board Member, Trauma Informed Community—2 years; Secretary, YWCA—4 years

Why are you interested in serving on this Board/Commission?

I support the intellectual equity that a public library provides. As Ta-Nehisi Coates suggests in *Between the World and Me*, "...some people are made for the library, not the classroom" (p. 48). The free access to explore books, magazines, technology, and programs of one's choosing contributes to an individual and collective literacy which "expands minds, empowers people, and enriches community" (Vermillion Public Library website).

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? I have postsecondary credentials in the field of education and experience in public and private education, K-20. I have also conducted focus group research as a consultant for two school districts, one urban and one rural, which contributed to the strategic planning process.

Are there any particular projects, programs or goals you would like to see achieved while serving on the

Board/Commission?

I appreciate the direction the Vermillion library has taken to increase the breadth of what it means to be a public library and would be most happy to support that goal.

Susan Curtin
Signature

9-6-16
Date



**CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM**

Return completed forms to:
City of Vermillion, John Prescott
25 Center Street
Vermillion, SD 57069

Board/Commission on which you are interested in serving: Library Board

Title: Mr. Mrs./Miss/Ms. Dr. Name: Greg Redlin

Home Address: 916 Jane Street

Email Address: gregredlin@gmail.com Phone #: 6624022232

Number of years you have lived in/around Vermillion: 25+

Occupation: Retired Employer: _____

Business Address: _____

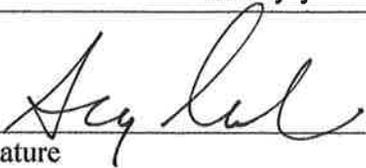
Prior elected or appointed offices held (if any): _____

Present and past community volunteer activities: Welcome Table, Food Pantry
Treasurer, Vermillion Downtown Cultural Association

Why are you interested in serving on this Board/Commission? I have been an active patron of
libraries, both public and academic, all my life. I am committed to supporting the
public library in this community, to sustaining this wonderful resource.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting
someone to serve? As a former higher education vice president, I am familiar with the cost
issues facing libraries and have worked to solve them wherever I served. Moreover,
I am an avid reader of both books and periodicals, demonstrating an interest in the mission.

Are there any particular projects, programs or goals you would like to see achieved while serving on the
Board/Commission? I would like to play a part in creating a sustainable future for this
library. Despite the advent of e-books and materials, the print format and libraries
will be with us for many years to come.


Signature

9/8/16
Date



**CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM**

Return completed forms to:
City of Vermillion, John Prescott
25 Center Street
Vermillion, SD 57069

Board/Commission on which you are interested in serving: Library Advisory Board

Title: (Mr.) Mrs./Miss/Ms. Dr. Name: Nicholas (Nick) Severson

Home Address: 610 Lewis St.

Email Address: nicholas.severson@coyotes.usd.edu Phone #: (605)464-7259

Number of years you have lived in/around Vermillion: 33

Occupation: Researcher & student Employer: Center for Brain & Behavior Research (Med. School)

Business Address: 414 E. Clark St.

Prior elected or appointed offices held (if any): _____

Present and past community volunteer activities: Welcome Table, Special Olympics,
Sharing the Dream, & Community Garden

Why are you interested in serving on this Board/Commission? Having a great interest in
the future of the community, as well as the current status, I seek the opportunity to
serve the citizenry of Vermillion, and ensure that the library continues to provide exceptional services.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting
someone to serve? My skills applicable to this position include: research
capabilities, communication skills, and being a good team member. I have been
a lifelong, avid VPL patron, who seeks a continued tradition of excellence for future generations.

Are there any particular projects, programs or goals you would like to see achieved while serving on the
Board/Commission? The VPL is known for providing high-quality, enriching programming and services,
which I seek to continue. The "Outside the Lines" week is a reminder that libraries provide much more than books.

As a board member, I would look for new opportunities to engage all segments of Vermillion's population in library use.

Nick Severson
Signature

9/6/10
Date

Council Agenda Memo

From: John Prescott, City Manager

Meeting: September 19, 2016

Subject: Tree Board reappointment

Presenter: Mayor Jack Powell

Background: By ordinance the City Council is charged with appointing members of the City Tree Board.

§ 90.72 CITY TREE BOARD.

- (A) There is hereby created and established an advisory board to be known as the City Tree Board of the City of Vermillion. There shall be five (5) members of the City Tree Board in which board members are citizens and residents of Vermillion. They shall be appointed by the Mayor with the approval of the City Council. The Parks and Recreations Director shall recommend one (1) member to the board from staff; the Street Superintendent shall recommend one (1) member to the board from staff; one (1) member shall be currently serving on the City Council; and two (2) members shall be selected by the governing body from the residents of the City of Vermillion.
- (B) The term of the five (5) persons to be appointed shall be two (2) years except the terms of those representing the City Council and City employed staff shall expire at the expiration of their terms of office or employment. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.
- (C) Members of the City Tree Board shall serve without compensation.
- (D) Subject to the control of the Governing Body of the City.
- (E) The City Tree Board shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transactions of business. Its purpose shall be to review, from time to time, conditions relating to tree and plant growth in the City and to recommend procedures and policies calculated to maintain and improve a healthy forestation program for the City.

As noted, the Tree Board is comprised of five members, which includes two citizens and residents of Vermillion. The terms for the citizen members are for two (2) years. Clarence Pederson was appointed to a two-year term on the Tree Board in August 2014. Jim Brady was appointed to a two-year term in September 2015.

Discussion: In addition to the two citizen members, the other current members of the Tree Board are Rich Holland, Pete Jahn, and Ryan Baedke. Jim Goblirsch serves as an ex-officio member of the board. The Tree Board vacancy was advertised on the City's website and at the last City Council meeting. One Expression of Interest form from the incumbent member was received and is included with the packet.

Financial Consideration: None.

Conclusion/Recommendations: Administration recommends appointing one individual to serve on the City Tree Board for a two-year term.

**CITIZEN BOARD/COMMISSION
EXPRESSION OF INTEREST FORM**

Return completed forms to:
City of Vermillion, John Prescott
25 Center Street
Vermillion, SD 57069

Board/Commission on which you are interested in serving: Tree Board

Title: Mr. Mrs./Miss/Ms. Dr. Name: Clarence Pederson

Home Address: 704 Valley View Dr

Email Address: Clarence.Pederson@gmail.com Phone #: 658-2163 - Home
999-8689 cell

Number of years you have lived in/around Vermillion: 17

Occupation: Retired educator Employer: _____

Business Address: _____

Prior elected or appointed offices held (if any): Tree Board, Clay Co. Conservation

Present and past community volunteer activities: Sierra Club, Tree Board, Conservation District, Spirit Board Trust

Why are you interested in serving on this Board/Commission? I love trees and want to make sure that Vermillion has a thriving urban forest.

Do you have any unique skills or experiences which would be beneficial to the City to know in selecting someone to serve? Previous experience with tree planting as part of City Beautification in Mitchell. Planted 3 acres of trees on family property. Some organizational skills that could be useful to a promotional Campaign.

Are there any particular projects, programs or goals you would like to see achieved while serving on the Board/Commission? I am concerned about the health and future of the Vermillion urban forest. As a city and community we need to be looking ahead and proactive

Clarence Pederson
Signature

Sept
Date

Council Agenda Memo

From: Mike Carlson, Finance Officer
Meeting: September 19, 2016
Subject: Airport hangar lease assignment – Fluent to Howard
Presenter: Mike Carlson

Background: Grant Fluent assumed a lease on April 20, 2002 that had been entered into with the City on April 15, 1991 for an initial term of twenty (20) years that ended April 15, 2011. The original lease contained an option (that was exercised) to renew for an additional ten (10) years until April 15, 2021. An “Assignment of Owner’s Interest in Lease” was received that provides for the assignment of the hangar lease from Grant Fluent to David Howard. A copy of the assignment agreement is attached.

Discussion: Article VI of our hangar lease agreement states:

This lease shall not be assignable by the Owner without the written permission of the City. In the event the aircraft hangar is sold by the Owner and the City gives its written permission to assign said lease, it is understood that the hangar shall remain on the plot on which it was constructed and its use shall be governed by the entire terms of this lease agreement or such other terms as the City may desire to incorporate into a new lease agreement.

Written permission of the City is required in order to transfer ownership. The new owner is bound by the original terms of the lease including lease rates.

Financial Consideration: The current lease agreement is for ten dollars (\$10) per year.

Conclusion/Recommendations: Administration recommends approval of the airport hangar lease assignment from Grant Fluent to David Howard.

ASSIGNMENT OF OWNER'S INTEREST IN LEASE

THIS ASSIGNMENT OF OWNER'S INTEREST IN LEASE made this ____ day of September, 2016, by and between GRANT FLUENT, an individual ("Fluent") and DAVID HOWARD, an individual ("Howard").

WHEREAS, Fluent and the City of Vermillion, a municipal corporation ("City") were parties to a certain hangar lease agreement executed on the 15th day of April, 2002 on the leased premises located at Harold Davidson Municipal Airport Field in Vermillion, South Dakota ("Lease") and legally described in the attached copy of the Lease.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein expressed and for other good and valued consideration the sufficiency of which the parties hereto mutually agree, Fluent and Howard agree as follows:

Fluent hereby assigns, without recourse or warranty whatsoever, all of Fluents' rights, title and interest in, to and under the Lease to Howard and Howard herby assumes, without recourse or warranty whatsoever, all of Fluents' rights, title and interest in, to and under the Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Owners Interest in Lease Agreement as of the day and year first above written.

GRANT FLUENT

DAVID HOWARD

By: [Signature]
Grant Fluent, An Individual

By: [Signature]
David Howard, An Individual

ACKNOWLEDGEMENT AND CONSENT

On behalf of the City of Vermillion, the undersigned hereby acknowledges and consents to this Assignment of the Owner's Interest in the Lease from Grant Fluent to David Howard. All invoices, communications or matters related to the Lease shall be directed to the following party by the City of Vermillion:

David Howard
31628 277th Street
Wimmer, SD 57508

CITY OF VERMILLION

By: _____
Title: _____

Date: _____

Council Agenda Memo

From: Matthew Callahan, Deputy Chief - EMS

Meeting: September 19, 2016

Subject: Bid for Fire Department Turnout Gear

Presenter: Matthew Callahan

Background: The National Fire Protection Agency (NFPA) recommends replacement of personal protective gear (turnout gear) every 10 years. Our department currently has 20 sets of turnout gear that are past the 10 year replacement point.

The bid opening was on September 7, 2016 at 2:00 p.m. The City received one bid. The low bid was from Allegiant Emergency Services for \$40,740.00. This bid included one coat and one pair of pants for each of the 20 sets of turnout gear.

Discussion: Bidding is required by State law when the cost of the project is estimated to exceed \$25,000. The City estimated the cost for the Turnout Gear to be \$37,800.

Financial Consideration: The purchase of the turnout gear will be done through the Second Penny Fund. This money was originally slated for the SCBA purchase if the federal grant for this item was not received.

Conclusion/Recommendations: Administration recommends awarding the bid to Allegiant Emergency Services for \$40,740. This includes one coat and one pair of pants for each of the 20 sets of turnout gear. If awarded, Staff would issue a purchase order for the recommended amount.

CITY OF VERMILLION
 INVOICES PAYABLE-SEPTEMBER 19, 2016

| | | |
|--------------------------------|------------------------------|------------|
| 1 AVENET, LLC | SOFTWARE SUPPORT | 1,100.00 |
| 2 BORDER STATES ELEC SUPPLY | SUPPLIES | 117.31 |
| 3 BROADCASTER PRESS | ADVERTISING | 1,451.02 |
| 4 BRUCE OR TILA ANDERSON | REFUND AMBULANCE OVERPAYMENT | 71.59 |
| 5 BUREAU OF ADMINISTRATION | TELEPHONE | 203.57 |
| 6 CAMPBELL SUPPLY | SUPPLIES | 1,085.78 |
| 7 CASK & CORK | MERCHANDISE | 851.10 |
| 8 CENTURYLINK | TELEPHONE | 1,500.77 |
| 9 CHRISTINE CASILLAS | REFUND AMBULANCE OVERPAYMENT | 20.00 |
| 10 CITY OF VERMILLION | LANDFILL VOUCHERS | 478.00 |
| 11 CLAY RURAL WATER SYSTEM | WATER USAGE | 120.00 |
| 12 CLAY-UNION ELECTRIC CORP | ELECTRICITY | 1,645.92 |
| 13 DAKOTA BEVERAGE | MERCHANDISE | 13,522.86 |
| 14 DENIS KRONAIZL | REFUND AMBULANCE OVERPAYMENT | 21.40 |
| 15 DEPT OF SOCIAL SERVICES | REFUND AMBULANCE OVERPAYMENT | 30.00 |
| 16 DEPT. ENVIRONMENT NATL RES. | LANDFILL OPERATIONS FEE | 3,661.99 |
| 17 DIVISION OF MOTOR VEHICLE | TITLE/PLATES | 21.20 |
| 18 DUST TEX | ENTRY MATS | 80.00 |
| 19 FELD FIRE | FIRE EQUIPMENT | 155,074.10 |
| 20 GLOBAL DIST. | MERCHANDISE | 90.00 |
| 21 GLOBAL PACKAGING SOLUTIONS | LANDFILL BALER BAGS | 59,556.25 |
| 22 GREGG PETERS | MANAGERS FEE | 6,000.00 |
| 23 INGRAM | BOOKS | 1,626.91 |
| 24 JIMMY JOHNS | LUNCHES | 61.75 |
| 25 JOHN A CONKLING DIST. | MERCHANDISE | 8,189.10 |
| 26 JOHNSON BROTHERS OF SD | MERCHANDISE | 27,869.33 |
| 27 KALINS INDOOR COMFORT | REPAIRS | 353.63 |
| 28 LOREN FISCHER DISPOSAL | HAUL CARDBOARD | 210.00 |
| 29 MATHESON TRI-GAS, INC | SUPPLIES | 360.91 |
| 30 MIDAMERICAN | GAS USAGE | 879.67 |
| 31 MIDCONTINENT COMMUNICATION | CABLE/INTERNET SERVICE | 718.68 |
| 32 OKOBOJI WINES-SD | MERCHANDISE | 540.00 |
| 33 PITNEY BOWES | POSTAGE METER LEASE | 289.71 |
| 34 PRAIRIE BERRY WINERY | MERCHANDISE | 771.00 |
| 35 REPUBLIC NATIONAL DIST. | MERCHANDISE | 21,637.65 |
| 36 RESERVE ACCOUNT | POSTAGE FOR METER | 950.00 |
| 37 SOUTHERN GLAZER'S OF SD | MERCHANDISE | 5,355.11 |
| 38 STANGER LITHO GRAPHICS | SUPPLIES | 164.00 |
| 39 STAPLES ADVANTAGE | SUPPLIES | 1,141.08 |
| 40 STERN OIL CO. | FUEL | 12,399.94 |
| 41 STURDEVANTS AUTO PARTS | PARTS | 510.05 |
| 42 SUBWAY | LUNCHES | 42.00 |
| 43 TASTE OF HOME BOOKS | BOOKS | 32.98 |
| 44 THE EQUALIZER | ADVERTISING | 719.00 |

| | | |
|-------------------------------|------------------------------|--------------|
| 45 TITAN MACHINE-PRODUCTIVITY | REPAIRS | 8,593.85 |
| 46 TORRIE RASMUSSEN SUMMERS | REFUND AMBULANCE OVERPAYMENT | 466.98 |
| 47 US POSTMASTER | POSTAGE FOR UTILITY BILLS | 1,050.00 |
| 48 VERMILLION YOUTH FOOTBALL | ONLINE REGISTRATION | 2,743.22 |
| 49 YANKTON JANITORIAL SUPPLY | SUPPLIES | 90.00 |
| 50 HAROLD HOLOCH | BRIGHT ENERGY REBATE | 10.00 |
| 51 MARIAH NIEMEYER | BRIGHT ENERGY REBATE | 72.00 |
| 52 MICK LEOTTA | BRIGHT ENERGY REBATE | 3.00 |
| 53 BOB DEHNER | BRIGHT ENERGY REBATE | 20.00 |
| 54 TROY GREGOIRE | BRIGHT ENERGY REBATE | 700.00 |
| | GRAND TOTAL | \$345,274.41 |



RAFFLE AND LOTTERY NOTIFICATION FORM
See reverse side of form for state laws regarding raffles and lotteries.

- 1. Organization sponsoring raffle/lottery: Vermillion After Prom Party Committee
2. Person to contact: Jenny Moran
3. Phone number: 605-675-9146 4. Email address: vermafterprom@gmail.com
6. Date(s) ticket(s) will be sold: September 16, 2016 to October 21, 2016
7. Cost per ticket(s): 1 for \$5 or 5 for \$20
8. Date(s) drawing(s) will be held: October 21, 2016
9. Who is eligible to purchase ticket(s)? Anyone
10. Will prize winner(s) be selected at random? [X] Yes No
11. Description and approximate value of grand prize: 4 USD Football tickets to the USD/NDSU football game on Nov. 19, 2016. The prize is valued at \$160
12. What will the proceeds be used for? The proceeds will be used to fund the Vermillion After Prom Party held in Spring 2017.

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

A parent committee of volunteers raise funds to provide the entertainment and prizes for students participating in the After Prom Party held at the high school. The After Prom Party provides a safe, alcohol free event for students to participate in after the High School prom dance ends.

Jenny Moran
Applicant's Signature

9-14-16
Date

APPROVED BY:

[Signature]
City Manager

9-15-16
Date



RAFFLE AND LOTTERY NOTIFICATION FORM

See reverse side of form for state laws regarding raffles and lotteries.

1. Organization sponsoring raffle/lottery: St. Agnes Parish

2. Person to contact: Mary Hamm

3. Phone number: 624-4478

4. Email address: m.hamm@parishmail.com

6. Date(s) ticket(s) will be sold: 9/10/2016 to 10/16/2016

7. Cost per ticket(s): \$1.00 for regular raffle

8. Date(s) drawing(s) will be held: 10/16/2016

9. Who is eligible to purchase ticket(s)? Anyone

10. Will prize winner(s) be selected at random? [checked] Yes No

11. Description and approximate value of grand prize: Regular raffle prizes donated by parishioners usually range from \$50 to \$500

12. What will the proceeds be used for? To benefit St. Agnes Parish and St. Agnes School.

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

St. Agnes Parish will hold its annual Fall Festival at St. Agnes School Gym on Sunday, October 16, 2016. It will include a Roasted Turkey Dinner with the trimmings. Raffles will begin at about 1:00 p.m.

Raymond J. Ring Jr.
Applicant's Signature

9/8/2016
Date

APPROVED BY:

[Signature]
City Manager

9-9-2016
Date



RAFFLE AND LOTTERY NOTIFICATION FORM

See reverse side of form for state laws regarding raffles and lotteries.

- 1. Organization sponsoring raffle/lottery: USD Athletics (Student-Athlete Advisory Committee)
- 2. Person to contact: Jamie Oyen
- 3. Phone number: 605-658-5506 4. Email address: jamie.oyen@usd.edu
- 6. Date(s) ticket(s) will be sold: January 11-28, 2017
- 7. Cost per ticket(s): \$5 each or 5 for \$20
- 8. Date(s) drawing(s) will be held: January 28th, 2017
- 9. Who is eligible to purchase ticket(s)? anyone
- 10. Will prize winner(s) be selected at random? Yes No
- 11. Description and approximate value of grand prize:
(2) All-Session Passes to the Summit League Basketball Tournament in Sioux Falls
March 4-7, 2017 (Value \$350)
- 12. What will the proceeds be used for?
All proceeds go to the Vermillion Food Pantry as part of the cash & food donations collected
during the Summit League Food Fight by USD's Student-Athlete Advisory Committee (SAAC)

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

The Summit League athletic conference holds a "Food Fight" each year and asks each member school to collect at least 8,000 pounds of food for their local food pantry. It is up to each school to select a men's basketball game & a women's basketball game to focus their efforts of collecting cash & cans for the Food Fight. Schools get 1 week per game to collect (2 weeks total) and at the end of the contest, a winner is determined. Cash donations count as \$5=13 pounds of food so cash adds up quicker than canned donations. The SAAC group would like to have a raffle this year to increase excitement for the Food Fight & hopefully increase cash donations for the Vermillion Food Pantry. We collected over 14,000 pounds of food for the food pantry last year.

Jamie Oyen
Applicant's Signature

9/6/16
Date

APPROVED BY:

John Prescott 9-7-16
City Manager Date