



**Special Meeting Agenda  
City Council**

12:00 p.m. (noon) Special Meeting  
Tuesday, September 6, 2016  
Municipal Service Center  
115 W. Duke Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Educational Item – Tour of Municipal Service Center – Pete Jahn and Monty Munkvold.**
3. **Briefing on the September 6, 2016 City Council Regular Meeting** - Briefings are intended to be informational only and no deliberation or decision will occur on this item.
4. **Adjourn**

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

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

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

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

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

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



## City of Vermillion Council Agenda

7:00 p.m. Regular Meeting  
Tuesday, September 6, 2016  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
  - a. August 15, 2016 Regular Meeting, August 15, 2016 Special Meeting, August 29, 2016 Special Meeting.
4. **Adoption of the Agenda**
5. **Visitors to be Heard**
  - a. Proclamation recognizing National Arts in Education Week 2016.
  - b. Proclamation recognizing Direct Support Professionals Recognition Week.
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.
  - b. Special permit to exceed permissible sound levels for the Vermillion Area Chamber of Commerce and Development Company on or about October 1, 2016 at Ratingen Platz and portions of Market and Main Street for OktoberFest event.
7. **Old Business**
8. **New Business**
  - a. First Reading of Ordinance 1345 – Cable Franchise Agreement with Midco.
  - b. Request to close W. Main Street from Prospect Street to the alley way between Mead Lumber Company and CorTrust Bank and Market Street from W. 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.
  - c. Agreement with FOP #19 for 2016-2018 for eligible Police Department employees.
  - 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.
  - e. First Reading of Ordinance 1346 – 2017 Appropriations.
  - f. First Reading of Ordinance 1347 – 2016 Revised Appropriations.
  - g. Final Plat of Lot 1, Block 1, Chadima Addition.
  - h. 115kV Substation Improvements Project Final Documents.
  - i. Resolution authorizing the application for a DENR Grant/Loan for the purchase of a Landfill Dozer.
  - 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.
  - k. Resolution fixing the time and place for a hearing and notice of hearing to levy special assessments for nuisance abatement.

## 9. Bid Openings

- a. 2016 Sidewalk Repair Assessment project.
- b. Liquefied Propane Quotes.
- c. Fuel Quotes.

## 10. City Manager's Report

## 11. Invoices Payable

## 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.

## 13. Adjourn

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

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

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

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

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### ***Vermillion City Council's Values and Vision***

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



Unapproved Minutes  
Council Special Session  
August 15, 2016  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 15, 2016 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Holland, Humphrey, Ward, Mayor Powell

Absent: Erickson, Meins, Price, Sorensen

2. Informational Item - VCDC Update - Nate Welch

Nate Welch, Executive Director of the VCDC, updated the City Council on the building purchase at the corner of Main and Center Street that was finalized at the beginning of August. Nate stated that the retail space is being rented to the University for a USD merchandise store that will be opening soon and the upstairs apartments are all leased until next summer. Nate stated that planning is underway to renovate the building use for a visitor's center, new business incubator and VCDC office space to start next summer after the leases expire. Nate answered questions of the City Council.

3. Educational Item - Domestic Violence Safe Option Services - Sandie Sullivan

Sandie Sullivan, with Domestic Violence Safe Options Services, explained the services provided in the three counties by the organization. Sandie reviewed items they are allowed to provide from their grant funding and items that they need that they cannot acquire with grant funding. Sandie provided a list of items needed and asked Council Members if they knew of anyone that could assist with these items to please let her know. Sandie stated that her organization will continue to provide assistance to those in need and seek assistance for items that are outside the organization funding abilities. Sandie answered questions of the City Council on the organization and funding.

4. Informational Item - 2015 Annual audit review - Jeff Peters

Jeff Peters, representing Williams & Company, CPA, provided Council members with the Comprehensive Annual Financial Report for 2015. Jeff reviewed the content of the Comprehensive Annual Financial Report. Jeff had one copy of the management letter that he provided to Mike for

distribution at tonight's meeting. Jeff answered questions of the City Council on the report.

5. Briefing on the August 15, 2016 City Council Regular Meeting

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

5. Adjourn

259-16

Alderman Ward moved to adjourn the Council special session at 12:58 p.m. Alderman Collier-Wise seconded the motion. Motion carried 5 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 15 day of August, 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  
August 15, 2016  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on August 15, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Humphrey, Meins, Price, Sorensen, Ward, Mayor Powell, Student Representative Ireland

2. Pledge of Allegiance

3. Minutes

A. Minutes of August 1, 2016 Special Meeting, August 1, 2016 Regular Meeting, August 10, 2016 Special Budget Meeting, August 11, 2016 Special Budget Meeting.

260-16

Alderman Collier-Wise moved approval of the August 1 Special Meeting, August 1 Regular Meeting, August 10 Special Budget Meeting and August 11, 2016 Special Budget Meeting minutes. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### 4. Adoption of Agenda

261-16

Alderman Collier-Wise moved approval of the agenda with the correction of the date in Item 12.D from September 1<sup>st</sup> to September 30<sup>th</sup> and October 1<sup>st</sup>. Alderman Humphrey seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

#### 6. Public Hearings

##### A. Package off-sale malt beverage and SD Farm Wine license for Casey's General Store #3525 at 1302 Princeton Street

Mike Carlson, Finance Officer, reported that an application was received from Casey's Retail Company for a package off-sale malt beverage and SD Farm Wine license for Casey's General Store #3525 at 1302 Princeton Street. Mike stated that the City Council has the ability to issue a license on suitable person and suitable location. Mike noted that, as to suitable person, a license has been approved for Casey's Retail Company at 615 Jefferson and, as to suitable location, a license has been issued to Wal-Mart located on the east side of Princeton Street. Mike stated that, as the building is currently under construction, if the license is approved it should be contingent upon issuance of the occupancy permit by the building official.

262-16

Alderman Collier-Wise moved approval of the issuance of a package off-sale malt beverage and SD Farm Wine license to Casey's Retail Company for Casey's General Store #3525 at 1302 Princeton Street contingent upon the issuance of an occupancy permit by the building official. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

##### B. Special permit to exceed permissible sound levels by no more than 50% for the University of South Dakota on Market Street south of W. Main

Street from 5:00 p.m. to 9:00 p.m. on Thursday, August 25, 2016 for a DJ as part of the Welcome Back Bash.

Mike Carlson, Finance Officer, reported that an application for a special permit to exceed permissible sound levels by no more than 50% was received from Doug Wagner on behalf of USD Student Services for a Welcome Back Bash on Thursday, August 25, 2016 from 5:00 p.m. to 9:00 p.m. Mike stated that the application and notice of hearing are included in the packet while the street closing request is under new business later on the agenda.

263-16

Alderman Collier-Wise moved approval of the special permit to exceed permissible sound levels by no more than 50% for the University of South Dakota Student Services on Market Street south of Main Street from 5:00 p.m. to 9:00 p.m. on Thursday, August 25, 2016 for a DJ as part of the Welcome Back Bash. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Special daily wine license for Vermillion Downtown Cultural Association for Coyote Twin Theater on or about September 12, 19, 26 and October 10, November 14, and December 12, 2016 at 10 E. Main Street

Mike Carlson, Finance Officer, reported on the receipt of an application for a special daily wine license from Vermillion Downtown Cultural Association for Coyote Twin Theater on or about September 12, 19, 26 and October 10, November 14, and December 12, 2016 at 10 E. Main Street for their Chick Flick events. Mike reported that the Police Chief's report, notice of hearing and flyer on the event are included in the packet. Mike stated that the Police Chief's report noted that this was a new event and assumes that the Board members arranged for adequate screening for persons consuming the wine. Discussion followed with Jason Thiel, representing the Vermillion Downtown Cultural Association, answering questions of the City Council on the events planned.

264-16

Alderman Holland moved approval of the special daily wine license for Vermillion Downtown Cultural Association for Coyote Twin Theater on or about September 12, 19, 26 and October 10, November 14, and December 12, 2016 at 10 E. Main Street. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

7. Old Business - None

8. New Business

A. Request to close Market Street from W. Main Street to Kidder Street from 5:00 p.m. to 9:00 p.m. for USD Student Services Welcome Back Bash on Thursday, August 25, 2016.

Derek Chancellor, Administrative Intern, reported that Douglas Wagner on behalf of the USD Student Services has requested the closing of Market Street from Main to Kidder Streets on Thursday, August 25, 2016 from 5:00 p.m. to 9:00 p.m. for a Welcome Back Bash event. Derek stated that the street closing request is included in the packet and indicated those affected by the street closure have been notified of the request. Derek stated that the special permit to exceed permissible sound levels was approved earlier on the agenda.

265-16

Alderman Erickson moved approval of the request to close Market Street from Main Street to Kidder Street from 5:00 p.m. to 9:00 p.m. for USD Student Services Welcome Back Bash on Thursday, August 25, 2016. Alderman Ward seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

B. Request to close portions of Main, Court, and Center Streets from 5:00 p.m. to 9:00 p.m. for the Dakota Classic Cruisers Car Club's annual Tri-State Drive-In Cruisers event on Wednesday, September 7, 2016

Derek Chancellor, Administrative Intern, stated that the Tri-State Drive-in Cruisers are hosting their annual car show on Wednesday, September 7<sup>th</sup> and, as such, are requesting the temporary closure of portions of Main Street, Court Street and Center Street. Derek reported that the request is to close Main Street from the Bank of the West entrance to Prospect Street, Court Street one-half block south of Main Street, and Center Street one-half block north of Main Street from 5:00 p.m. to 9:00 p.m. Derek noted that the Police, Fire and EMS Departments have been notified of the closure request.

266-16

Alderman Ward moved approval of the closure of Main Street from the Bank of the West entrance to Prospect Street, Court Street one-half block south of Main Street, and Center Street one-half block north of Main Street from 5:00 p.m. to 9:00 p.m. on Wednesday, September 7, 2016 for the Tri-State Drive-in Cruisers Car Show. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

C. Request to close Rose Street from Coyote Village to the Dakota Dome and remove parking on both the east and west sides of Dakota Street between Alumni Street and Highway 50 on September 10, October 8, October 22, October 29 and November 19, 2016 from 8:00 a.m. to 6:00 p.m.

Dan Gaston on behalf of USD Athletic Department requested the closing of Rose Street from Coyote Village to the Dakota Dome and restriction on parking along Dakota Street from north of Alumni Street from the Wagner center to Highway 50 for all USD home football games. Dan reported that the closing of Rose Street is for pedestrian safety to allow walking from the parking lot to the dome and the request for removing parking along Dakota Street is also for the safety of pedestrians crossing Dakota Street from the west lot. Dan stated that the request is to allow the visiting team buses to park south of the northwest entrance along Dakota Street. Dan answered questions of the City Council on the closing.

267-16

Alderman Ward moved approval of the closing of Rose Street from Coyote Village to the Dakota Dome and removing parking stalls on Dakota Street between Alumni Street and Highway 50 on September 10, October 8, October 22, October 29, and November 19, 2016 from 8:00 a.m. to 6:00 p.m. noting that this will allow visiting team buses to park near the northwest service entrance to the dome on Dakota Street. Alderman Meins seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

D. Request to close Pine Street from Cedar Street to National Street from 6:00 a.m. to 12:00 p.m. for the Alpha Phi Sorority's annual Bid Day on Thursday, August 18, 2016

Derek Chancellor, Administrative Intern, reported that a request was received to close Pine Street from Cedar Street to National Street from 6:00 a.m. to 12:00 p.m. for the Alpha Phi Sorority's annual Bid Day on Thursday, August 18, 2016. Derek stated that the street closure application included in the packet indicated the neighboring properties have been notified.

268-16

Alderman Erickson moved approval of the closing of Pine Street from Cedar Street to National Street on Thursday, August 18, 2016 from 6:00 a.m. to 12:00 p.m. for the Alpha Phi Sorority's annual Bid Day. Alderman Humphrey seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

E. Professional Services Agreement with Missouri River Energy Services for filing of annual transmission revenue requirement from Southwest Power Pool

John Prescott, City Manager, reported that in October 2015 Western Area Power Administration (WAPA) joined the Southwest Power Pool (SPP). John noted that SPP is a regional transmission organization that spans from roughly Oklahoma through North Dakota. John stated that, as a regional

transmission organization, SPP operates energy markets and transmission networks. John noted that it appears that the transmission assets of Vermillion are eligible to be included in an integrated system operated by SPP. John reported that MRES has worked with five other members who are within the SPP footprint to have their transmission assets included in the SPP integrated system. John reported that the member community retains ownership of the transmission assets and are responsible for maintenance but utilizes a transmission agent (MRES) to represent their interests to SPP while SPP has control over the transmission assets. John stated that, in return for having control over the local member owned transmission assets, SPP would make annual percentage payments based on the depreciated cost of the investment. John stated that there is a substantial amount of work and documentation is needed to qualify for payment from SPP. John stated that the proposed professional services agreement and scope of services from MRES would have them coordinate the effort on behalf of the City. John noted that this involves working with SPP, specialized legal counsel that would provide documentation needed in the application, and submitting the application to the filing consultant for FERC. John noted that this application is only for the existing transmission assets and there is a potential that the new electrical substation and transmission line to serve it would have some possibility for cost recovery from SPP. John noted that a second application for these future assets would be filed at a later date if it is determined to have the potential to be approved. John reported that the City Attorney has reviewed the agreement and worked with the MRES attorney to clarify language in the agreement. John stated that the City Attorney and MRES attorney have also had discussions about a couple of other sections such as Indemnity and Limit of Liability sections with the final version of the agreement should be forthcoming shortly. John reported that the agreement is for a cost not to exceed \$65,000. John stated that, if the application is successful, the payment to MRES is an eligible cost to be recovered through the SPP payments. John recommended approval of the agreement. Discussion followed on the agreement with Jim McCulloch answering questions on the agreement.

269-16

Alderman Sorensen moved approval of the Professional Services Agreement with Missouri River Energy Services for filing of annual transmission revenue requirement from Southwest Power Pool as finalized by the City Attorney. Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

F. Labor and Finance Committee report on FOP agreement with Police Department

John Prescott, City Manager, reported that the Fraternal Order of Police (FOP) began representation of Police Officers and a Detective over the

last year that had been previously represented by a different union. John stated that the previously negotiated agreement expired at the end of December 2015 and since that time wage and benefits have remained the same until a new agreement is approved. The City of Vermillion Labor and Finance Committee has met a couple of times to review progress on negotiating the union agreement with FOP. The Labor and Finance Committee provided guidance on completing the FOP union negotiations. John stated that staff met with the FOP union representatives on numerous occasions in 2016 and appear to have reached agreement on a proposal within the guidelines established by the Labor and Finance Committee. John stated that the proposed agreement with FOP, as well as that of the agreements with both AFSCME unions, are very similar with respect to the larger benefits offered. John stated that the major items in the agreement are as follows: proposed agreement would run from January 1, 2016 until December 31, 2018, provides for a cost of living adjustment of 2.5% on January 1, 2016, 2.25% on January 1, 2017, and 2.25% on January 1, 2018, upon an agreement becoming effective, the difference in wages between 2015 and proposed 2016 wage since January 1st will be calculated and paid to the employee, and employees will pay a \$30 monthly fee in addition to any health insurance premium for the type of health insurance coverage selected. John stated that one other area addresses the starting wage for a Police Officer with adjustments being made with the 2016 and 2017 wage rates to move the starting wage to the middle of the group of comparable cities. John noted that the City Council cannot act on a report of a committee at the same meeting the report is received. The City Council will need to accept the report and request the FOP agreement be considered at a future meeting. Discussion followed.

270-16

Alderman Ward moved approval of accepting the report of the Labor and Finance Committee on the FOP union agreement with consideration of the agreement to be at a future meeting. Alderman Holland seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

#### G. 2015 Audited Comprehensive annual report

Mike Carlson, Finance Officer, reported that the 2015 Audited Comprehensive Financial Report was handed out at the noon meeting by Jeff Peters of Williams & Company and copies of the management letter were distributed tonight. Mike stated that the Department of Legislative Audit has reviewed the audit and their letter of acceptance is included in the packet. Mike noted that the City Council will need to accept the report. Discussion followed.

271-16

Alderman Holland moved approval of the acceptance of the 2015 Audited Comprehensive Financial Report. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

H. Consulting Agreement with Gallagher Benefits, Inc. to assist with health insurance renewal

John Prescott, City Manager, reported that the City currently provides Sanford Health Insurance brokered in a pool arrangement by Great Plains Brokerage as the employee health insurance offering. John stated that the pool was presented with a large increase to renew the health insurance program for next year. John noted that the main factor contributing to the large increase was an unusually high claims history experienced by the City since the last renewal of the health insurance. John stated that the health insurance pool which helped shoulder the burdens of increases has broken up and a recent unusually high claims experience does not position the City very favorably with respect to providing health insurance at a cost which does not dramatically impact the budget. John noted that the City Council just completed reviewing the proposed 2017 budget which included a 75% increase in the health insurance cost. John stated that the initial renewal provided by Sanford Health was for a higher percentage increase. John stated that, as the City is facing a unique challenge, professional assistance was sought to guide the staff through the health insurance selection process with the combination of unusually high claims experience, dissolution of the health insurance pool, and compliance with changing federal health care laws impacting large employers. John stated that the City has been visiting with Seth Major of Gallagher Benefit Solutions, Inc. about an agreement to assist the City with health insurance renewal and administration with the proposed professional services agreement from Gallagher included in the packet. John reported that the City Attorney has reviewed the agreement. John stated that the annual fee for this service is \$25,000 and recommended approval of the agreement. Discussion followed on the agreement and the selection process.

272-16

Alderman Holland moved approval of the Consulting Agreement with Gallagher Benefits, Inc. to assist with health insurance renewal. Alderman Erickson seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the next City Council meeting will be on Tuesday, September 6th vs. Monday, September 5th due to the Labor Day holiday.

B. John reported that the public hearing to review the malt beverage markup will be part of the public hearings related to the 2017 budget adoption on Tuesday, September 6th.

C. John reminded citizens that Market Street will be closed from Main Street south for ½ block and Main Street as it abuts Ratingen Platz on Thursday, August 18, 2016 from 5:00 p.m. to 8:00 p.m. for Thursdays on the Platz.

D. John reported on two raffle notifications received:

St. Agnes Knights of Columbus are selling Monday Night Football books for \$20. Based on the winning score, the winner will receive \$50. Proceeds go to support the local St. Agnes Knights of Columbus and their charitable causes.

Vermillion Rotary Club is selling Monday Night Football books for \$25. Based on the winning score, the winner will receive \$50. Proceeds go to support the charitable causes of the Vermillion Rotary Club.

#### PAYROLL ADDITIONS AND CHANGES

Police: Kyle Blake \$20.11/hr, Chet Moser \$20.61/hr, Ben Nelson \$28.13/hr, Joe Ostrem \$23.25/hr; Library: Jeffrey Engeman \$16.22/hr; Communications: Wendy Carroll \$21.39/hr; Golf Clubhouse: Taylor Piper \$8.55/hr; Water Treatment: Tom Kruse \$25.00/hr

#### 11. Invoices Payable

273-16

Alderman Price moved approval of the following invoices:

A-Ox Welding Supply Co	chemicals	1,055.76
Blick Art Materials	supplies	191.63
Broadcaster Press	advertising	1,486.08
Brunicks Service Inc	fuel	11,284.49
Bureau Of Administration	telephone	222.16
Cam Commerce	annual support	1,761.23
Campbell Supply	supplies	285.26
Cask & Cork	merchandise	822.90
Centurylink	telephone	1,495.41
City Of Vermillion	landfill vouchers	456.00
Clay Rural Water System	water usage	73.80
Clay-Union Electric Corp	electricity	1,889.30
Dakota Beverage	merchandise	10,043.89

Dept. Environment Natl Res	landfill operations fee	3,025.62
Division Of Motor Vehicle	title and plates	21.20
Gerard Jacobs	refund duplicate payment	45.00
Global Dist.	merchandise	156.00
Gregg Peters	managers fee	6,000.00
John A Conkling Dist.	merchandise	6,109.17
Johnson Brothers Of SD	merchandise	19,415.55
Jones Food Center	supplies	90.17
Loren Fischer Disposal	haul cardboard	210.00
Mary Leavitt	refund ambulance overpayment	1.00
MidAmerican	gas usage	1,990.83
Midcontinent Communication	internet/cable service	718.68
Republic National Distributin	merchandise	30,105.11
Reserve Account	postage for meter	950.00
Reuben C. Setliff III, MD.	airport tug	2,300.00
SA Municipal League	registration	25.00
Southern Glazer's Of SA	merchandise	1,538.78
Staples	supplies	1,272.45
Steffen	parts	102.16
Sturdevants Auto Parts	parts	585.95
The Equalizer	advertising	174.00
Treasurer-State	unclaimed property	444.54
United Parcel Service	shipping	28.61
Us Postmaster	postage for utility bills	1,050.00
Vermillion Ace Hardware	supplies	184.93
Vermillion Chamber Of Comm	reinvestment program	42,012.44
Vermillion Ford	Ford Explorer police intercep	29,970.00
Visa/First Bank & Trust	fuel/supplies	102.49
Williams & Co.	professional services	3,740.00
Tom Durham	Bright Energy Rebate	84.00
Richard Sorensen	Bright Energy Rebate	12.00
Nick Slattery	Bright Energy Rebate	400.00
Marty Gilbertson	Bright Energy Rebate	400.00
Oakwood Apt	Bright Energy Rebate	384.00

Alderman Collier-Wise seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

## 12. Consensus Agenda

A. Set a public hearing date of August 29, 2016 at 5:30 p.m. to expand the hours for the Vermillion Area Chamber of Commerce and Development Company special daily malt beverage and wine license on or about September 1, 2016 at Ratingen Platz and portions of Market and Main Street

B. Set a public hearing date of August 29, 2016 at 5:30 p.m. to expand the hours of the special permit to exceed permissible sound levels for the Vermillion Area Chamber of Commerce and Development Company on or about September 1, 2016 at Ratingen Platz and portions of Market and Main Street

C. Set a public hearing date of September 6, 2016 for the Vermillion Area Chamber of Commerce and Development Company special daily malt beverage and wine license on or about September 30 and October 1, 2016 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event

D. Set a public hearing date of September 6, 2016 for a 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

E. Set a bid opening date of August 31, 2016 for the 2016 Sidewalk Repair Assessment project

274-16

Alderman Price moved approval of the consensus agenda. Alderman Sorensen seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

13. Adjourn

275-16

Alderman Ward moved to adjourn the Council Meeting at 7:40 p.m. Alderman Price seconded the motion. Motion carried 9 to 0. Mayor Powell declared the motion adopted.

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

Unapproved Minutes  
Council Special Session  
August 29, 2016  
Monday 5:30 p.m.

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, August 29, 2016 at 5:30 p.m. at the City Hall large conference room.

1. Roll Call

Present: Erickson, Humphrey, Meins (arrived at 5:33 p.m.), Price, Sorensen, Ward, Mayor Powell

Absent: Collier-Wise, Holland

2. Pledge of Allegiance

3. Adoption of Agenda

276-16

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

4. Public Hearings

A. Extend the hours for the Vermillion Area Chamber of Commerce and Development Company special daily malt beverage and wine license on or about September 1, 2016 at Ratingen Platz and portions of Market and Main Street

Mike Carlson, Finance Officer, reported that on June 6, 2016 the City Council approved the special daily malt beverage and wine license for the Vermillion Area Chamber of Commerce and Development Company (VCDC) for the Thursdays on the Platz events that included September 1st for the hours of 5:30 p.m. to 8:00 p.m. Mike stated that the VCDC has requested the hours be extended to 10:00 p.m. as the event will include live broadcast of the USD Coyote football game. Mike stated that the Police Chief's report and notice of hearing are attached. Mike noted that later on the agenda is the request to extend the hours for the special permit to exceed permissible sound levels and extend the hours for the street closing. Elijah Bonde, representing the VCDC, answered questions of the City Council on the event.

Alderman Meins arrived at 5:33 p.m.

277-16

Alderman Ward moved approval of extending the hours for the Vermillion Area Chamber of Commerce and Development Company special daily malt beverage and wine license on or about September 1, 2016 at Ratingen Platz and portions of Market and Main Street with hours being from 5:30 p.m. to 10:00 p.m. Alderman Humphrey seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

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

Mike Carlson, Finance Officer, stated that, as with the previous item, the City Council on June 6, 2016 approved a special permit to exceed permissible sound levels by no more than 50% for the Vermillion Area Chamber of Commerce and Development Company for Thursdays on the Platz events that included September 1st with times being from 5:30 p.m. to 8:00 p.m. Mike stated that the VCDC has requested the hours be extended on the special permit to 10:00 p.m. as the event will include live broadcast of the USD Coyote football game. Mike stated that the request for the special permit and notice of hearing are included in the packet. Mike stated that Elijah Bonde, representing the VCDC, answered questions of the City Council on the event.

278-16

Alderman Ward moved approval of the extension of ending time to 10:00 p.m. for 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 1, 2016 at Ratingen Platz and portions of Market and Main Street. Alderman Price seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

## 5. New Business

A. Extend the closing time of Market Street from W. Main Street south to the east/west alley located between W. Main Street and Kidder Street and W. Main Street from Ratingen Platz to the corner of W. Main and Prospect Streets on Thursday, September 1, 2016 to be from 5:15 p.m. to 10 p.m. (Please note: these streets have previously been approved to be closed from 5 p.m. to 8 p.m. on September 1, 2016)

John Prescott, City Manager, stated that, as with the previous two items, the Vermillion Area Chamber of Commerce and Development Company (VCDC) is requesting to extend the street closing time for the September 1st Thursdays on the Platz event from 8:00 p.m. to 10:00 p.m. for the broadcast of the USD Coyote football game. John stated that the closing

is for Market Street from Main Street south to the alley and Main Street and Main Street from Prospect Street to the west side of Ratingen Platz. John noted that Police, Fire and EMS were notified of the time extension without any objections. John noted that the street closing request and map are included in the packet. Elijah Bonde, representing the VCDC, answered questions of the City Council on the event.

279-16

Alderman Sorensen moved approval of the time extension for the Vermillion Area Chamber of Commerce and Development Company street closing request for September 1st of Market Street from Main Street south to the alley and Main Street and Main Street from Prospect Street to the west side of Ratingen Platz with the time being from 5:15 p.m. to 10:00 p.m. Alderman Erickson seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

6. Adjourn

280-16

Alderman Ward moved to adjourn the Council Meeting at 5:42 p.m. Alderman Price seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 29<sup>th</sup> day of August, 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  
RECOGNIZING NATIONAL ARTS IN EDUCATION WEEK 2016**

**WHEREAS**, arts education, comprising a rich array of disciplines including, but not limited to dance, music, theatre, media arts, literature, design, and visual arts, is a core academic subject and an essential element of a complete and balanced education for all students; and

**WHEREAS**, arts education enables students to develop critical thinking and problem solving skills, imagination and creativity, discipline and collaboration, alternative ways to communicate and express feelings and ideas, and cross-cultural understanding, which supports academic success across the curriculum as well as personal growth outside the classroom; and

**WHEREAS**, to succeed in today's economy, students must masterfully use words, images, sounds, and movement to communicate; and

**WHEREAS**, when schools and communities deliver high quality learning opportunities in, through, and about the arts for children, extraordinary results occur; and

**WHEREAS**, according to a study commissioned by the National Endowment for the Arts from data analysis done by James Catterall, students who receive an arts education are statistically four times less likely to drop out of high school, four times more likely to be recognized for academic achievement, three times more likely to win an award for school attendance, four times more likely to participate in a math and science fair, and more than twice as likely to graduate college; and

**WHEREAS**, arts are integral to the lives of United States citizens and essential to the health and vitality of communities across this nation;

**NOW, THEREFORE**, we, the governing body of the City of Vermillion, South Dakota, in appreciation and gratitude for everything the arts have done to make Vermillion a better community in which to live, reaffirm the importance of the arts as an essential component of a complete and competitive education, and by emphasizing the importance of remaining educated on and aware of the value of the arts in education, do hereby proclaim the week of September 11-17, 2016 as National Arts in Education Week and encourage all citizens to participate in this observance.

Dated at Vermillion, South Dakota this 6<sup>th</sup> 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

**PROCLAMATION**  
**Direct Support Professionals Recognition Week**

**WHEREAS**, direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals, are the primary providers of publicly-funded, long term support and services for more than 4,000 individuals with disabilities in day, residential, and family support programs in South Dakota; and

**WHEREAS**, a direct support professional assists an individual with disabilities with the most intimate needs on a daily basis, and provides a broad range of support in order to live meaningful, productive lives; and

**WHEREAS**, a direct support professional provides essential support to keep an individual with disabilities connected to their family and the community, and is key to assisting them to live successfully in their own community; and

**WHEREAS**, there are over 3,700 direct support professionals working in the Family Support Program, the nineteen Community Support Provider agencies, and the South Dakota Developmental Center; and

**WHEREAS**, SESDAC, Inc., a Community Support Provider in Vermillion, employs 100 direct support professionals who provide services and supports for 100 people to realize independence and happiness; and

**WHEREAS**, it is fitting and proper as citizens to honor the direct support professional workforce for the tremendous difference they make each day in the lives of South Dakotans and Vermillion citizens with varying needs and abilities.

**NOW, THEREFORE**, we the Governing Body of the City of Vermillion, South Dakota, do hereby proclaim September 11-17, 2016 as

**DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK**

in Vermillion, and call upon citizens to observe this week with appropriate programs, activities, and ceremonies in recognition of Direct Support Professionals in their community.

Dated at Vermillion, South Dakota this 6<sup>th</sup> 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 6, 2016

**Subject:** Special Daily Malt Beverage and Wine License for Vermillion Chamber of Commerce and Development Company on or about September 30 & October 1, 2016 at Ratingen Platz and the portion of Market Street abutting Ratingen Platz

**Presenter:** Mike Carlson

**Background:** The Vermillion Chamber of Commerce and Development Company has submitted an application for a special daily malt beverage and wine license for the OktoberFest events on Friday, September 30 & October 1, 2016, to be held at Ratingen Platz on the corner of Market St. and W. Main Streets and the portion of Market Street abutting the Platz.

City ordinance on special daily licenses reads as follows:

### 112.18 SPECIAL ALCOHOLIC BEVERAGE LICENSES ISSUED IN CONJUNCTION WITH SPECIAL EVENTS.

- (A) The City Council may grant, after public hearing, a special on-sale malt beverage and/or a special on-sale wine license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event.
- (B) The City Council may grant, after public hearing, a special off-sale package wine dealers license to a civic, charitable, educational, veterans, or fraternal organization in conjunction with a special event. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery that is licensed pursuant to SDCL Ch. 35-12.
- (C) Any license issued pursuant to this section shall be issued to the person and the location specified on the application. Any license issued pursuant to this section may be issued for a period of time established by the municipality. However, no period of time may exceed 15 consecutive days. The granting of the special license shall be subject to such conditions and restrictions as the City Council may deem appropriate and consistent with state law.
- (D) The fee for such special licenses shall be set by resolution of the City Council.

State Statute for the special daily licenses is as follows:

35-4-124. Special alcoholic beverage licenses issued in conjunction with special events. Any municipality or county may issue:

- (1) A special malt beverage retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
- (2) A special on-sale wine retailers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12) or chapter 35-12 in addition to any other licenses held by the special events license applicant;
- (3) A special on-sale license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or
- (4) A special off-sale package wine dealers license in conjunction with a special event within the municipality or county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the special events license

applicant. A special off-sale package wine dealer's licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

Any license issued pursuant to this section may be issued for a period of time established by the municipality or county. However, no period of time may exceed fifteen consecutive days. No public hearing is required for the issuance of a license pursuant to this section if the person applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage license in the municipality or county or holds an operating agreement for a municipal on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local governing body shall establish rules to regulate and restrict the operation of the special license, including rules limiting the number of licenses that may be issued to any person within any calendar year.

**Discussion:** The notice of public hearing is attached. The Police Chief reported there were no incidents with the events held last year noting that this year is at a new location. 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.”* The request to exceed allowable noise levels and a street closure request are also on this agenda. The VCDC is requesting the permit to sell beer and wine on the City property. The individuals selling the beer and wine may or may not be VCDC staff or Board members. 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.

Below are some special conditions required by the City Council in the past for other entities that have used city property to sell alcoholic beverages. Adjustments may be appropriate for the last three conditions, but Staff recommends the City Council consider and attach most of the following conditions:

- 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.
- Require a plan for the cleanup and disposal of the cups and other materials after the event.
- Restroom facilities. Some groups have used port-a-potties for a similar event.
- Hours of sale may be limited. The noise permit states the hours will be from 5:00 pm to 11:00 pm 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.

**Financial Consideration:** The City has received the \$15 per day fee and \$15 advertising fee total \$45.

**Conclusion/Recommendations:** Administration recommends approval of the special daily malt beverage and wine license for September 30 and October 1, 2016 for the VCDC, contingent upon the establishment of the hours that sales will be allowed for the event, the City Council is comfortable that the applicant holding the license can properly distribute malt beverages and regulate the event, and there is complete understanding and agreement by the applicant with regard to any conditions and restrictions the City Council may require after further information is provided at the public hearing. The motion should also address the request to use the Ratingen Platz.

City of Vermillion  
Police Department  
15 Washington Street  
Vermillion, SD 57069  
Phone: (605)677-7070  
FAX: (605)677-7166  
[www.vermillionpd.org](http://www.vermillionpd.org)



To: Vermillion City Council

Date: 08/17/16

From: Matthew Betzen  
Chief of Police

A blue ink handwritten signature, appearing to be "MB", written over a circular scribble.

Subject: Vermillion Area Chamber and Development Company/Special Daily License Request for Sept 30 and Oct 1, 2016/Okttoberfest

I have reviewed the application for "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by the VCDC. This application is for a similar event held last year with a different venue and dates. It is an Oktoberfest celebration. In my experience there is a chance of increased alcohol related challenges (e.g. drunkenness, underage drinking, disorderly conduct,.) at events of this nature.

I have reviewed the preparation efforts with Tim Bellis of the VCDC. Mr. Bellis states they will have a fence around the service area with staff controlling all egress points, age/IDs will be checked at that those points and wristbands will be issued for those who can purchase alcohol and consume. There will be staff controlling access to alcoholic beverages and insuring those who imbibe are over 21 years of age.

The event last year had no reported issues. This year's event will be downtown at Main and Prospect and will be expanded with additional entertainment provided. The VCDC has used this venue and format several times in the past for the 'Thursdays on the Platz' events. I believe the VCDC has planned to take several measures to mitigate the occurrence of alcohol related challenges. Tim Bellis and the VCDC have a good track record with similar events.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 6<sup>th</sup> 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 application for an alcoholic beverage license to operate within the municipality for the licensing period stated below, which has been presented to the City Council and filed in the Finance Officer's Office:

Special Daily License (On-Sale) Malt Beverage and Wine License:

Vermillion Area Chamber & Development Company, Inc on or about September 30 & October 1, 2016 at Ratingen Platz and portions of Market and Main Street for Oktoberfest event.

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.

Dated at Vermillion, South Dakota this 15<sup>th</sup> day of August, 2016.

Michael D. Carlson, Finance Officer

Publish: August 26, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** September 6, 2016

**Subject:** Special permit to exceed permissible sound levels by no more than 50% for Vermillion Area Chamber of Commerce and Development Company on Ratingen Platz and portions of Market and Main Streets on September 30 & October 1, 2016 from 5:00 p.m. to 11:00 p.m. for OktoberFest events

**Presenter:** Mike Carlson

**Background:** The VCDC has applied for a special permit to exceed allowable noise levels for OktoberFest events on September 30 and October 1, 2016, to be held at Ratingen Platz (corner of W. Main Street and Market Street). A copy of the application and a map of the area are attached.

The special daily malt beverage and wine license for the event applied for by the Vermillion Area Chamber of Commerce & Development Company was earlier on the agenda and there is a request to close a portion of Market and Main Streets later on the agenda. The events are free and open to the public.

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:** The event is being sponsored by the VCDC to encourage the community to gather downtown for OktoberFest events.

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. City staff is not aware of any noise related problems with the event last year but it was at a different location.

**Financial Consideration:** The VCDC has paid the \$25 fee for the special noise permit.

**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 Vermillion AREA Chamber + Development Co.

Contact Person Tim Bellis Phone (605) 624-5571

E-Mail Address timb@vermillionchamber.com

Contact Person Address 6 W. MAIN ST., Vermillion

Location of Event the PLATZ (corner of MAIN + MARKET) Date of Event Sept. 30 - Oct 1, 2016

Duration of event: From time 5:00 pm to time 11:00 pm

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

Yes, the Platz has historically been used for music/street events and has appropriate space, electrical access, and parking.

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

This will be the 2<sup>nd</sup> Annual Oktoberfest for Vermillion, IT'S A traditional event with GERMANIC connections, celebrating the harvest with Polka music, Beer, and brats/sauerkraut/pretzels

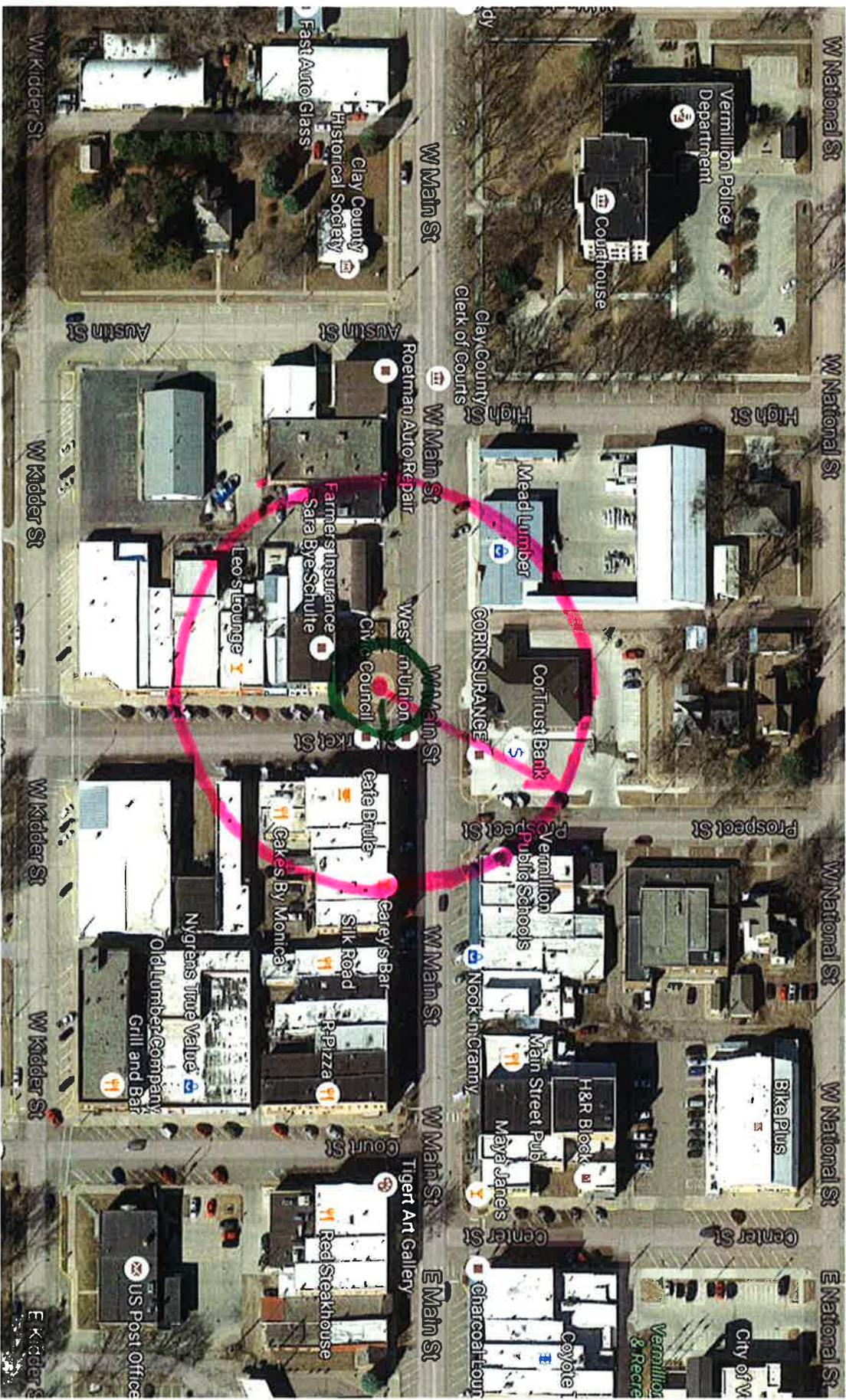
Please attach a diagram clearly showing the sound level projections beginning at a point fifty (50) feet from the source, and continuing out through a radius of two hundred (200) feet from the source.

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

Signature of Applicant  Date 8/11/16

Oktoberfest 2016  
Sept 30 + Oct. 1  
5pm - 11pm

200 ft = 75 db  
50 ft = 90 db



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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 6<sup>th</sup> day of September, 2016 at the hour of 7:00 P.M. at the City Hall Council Chambers, 25 Center Street, will meet in regular session to consider the following application for a special permit to exceed allowable sound levels for the dates and times stated which has been filed in the Finance Officer's Office:

Vermillion Area Chamber of Commerce and Development Company request for a special permit to exceed allowable sound levels at Ratingen Platz and portions of Market and Main Street on or about September 30 and October 1, 2016 for Oktoberfest event music.

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 15<sup>th</sup> day of August, 2016.

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Michael D. Carlson, Finance Officer

Publish: August 26, 2016

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

## *Council Agenda Memo*

**From:** John Prescott, City Manager

**Meeting:** September 6, 2016

**Subject:** First 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.

Section 10 of the current agreement addresses the term of the franchise agreement. While the original franchise term was for fifteen years commencing on the effective date of the ordinance (October 21, 1999), section 10.2 provides for “two (2) additional twelve-month (12) periods by the Manager with the approval of the Municipality notifying the Company of the same in writing”. At the September 2, 2014 meeting, the City Council authorized the notification by the City Manager to Midcontinent Communications (now Midco) of the first twelve-month extension. On September 8, 2015, the City Council authorized the notification of the second one-year renewal extension.

**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 has been 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 proposed franchise is for 10 years and there are no system improvement payments included. The proposal has been updated since the August 1<sup>st</sup> 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 to two with the new ordinance. Presentations to the City Council were included in the new franchise agreement. The cable franchise fee will remain at 5% on gross revenue and the requirement to install service to new developments will be changed to new service 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.

**Conclusion/Recommendations:** Administration, as well as the Utilities Committee, recommends that the City Council move forward in adopting the cable TV franchise agreement as presented to the Utilities Committee subject to language on the outstanding items being resolved and questions identified by the Utilities Committee being addressed.

**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 19<sup>th</sup> 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:** Derek Chancellor, Administrative Intern  
**Meeting:** September 6, 2016  
**Subject:** Street closure request for the 2<sup>nd</sup> Annual OktoberFest celebration  
**Presenter:** Derek Chancellor

**Background:** Tim Bellis with the Vermillion Area Chamber and Development Company has applied for a street closure request for the 2<sup>nd</sup> Annual OktoberFest event scheduled for Friday, September 30 and Saturday, October 1, 2016 from 4:00 p.m. until 11:00 p.m. The request is for W. Main Street from Prospect Street to the alley way between Mead Lumber Company and CorTrust Bank and for Market Street from W. Main Street south one half block. Included is a copy of the street closure request application form along with a map showing the requested closure area.

**Discussion:** The completed and submitted application form indicates that any businesses that may potentially be affected by the closing have been notified of the request. Further, the form indicated that the OktoberFest committee will have support staff to provide ongoing set-up, tear-down, and trash pick-up for the event.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends approval of the street closure for the 2<sup>nd</sup> Annual OktoberFest event on Friday, September 30 and Saturday, October 1, 2016 from 4:00 p.m. until 11:00 p.m. for W. Main Street from Prospect Street to the alley way between Mead Lumber Company and CorTrust Bank and for Market Street from W. Main Street south one half block.

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 VERMILLION AREA Chamber + Development Co.

Contact Person Tim Bellis Phone (605) 624-5571

E-Mail Address timb@vermillionchamber.com

Contact Person Address 6 W. MAIN St., Vermillion

Event 2<sup>ND</sup> Annual OktoberFest Date(s) of Event Sept. 30 + Oct. 1, 2016

Street(s) requested to be closed (Include a map if needed.)  
MAIN STREET ALLEY between MEAD/contract → NW corner of Prospect

Street MARKET STREET from Lot, N of Total Flooring

Street Closing Times 4pm to 11pm FRI - Sept 30  
SAT - Oct 1

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:

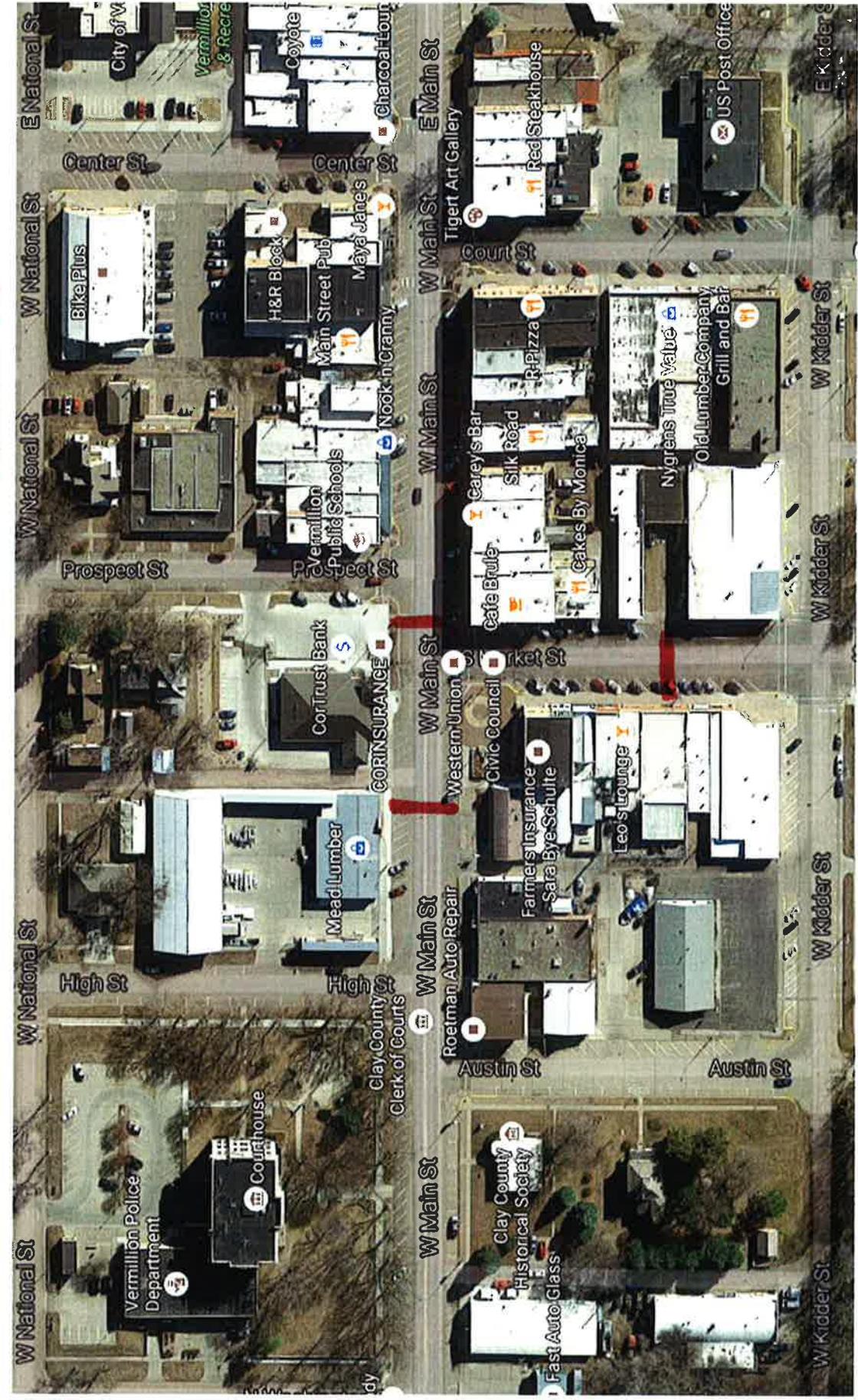
Yes, the OktoberFest committee will have support  
staffing to provide ongoing set-up, tear-down  
and trash pick-up.

Signature of Applicant T Bellis Date 8/11/16

Oktober Fest 2016  
(Sept. 30 + Oct. 1)  
FR. SAT.

Streets  
closed 4pm - 11/ per night

Street Closure  
BARRICADES



↑

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** September 6, 2016  
**Subject:** FOP #19 union agreement for Police Department employees  
**Presenter:** John Prescott

**Background:** Fraternal Order of Police #19 began representation of Police Officers and a Detective in the second half of 2015. The previous union agreement ended on December 31, 2015. The City of Vermillion Labor and Finance Committee met several times in 2016 to review progress on negotiating the union agreement with FOP #19. The Labor and Finance Committee provided guidance on completing the FOP union negotiations.

**Discussion:** 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. The Labor and Finance Committee reported on the progress of negotiations and recommended approval of the agreement at the August 15, 2016 meeting. Nothing has changed since the August recommendation.

The proposed agreement with FOP is similar with respect to the overall compensation package offered to other city employees.

- The proposed agreement would run from January 1, 2016 until December 31, 2018.
- The proposal provides for a cost of living adjustment of 2.5% on January 1, 2016, 2.25% on January 1, 2017, and 2.25% on January 1, 2018. After the agreement begins, the difference between the 2015 wage and the new 2016 wage since January 1<sup>st</sup> will be calculated and paid to the employee.
- All employees will pay a \$30 monthly fee in addition to any health insurance premium for the type of health insurance coverage selected. Again, after the agreement begins, the monthly fee starting January 2016 will be deducted from the employee's paycheck.

The proposed agreement does address a concern that City Administration brought to the table with respect to low starting wages. Over the course of two years, the starting wage will be increased to help maintain the Vermillion Police Department as an agency new law enforcement officials will consider.

Another change with this agreement is the addition of pay step 11. This will provide an additional pay step for longer serving employees.

Other changes such as clarification of overtime scheduling, the ability to accumulate up to 30 hours of comp time, establishment of an FOP leave bank to be used for union activities approved of by local FOP leadership, an increase of \$25 annually in the amount paid toward a gym membership, and clarification of language in the discipline section were also made. Language changes were also made to represent the change in the union from the previous agreement.

The layout of the FOP agreements follows that of the previous union. This was done as the membership is familiar with the system.

**Financial Consideration:** The 2016 budget has funding to provide the benefits called for in the agreement.

**Conclusion/Recommendations:** Administration recommends approval of the agreement with FOP #19 covering eligible employees of the Vermillion Police Department.

## *Council Agenda Memo*

**From:** John Prescott, City Manager  
**Meeting:** September 6, 2016  
**Subject:** Annual malt beverage markup review  
**Presenter:** John Prescott

**Background:** During the development of Ordinance 1325 to implement a 5% markup on the wholesale cost of malt beverages, staff included an annual update to the community in the proposal. Some malt beverage license holders also expressed interest in annual report to the community and being made aware of the discussion. Section 112.30 of the adopted ordinance is as follows:

The City Council will annually have a regular meeting agenda item with the adoption of the budget ordinance to update the community on the use of previous receipts collected, where future receipts would be utilized, and to gather public input on the continuation of the wholesale license fee. Notice of the annual update time and place will be mailed to all malt beverage license holders in the City.

All license holders currently participating in the malt beverage markup were notified of the meeting time in a letter sent with the July invoice that was mailed the first week of August. The hearing has also been mentioned at the last three Council meeting during the City Manager report. The hearing date has also been part of the minutes for the last three Council meetings that is published in the legal newspaper.

**Discussion:** Ordinance 1325 implementing the 5% markup on the wholesale cost of malt beverages became effective on July 1, 2015. Invoices from the distributors for August 2016 are due September 5<sup>th</sup> and will be sent out to license holders by September 15<sup>th</sup>.

With respect to the purposes of the agenda item stated in Section 112.30 of Ordinance 1325, based on invoices, the City collected \$64,188.47 during the last six months of 2015 and \$67,119.61 for the first seven months of 2016. All of the proceeds from the collection in the revised 2015 budget and 2016 budget were placed in the Prentis Park Debt Service fund to repay the general obligation bond which will be issued for park improvements.

**Financial Consideration:** Per ordinance and the proposed budget ordinance, the markup proceeds will be reserved to retire the general obligation bond issued for Prentis Park improvements.

**Conclusion/Recommendations:** Administration recommends review of the information provided, receiving public comment on the malt beverage markup, and continuing the 5% markup on malt beverages for the repayment of the General Obligation bonds issued for Prentis Park improvements.

City of Vermillion  
Malt Beverage Mark-up  
Funding for Prentis Park Improvements

Monthly	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>Total</u>
5% Mark-up 2015							9,952.39	11,496.09	14,277.87	9,773.87	8,992.96	9,695.29	64,188.47
2016	8,388.39	7,943.86	9,610.66	11,149.19	10,615.66	10,125.48	9,286.37						67,119.61
% Change							-6.69%						

## *Council Agenda Memo*

**From** John Prescott, City Manager

**Meeting:** September 6, 2016

**Subject:** First 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 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'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 in the 1<sup>st</sup> quarter of 2017 to reflect the final impact of health insurance costs on the overall budget.

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 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 October or November.

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.

**Financial Consideration:** The City Council must adopt an ordinance to provide for 2017 operations. Placing the 2017 Appropriations Ordinance on the first reading will comply with State law and is another step in providing for the 2017 operations.

**Conclusion/Recommendations:** Administration recommends approval of the first reading of the 2017 Appropriations Ordinance No. 1346.

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>	
<b>GENERAL FUND</b>		
<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>	
<b>TOTAL GENERAL FUND REVENUES</b>		6,006,325
<u>EXPENDITURES:</u>		
<u>Policy &amp; 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>	
<b>Total Policy &amp; Administration</b>		1,486,799
<u>Public Safety &amp; 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>	
<b>Total Public Safety &amp; Security</b>		2,579,153
<u>Maintenance &amp; 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>	
<b>Total Maintenance &amp; Transportation</b>		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 6, 2016

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

**Presenter:** John Prescott

**Background:** In order for the City Council to make changes to the 2016 budget, 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.

**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 first reading of the 2016 Revised Appropriations Ordinance No. 1347.

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>	
<b>GENERAL FUND</b>		
<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	
<b>TOTAL GENERAL FUND REVENUES</b>	6,031,247	6,031,247
<u>EXPENDITURES:</u>		
<u>Policy &amp; 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	
<b>Total Policy &amp; Administration</b>	1,391,445	1,391,445
<u>Public Safety &amp; Security:</u>		
Police Administration & Invest.	488,864	
Police Patrol	1,315,020	
Fire & Rescue	249,705	
Emergency Management	2,200	
Ambulance	343,616	
<b>Total Public Safety &amp; Security</b>	2,399,405	2,399,405
<u>Maintenance &amp; 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	
<b>Total Maintenance &amp; Transportation</b>	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:** Jose Dominguez, City Engineer

**Meeting:** September 6, 2016

**Subject:** Final Plat of Lot 1, Block 1, Chadima Addition in the SE ¼ of Section 7, T92N, R51W of the 5<sup>th</sup> P.M., Clay County, SD

**Presenter:** Jose Dominguez

**Background:** The City of Vermillion received a plat from Brandt Land Surveying on behalf of the owner. The property is owned Chadima Enterprises and is located on the north side of 317<sup>th</sup> Street. The new lot is north of the property owned by Johnson Feeds where the school buses are kept and truck service is provided. The new lot will be 1.70 acres in size. The owner's intention is to construct a building on the lot to operate his business. The parcel has already been rezoned to allow for the proposed use.

This plat falls within the Joint Jurisdictional Zoning Area. This requires that the plat be reviewed by the County's Planning Commission and that they make a recommendation to the City Council.

The plat was reviewed by the County's Planning Commission at their August 29<sup>th</sup> meeting. The Clay County Planning Commission recommends approval to the City Council.

**Discussion:** Staff reviewed the final plat and found that it complies with all of the code provisions.

**Financial Consideration:** All platting fees have been paid by the applicant.

**Conclusion/Recommendations:** Administration recommends approval of the final plat.



## *Council Agenda Memo*

**From:** Shane Griese, Utility Manager  
**Meeting:** September 6, 2016  
**Subject:** 115kV Substation Improvement Project Final Documents  
**Presenter:** Shane Griese

**Background:** In April of 2014 the City Council awarded the Harold K. Scholz Company the 115kV Substation Improvement Project. The project was intended 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. The project was initially anticipated to be completed in late 2014. Project completion 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.

**Discussion:** The project has now been completed by Harold K. Scholz Company per contract documents and to the satisfaction of both DGR and the City Staff. Harold K. Scholz has completed all necessary requirements and forms for the Final Documents.

**Financial Consideration:** The original contract was for a total of \$743,967.74. The actual final cost of the project was \$720,640.22 providing a savings of \$23,327.52 less than the original contract. The final payment to Harold K. Scholz Company for \$63,064.02 is included in the invoices payable to be approved.

**Conclusion/Recommendations:** Administration recommends approval of the Final Documents for the 115kV Substation Improvements Project.

**ENGINEER'S STATEMENT OF FINAL COMPLETION  
AND  
OWNER'S ACCEPTANCE OF CONTRACT CONSTRUCTION**

TO: City of Vermillion  
Vermillion, South Dakota

Main Substation 115 kV Improvements - 2014  
PROJECT DESIGNATION

I, the undersigned Engineer of the above designated project, do hereby state that:

1. The construction provided for pursuant to Construction Contract No. --, dated 4-23-14, including all approved amendments and change orders, (hereinafter called the "Project")  
between City of Vermillion ("Owner")  
and Harold K. Scholz Company ("Contractor")

has been completed as of May 31, 2016 and to the best of my knowledge, information and belief, based on observations made during the period of construction, is in substantial compliance with the provisions of the Construction Contract, including all plans, specifications and drawings, and modifications thereof.

To the best of my knowledge, information and belief,

2. Defects in workmanship and materials reported during the period of construction of the Project have been corrected.
3. The total cost of the project as completed is Seven hundred and twenty thousand, six hundred and forty 22/100-----dollars (\$ 720,640.22).
4. The Final Inventory attached hereto and made a part hereof is a complete and accurate summary of the work performed in accordance with the Construction Contract.

Accepted:

City of Vermillion  
Owner

DGR ENGINEERING

By P. J. Dai

Title Project Manager

By \_\_\_\_\_

Date \_\_\_\_\_

Date 8/9/16

Attest \_\_\_\_\_

## *Council Agenda Memo*

**From:** Derek Chancellor, Administrative Intern  
**Meeting:** September 6, 2016  
**Subject:** Resolution authorizing the application for a DENR Grant/Loan for the purchase of a Landfill Dozer  
**Presenter:** Bob Iverson, Landfill Supervisor

**Background:** Included in the proposed 2017 budget is the replacement of the 2010 Caterpillar dozer. The current dozer has had additional hours as it was used to compact solid waste as a substitute to the baler which was destroyed in the October 2012 landfill fire, until such time as the new building and baler were constructed and installed. To fund the new dozer, the City proposes applying to the South Dakota Department of Environment and Natural Resources for grant/loan funding.

**Discussion:** The new dozer, equipped with GPS capabilities, will assist with Vermillion Landfill operations to maintain and reduce standard operating expenses and reduce construction costs. Vermillion operates a bale fill landfill and the dozer is traditionally used as a trash compactor to push and pack waste that may not be baled. The dozer is also used to position dirt cover and for cell construction and closure. The addition of a GPS system on the bulldozer will allow landfill staff to provide fine tuning on cover dirt, which will reduce airspace waste and provide greater accuracy in the final grades of both new cell construction and full cell closure. The ability to work with city engineering staff and the use of computer assisted dozer operations for the identification and construction of final grades should reduce the dependency on contracted labor.

**Financial Considerations:** The City is requesting a grant/loan of \$300,000 at 2.25% interest over seven years. The City will use \$200,000 of cash reserves to purchase the landfill bulldozer. The estimated total project cost is \$500,000.

**Conclusion/Recommendations:** Administration recommends approval of the Resolution authorizing the application for Department of Environment and Natural Resources grant/loan funding assistance for a new dozer.

**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 6<sup>th</sup> 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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** September 6, 2016

**Subject:** Permit for consumption but not sale at the Edith B. Siegrist Vermillion Public Library at 18 Church Street on September 16, 2016 from 7:00 to 9:00 p.m. for “Books & Brew” event

**Presenter:** Mike Carlson

**Background:** 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. If the weather doesn’t cooperate the event will be held in the Kozak room. A copy of the request and information on the event are attached.

State statute 35-1-5.5 provides that 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. The statute is as follows:

35-1-5.5. Permit for consumption of alcoholic beverage on property owned by public or nonprofit corporation. The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

**Discussion:** The City Council may permit the consumption, but not the sale, of alcoholic beverage on property owned by the public. The Library has held similar events on June 17, July 15 and August 19 without any incidents.

**Financial Consideration:** None

**Conclusion/Recommendations:** Administration recommends approval of the special permit to allow the consumption but not sale of alcoholic beverages in 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.

**PERMIT FOR THE CONSUMPTION OR BLENDING BUT NOT THE SALE OF  
ALCOHOLIC BEVERAGES UPON PROPERTY WHICH IS PUBLICLY OWNED OR  
OWNED BY A NON-PROFIT CORPORATION**

Permit requested for: EDITH B SIEGRIST VERMILLION PUBLIC LIBRARY

Address: 18 CHURCH ST

Contact person: SUSAN M HEGGESTAD

Daytime phone: 605.677.7060 Evening: \_\_\_\_\_

E-mail address: Susan.heggestad@vermillionpubliclibrary.org

Location of event: (Please include property address or legal description, if event is not for the whole premises indicate room numbers or include a floor plan indicating the location of the event.)

18 CHURCH STREET, (PUBLIC LIBRARY) - GARDEN  
BEHIND LIBRARY.

Activity or event: BOOKS & BREWS

Date and time when alcoholic beverages will be available: FRIDAY, SEPT 16<sup>TH</sup>

7-9 pm

Please attach a letter of approval from the Public Entity or non-profit corporation authorizing the event with alcoholic beverages on their property.

CERTIFICATE: The undersigned applicant certifies under penalties of perjury by law, provided that all statements herein are true and correct and understands the permit is for authorization for persons to consume or blend alcoholic beverages, but not to engage in the sale thereof, in or upon property on the dates described above. Applicant understands that the charging of a fee of any kind that allows persons to consume alcoholic beverages is engaging in the sale of alcoholic beverages and is not allowed by this permit.

Signature: \_\_\_\_\_ Date: 8/12/16

# BOOKS & BREWS

FRIDAY, SEP 16th

7-9 PM

Edith B. Siegrist Vermillion Public Library

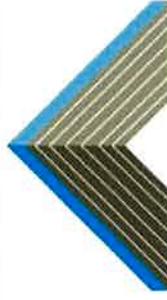
This month we return to our 'Beer Garden' and will welcome the Library's new Director. As usual, we will provide the munchies, and you BYOB. See you there, Vermillionaires!

**Adults 21 & up only, of course.**



COMPANY

*Expanding Minds.  
Empowering People.  
Enriching Community.*



EDITH B. SIEGRIST  
VERMILLION PUBLIC LIBRARY

18 Church Street  
Vermillion, SD 57069  
605.677.7060  
[Vermillionpubliclibrary.org](http://Vermillionpubliclibrary.org)

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** September 6, 2016  
**Subject:** Request Fixing the Time and Place for a Hearing and Notice of Hearing to Levy Special Assessments for Nuisance Abatement  
**Presenter:** Mike Carlson

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

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

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

**Discussion:** The special assessment process provides that the Governing Body: (1) set a public hearing; and (2) notify the property owners of the hearing by both sending notice and publishing the notice of the hearing. The notice calls for the public hearing to be held on September 19, 2016. Following the public hearing, the City Council will adopt a resolution approving the special assessment roll with any adjustments in the amounts.

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

**Conclusion/Recommendations:** Administration recommends the adoption of the resolution that sets the public hearing date for September 19, 2016.

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

WHEREAS a special assessment roll was filed in the office of the City Finance Officer of the City of Vermillion, Clay County, South Dakota on the 6<sup>th</sup> day of September, 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 226 High	grass tagging 5/10/2016	10.60
		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 Bigelows Addn 23 N Harvard	grass tagging & removal 5/2/2016	76.85
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 15 Linden	grass tagging & removal 5/20/16	98.51
Alice I Kutilek Revolvable Trust	15720-04100-120-00	grass tagging & removal 7/17/15	95.40
	Lot 12 Blk 41 Snyders 119 Franklin	grass tagging & removal 8/27/15	116.60
		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 &	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	335.48
	601 Lewis		
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	15720-03800-040-00	grass tagging 5/10/16	10.60
%Kristi Hunhoff	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:

1. The name of the owner(s) of each lot to be assessed as shown by the assessment rolls of the Director of Equalization;
2. A description by lot, block, and addition, or by metes and bounds of each parcel of land to be assessed, recognizing divisions by deed of platted lots, and obtaining the legal description of land as of the date of the adoption of the Resolution of Necessity for such improvement;
3. The amount assessed against each lot;

4. The number of installments, the rate of interest deferred installments shall bear, and the whole of such assessment or any installment thereof may be paid at any time, and that all installments paid prior to the respective due dates shall be deemed paid in inverse order of their due date;
5. Whenever the word "lot" appears therein, it shall be construed to include tracts and other parcels of land.

NOW, THEREFORE, BE IT RESOLVED that 19<sup>th</sup> 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 6<sup>th</sup> 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)

Publish: September 9, 2016

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer  
**Meeting:** September 6, 2016  
**Subject:** 2016 Sidewalk Assessment Project Bid Opening  
**Presenter:** Jose Dominguez

**Background:** The City inspected sidewalks in the northeast quadrant of the City in 2015. For the sidewalk inspection program, the northeast quadrant is north of E. Main Street and east of Dakota Street. The sidewalks in this quadrant were inspected for trippers, holes and spalling. Notices were sent to the property owners in 2015. The notice notified property owners of the deficiencies and also gave a deadline to have the permit for repairs into the City. The permits were to be in to the City no later than the end of June 2016.

Bids were opened on August 31, 2016. Bid notices were sent to seven potential bidders and four builders exchanges. The City received four bids. The low bid was from M & M Construction for \$21,416.00. The high bid was for \$60,650.00. The engineer's estimate was \$36,615.

**Discussion:** Bidding is required by State law when the cost of the project exceeds \$50,000. However, due to the project being assessed bidding is required.

**Financial Consideration:** The 2016 revised budget includes sufficient funding for the costs of the assessments. The amount includes the sidewalks being assessed and the City sidewalks being repaired.

**Conclusion/Recommendations:** Administration recommends awarding the project to M & M Construction for \$21,416.

2016 SIDEWALK ASSESSMENT PROJECT (AUGUST  
31, 2016 AT 2:00p.m.)

<u>COMPANY</u>	<u>TOTAL BID</u>
<b>M&amp;M Construction LLC</b>	<b>\$ 21,416.00</b>
Walker Construction	\$ 23,820.50
Krump Concrete Construction LLC	\$ 38,742.00
Masonry Components, Inc.	\$ 60,650.00

## *Council Agenda Memo*

**From:** Shane Griese, Utility Manager

**Meeting:** September 6, 2016

**Subject:** Liquefied Propane Quotes

**Presenter:** Shane Griese

**Background:** The City has an annual consumption of approximately 17,000 gallons of liquefied propane. The majority of the 17,000 gallons is utilized by the landfill and recycling center, with a smaller quantity being consumed by the wastewater treatment plant.

**Discussion:** Quote documents were sent out to seven LP providers. There were five quotes received with a low quote coming in at \$.682/gallon totaling \$11,594.00 and a high quote coming in at \$.85/gallon totaling \$14,450.00. The low quote was received from Butch's Propane Inc. out of Obert, Nebraska.

**Financial Consideration:** There are funds budgeted by both the Landfill/Recycling and the Wastewater departments to cover these costs.

**Conclusion/Recommendations:** Administration recommends awarding Butch's Propane Inc. with the contract for 17,000 gallons of liquefied propane at a cost of \$.682/gallon with a total cost of \$11,594.00.



25 Center Street Vermillion, SD 57069

**QUOTE SUMMARY**  
Annual Supply of Propane

August 17, 2016 -- 3:00 P.M.

BIDDER	Long's Propane	Tri- County Oil & Propane	Star Energy	Ferrelgas	Butch's Propane Inc
ADDRESS	2910 East Highway 50 Yankton, SD 57078	300 W. Main St. Suite #1 Irene, SD 57037	1006 1st Ave. (P.O. Box790) Manson, IA 50563-0790	4115 NE 14th St. Des Moines, IA 50313	103 Nebraska St. Obert, NE 68757
DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
17,000 gal. Liquefied propane HD-5 w/odorant, delivered to Landfill, Recycling Center, And WWTP on a keep-full basis, per gallon	\$ 0.779	\$ 0.719	\$ 0.850	\$ 0.8490	\$ 0.682
	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
	\$ 13,243.00	\$ 12,221.30	\$ 14,450.00	\$ 14,433.00	\$ 11,594.00

\*NOTE: A charge of \$.10 will be assessed to all gallons that were contracted but not delivered.

CITY OF VERMILLION  
 INVOICES PAYABLE-SEPTEMBER 6, 2016

1	AGK ELECTRIC	UNDERGROUND REIMBURSEMENT	930.00
2	ALADTEC, INC	SCHEDULING SOFTWARE	1,995.00
3	ALLEGIANT EMERGENCY SERVICE	FIRE FIGHTER EQUIPMENT	974.90
4	AMERICA'S TEST KITCHEN	BOOKS	31.90
5	AMERICAN LEGAL PUBLISHING	SUBSCRIPTION	375.00
6	APPEARA	SUPPLIES	109.12
7	AQUA-PURE INC	CHEMICALS	4,816.00
8	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	267.36
9	ARGUS LEADER MEDIA #1085	SUBSCRIPTION	25.00
10	AVERA OCCUPATIONAL MEDICINE	TESTING	69.90
11	BAKER & TAYLOR BOOKS	BOOKS	715.86
12	BATTERIES PLUS	BATTERY	64.95
13	BHS MARKETING, LLC	SODA ASH	13,645.72
14	BIERSCHBACH EQPT & SUPPLY	SUPPLIES	392.50
15	BLACKSTONE AUDIO INC	BOOKS	250.00
16	BOB DEHNER	WATER HEATER REBATE	315.00
17	BOB IVERSON	SAFETY BOOTS REIMBURSEMENT	77.35
18	BOMGAARS	SUPPLIES	33.48
19	BORDER STATES ELEC SUPPLY	SUPPLIES	963.77
20	BOUND TREE MEDICAL, LLC	SUPPLIES	3,139.12
21	BRIAN STEFFEN	SAFETY BOOTS REIMBURSEMENT	99.98
22	BROCK WHITE CO	SUPPLIES	178.62
23	BRUNICKS SERVICE INC	FUEL	1,565.50
24	BSN SPORTS INC	UNIFORMS	1,579.20
25	BUTLER MACHINERY CO.	PARTS	1,844.55
26	CAMPBELL SUPPLY	SUPPLIES	700.07
27	CASK & CORK	MERCHANDISE	437.25
28	CDW GOVERNMENT, INC	SUPPLIES	57.45
29	CENTER POINT LARGE PRINT	BOOKS	32.87
30	CENTURY BUSINESS PRODUCTS	COPIER CONTRACT/COPIES	406.06
31	CENTURYLINK	TELEPHONE	745.77
32	CERTIFIED LABORATORIES	SUPPLIES	156.25
33	CHESTERMAN CO	MERCHANDISE	1,529.74
34	CITY OF SIOUX FALLS	TESTING	58.00
35	CITY OF VERMILLION	COPIES/POSTAGE	1,110.38
36	CITY OF VERMILLION	UTILITY BILLS	49,881.97
37	CLASS C SOLUTIONS GROUP	SUPPLIES	148.60
38	CODY SOMMERVOLD	CDL TEST REIMBURSEMENT	95.00
39	COLONIAL LIFE ACC INS.	INSURANCE	3,266.93
40	CONCRETE MATERIALS	GOLF SAND	858.81
41	CONVERGINT TECHNOLOGIES LLC	ALARM MONITORING	480.00
42	COYOTE CONVENIENCE	FUEL	30.81
43	COYOTE RENTALS	WATER HEATER/WIRING REBATE	170.00
44	CREDIT COLLECTIONS BUREAU	COMMISSION	59.82
45	D-P TOOLS	TOOLS	366.90
46	DAKOTA BEVERAGE	MERCHANDISE	8,743.90
47	DAKOTA PC WAREHOUSE	SUPPLIES	162.97
48	DAKOTA SUPPLY GROUP	SUPPLIES	301.82
49	DELTA DENTAL PLAN	INSURANCE	6,404.16
50	DENIS KRONAIZL	REFUND AMB OVERPAYMENT	531.48
51	DENNIS MARTENS	MAINTENANCE	833.34

52 DEPT OF REVENUE	TESTING	345.00
53 DGR ENGINEERING	PROFESSIONAL SERVICES	7,674.00
54 DIAMOND VOGEL PAINTS	TRAFFIC PAINT	6,715.05
55 DUST TEX	ENTRY MAT	80.00
56 E.A SWEEN COMPANY	MERCHANDISE	341.92
57 EARTHGRAINS BAKING CO'S INC	SUPPLIES	126.02
58 ECHO ELECTRIC SUPPLY	SUPPLIES	6,895.68
59 ELECTRIC PUMP, INC	REPAIRS	12,017.31
60 ELECTRONIC ENGINEERING	SUPPLIES	674.72
61 ELLIOTT EQUIPMENT CO	REPAIRS	3,209.68
62 ENERGY LABORATORIES	TESTING	1,150.00
63 FARMER BROTHERS CO.	SUPPLIES	117.30
64 FARNER BOCKEN COMPANY	MERCHANDISE	617.60
65 FARRELL'S HEATING & AIR CO	REPAIRS	344.70
66 FASTENAL COMPANY	SUPPLIES	61.42
67 FEDEX.	SHIPPING	11.77
68 FLEET SAFETY SUPPLY	FIRE EQUIPMENT	958.64
69 FOREMAN MEDIA	COUNCIL MTG	100.00
70 FOUR WINDS INTERACTIVE	MAINTENANCE	384.81
71 GALE	BOOKS	738.52
72 GLOBAL DIST.	MERCHANDISE	339.00
73 GRAHAM TIRE CO.	TIRES	1,253.74
74 GRAYMONT CAPITAL INC	CHEMICALS	8,020.09
75 GREGG PETERS	FREIGHT/REFUND ELECTRIC FEES	1,896.60
76 GREGG PETERS	RENT	937.50
77 GUARANTEE OIL CO INC	SUPPLIES	1,086.90
78 HACH CO	SUPPLIES	2,601.03
79 HAROLD K SCHOLZ CO	SUBSTATION IMPROVEMENTS FINAL	63,064.02
80 HARTINGTON TREE LLC	STUMP GRINDING	204.00
81 HAUFF MID-AMERICA SPORTS	SUPPLIES	1,734.55
82 HAUGER LAWN SERVICE	MOWING	128.00
83 HD SUPPLY WATERWORKS	SUPPLIES	2,260.71
84 HEIMAN, INC.	FIRE FIGHTER EQUIPMENT	4,146.62
85 HELMS & ASSOCIATES	AIRPORT IMPROVEMENTS	18,742.81
86 HERREN-SCHEMPP BUILDING	SUPPLIES	19.85
87 HILLYARD FLOOR CARE SUPPLY	REPAIRS	64.95
88 HY VEE FOOD STORE	SUPPLIES	583.15
89 INDEPENDENCE WASTE	WASTE HAULING/PORTABLE TOILET RENTAL	1,559.70
90 INGRAM	BOOKS	2,616.45
91 ISTATE TRUCK CENTER	REPAIRS	347.01
92 J & L HARLEY-DAVIDSON	REPAIRS	287.06
93 JACKS UNIFORM & EQPT	UNIFORM	2,580.40
94 JANITOR'S CLOSET, LTD	SUPPLIES	277.26
95 JERRY'S CHEVROLET BUICK GM	PARTS	320.60
96 JESSICA STANDLEY	MEALS REIMBURSEMENT	172.00
97 JOHN A CONKLING DIST.	MERCHANDISE	6,198.30
98 JOHNSON BROTHERS OF SD	MERCHANDISE	9,561.28
99 JOHNSON CONTROLS	REPAIRS	2,932.88
100 JONATHAN WARNER	MEALS REIMBURSEMENT	264.00
101 JONES FOOD CENTER	SUPPLIES	1,309.50
102 KALINS INDOOR COMFORT	REPAIRS	321.92
103 KARSTEN MFG CORP	MERCHANDISE	436.04
104 KNIFE RIVER MIDWEST, LLC	ASPHALT/ROCK	6,319.95
105 KOMLINE-SANDERSON	PARTS	1,917.57

106 LEAGUE OF MINNESOTA CITIES	ADVERTISING	332.13
107 LEAGUE OF NEBRASKA MUNICIPALITY	ADVERTISING	73.15
108 LEGGETTE, BRASHEARS & GRAHAM	PROFESSIONAL SERVICES	2,108.39
109 LEISURE LAWN CARE	FERTILIZE	50.00
110 LESSMAN ELEC. SUPPLY CO	SUPPLIES	464.00
111 LIBERTY TIRE RECYCLING LLC	HAUL TIRES	15,918.64
112 LITTLE ITALYS	LUNCH	37.92
113 LOCATORS AND SUPPLIES, INC	SUPPLIES	2,320.88
114 MALLOY ELECTRIC	PARTS	1,414.31
115 MARKS MACHINERY	PARTS	151.96
116 MARLEY CARLSON	REFUND AMB OVERPAYMENT	542.63
117 MART AUTO BODY	REPAIRS	1,311.78
118 MARTINSON CONSTRUCTION	SIDEWALK/APPROACH REPAIRS	1,737.90
119 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	413.31
120 MC2, INC	SUPPLIES	823.82
121 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	999.00
122 MEAD LUMBER	SUPPLIES	340.77
123 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	129.48
124 MEDICO LIFE & HEALTH INSURANCE	INSURANCE	405.39
125 MICHAEL TODD & CO.	SUPPLIES	184.63
126 MICRO MARKETING LLC	SUPPLIES	197.95
127 MIDWEST ALARM CO	ALARM MONITORING	66.00
128 MIDWEST BUILDING MAINTENANCE	MAT SVC	474.90
129 MIDWEST READY MIX & EQUIPMENT	CONCRETE	319.50
130 MIDWEST TURF & IRRIGATION	PARTS	961.46
131 MIDWEST WHEEL COMPANIES	PARTS	274.48
132 MISSOURI RIVER ENERGY SERVICE	INFRARED INSPECTION	3,549.20
133 MISSOURI VALLEY MAINTENANCE	REPAIRS	1,868.71
134 MOBILE ELECTRONIC SERVICE	REPAIRS	1,604.31
135 NALCO CHEMICAL CO	CHEMICALS	270.95
136 NBS CALIBRATIONS	BALANCE/CALIBRATION	3,928.34
137 NCL OF WISCONSIN, INC	SUPPLIES	526.40
138 NETSYS+	PROFESSIONAL SERVICES	535.00
139 NEW YORK LIFE	INSURANCE	35.01
140 NEWMAN TRAFFIC SIGNS	SUPPLIES	1,751.90
141 NFAAF-EASTON YANKTON ARCHERY	SUPPLIES	2,800.00
142 NORTHEAST NEBRASKA NEWS CO	ADVERTISING	58.20
143 NORTHERN SAFETY CO. INC	SUPPLIES	217.92
144 NORTHLAND	SUPPLIES	409.50
145 NORTHWEST CONCRETE CUTTING	REPAIRS	596.94
146 OFFICE SYSTEMS CO	COPIER CONTRACT/COPIES	664.37
147 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	934.50
148 PARTY FUN RENTALS, LLC	MOVIE PACKAGE	215.00
149 PAULS PLUMBING	REPAIRS	870.96
150 PCC, INC	COMMISSION	1,924.08
151 PENWORTHY COMPANY	BOOKS	230.35
152 PETE BINDNER INC	CRUSHED CONCRETE/ASPHALT	23,920.00
153 PHIL WIEBELHAUS	SAFETY BOOTS REIMBURSEMENT	100.00
154 POMPS TIRE SERVICE, INC.	REPAIRS	35.00
155 POSITIVE PROMOTIONS	SUPPLIES	356.05
156 PRECISION LAWN CARE	MOWING	768.75
157 PRESSING MATTERS	SUPPLIES	149.00
158 PRESTO-X-COMPANY	INSPECTION/TREATMENT	147.47
159 PRINT SOURCE	ADVERTISING	245.00

160 PUMP N PAK	FUEL	68.31
161 QUALITY BOOKS INC.	BOOKS	1,354.60
162 QUILL	SUPPLIES	945.48
163 RACOM CORPORATION	MAINTENANCE CONTRACT	1,275.70
164 REAMS SPRINKLER SUPPLY	BLISS PARK IRRIGATION	456.99
165 RECORDED BOOKS, INC	BOOKS	339.00
166 REFLECTIVE APPAREL FACTORY	UNIFORM SHIRTS	182.90
167 REGENT BOOK CO.	BOOKS	16.06
168 REINHART FOODSERVICE, LLC	MERCHANDISE	1,532.70
169 REPUBLIC NATIONAL DIST.	MERCHANDISE	9,809.80
170 RESCO	SUPPLIES	252.00
171 RICCHIO INC.	PRENTIS PARK POOL	280,804.00
172 RIEKES EQUIPMENT CO.	PARTS	248.59
173 RIVERSIDE HYDRAULICS & LAB	PARTS	49.04
174 RJ THOMAS MFG CO, INC	PARKS GRILLS	766.19
175 RON MAHER	WORK BOOTS REIMBURSEMENT	100.00
176 RYAN ANDERSON	MEALS REIMBURSEMENT	172.00
177 RYAN HOUGH	TUITION REIMBURSEMENT	2,100.00
178 SANFORD HEALTH PLAN	PARTICIPATION FEES	54.00
179 SANFORD USD MEDICAL CENTER	SUPPLIES	357.36
180 SCHAEFFER MFG. CO	SUPPLIES	638.40
181 SD CHAPTER IAAI	REGISTRATION	100.00
182 SD DEPT OF PUBLIC SAFETY	TELETYPE SERVICE	3,090.00
183 SD ELECTRICAL COMMISSION	WIRING PERMIT	95.00
184 SD MUNICIPAL LEAGUE	REGISTRATION	100.00
185 SD RETIREMENT SYSTEM	CONTRIBUTIONS	50,575.91
186 SD STATE HISTORICAL SOCIETY	MEMBERSHIP	40.00
187 SDPRA	REGISTRATION	1,000.00
188 SECURITY SHREDDING SERVICE	DOCUMENT SHREDDING	35.00
189 SERVALL TOWEL & LINEN	SHOP TOWELS	16.80
190 SEWAH STUDIOS INC	HISTORICAL MARKER	2,340.00
191 SIOUX CITY JOURNAL	ADVERTISING	411.38
192 SIOUX EQUIPMENT	PARTS	321.42
193 SIOUX FALLS TWO WAY RADIO	REPAIRS	40.97
194 SIOUXLAND LIBRARIES	BOOK REPLACEMENT	7.99
195 SOOLAND BOBCAT	PARTS	56.72
196 SOUTHERN GLAZER'S OF SD	MERCHANDISE	1,571.40
197 SPECIAL T'S AND MORE	UNIFORM T-SHIRTS	46.40
198 STERN OIL CO.	SUPPLIES	1,792.99
199 STEWART OIL-TIRE CO	REPAIRS	100.00
200 STUART C. IRBY CO.	SUPPLIES	687.00
201 STURDEVANTS AUTO PARTS	SUPPLIES	1,082.94
202 SUN MOUNTAIN	MERCHANDISE	649.00
203 SUPERIOR LAMP	SUPPLIES	772.54
204 TAPCO	SUPPLIES	1,076.40
205 TAYLOR MADE	MERCHANDISE	1,854.62
206 TITAN MACHINE-PRODUCTIVITY	SUPPLIES	89.75
207 TITLEIST DRAWER CS	MERCHANDISE	2,910.01
208 TONY KLUNDER	MEALS REIMBURSEMENT	264.00
209 TOPKOTE INC	CHIP SEALING	81,782.16
210 TREATMENT RESOURCES, INC	PUMPS	8,532.19
211 TRIVIEW COMMUNICATIONS	TELEPHONE	549.50
212 TRUCK-TRAILER SALES	PARTS	81.10
213 TRUE VALUE	SUPPLIES	751.45

214 UNITED WAY	CONTRIBUTIONS	507.70
215 UNIVERSITY CLEANERS	PROFESSIONAL SERVICES	71.00
216 VAN DIEST SUPPLY CO	CHEMICALS	1,260.20
217 VAST BROADBAND	E911 CIRCUIT/DIALUP SERVICE	1,415.45
218 VERIZON WIRELESS	CELL PHONES/WIRELESS COMMUNICATIONS	1,958.32
219 VERMEER HIGH PLAINS	PARTS	4,229.00
220 VERMILLION ACE HARDWARE	SUPPLIES	1,007.10
221 VERMILLION AREA ARTS COUNCIL	ONLINE REGISTRATION	41.75
222 VERMILLION CONCRETE	CONCRETE WORK	16,151.40
223 VERMILLION FORD	PARTS	114.84
224 VERMILLION PUBLIC LIBRARY	REIMBURSEMENT FOR FINE COLLECTED	53.50
225 VERMILLION YOUTH FOOTBALL	ONLINE REGISTRATION	3,617.42
226 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	6,385.06
227 WAL-MART COMMUNITY	SUPPLIES	1,390.17
228 WALKER CONSTRUCTION	REPAIRS	2,057.85
229 WALT'S HOMESTYLE FOODS, INC	MERCHANDISE	217.20
230 WELFL CONSTRUCTION CO	PRENTIS PARK POOL	155,435.00
231 WESCO DISTRIBUTION, INC	SUPPLIES	2,521.94
232 WESTECH ENGINEERING, INC	PARTS	135.80
233 YAMAHA GOLF & UTILITY	GOLF CARS LEASE	3,772.17
234 YANKTON JANITORIAL SUPPLY	SUPPLIES	358.52
235 YANKTON MEDICAL CLINIC	TESTING	99.00
236 ZEE MEDICAL SERVICE	SUPPLIES	405.00
237 ZIEGLER INC	PARTS	271.06
238 ZIMCO SUPPLY CO	SUPPLIES	2,094.20
239 ZUERCHER TECHNOLOGIES LLC	SOFTWARE MAINTENANCE	33,835.00
240 MARTY NYGREN	BRIGHT ENERGY REBATE	122.00
241 RYAN ANDERSON	BRIGHT ENERGY REBATE	18.00
242 NYGREN'S TRUE VALUE	BRIGHT ENERGY REBATE	596.75
243 VERMILLION VISION CLINIC	BRIGHT ENERGY REBATE	520.23
244 AMANDA NYHAUG	BRIGHT ENERGY REBATE	9.00
245 BRIAN TREIBER	BRIGHT ENERGY REBATE	20.00
246 KRIS KNISELY	BRIGHT ENERGY REBATE	20.00
247 BOB DEHNER	BRIGHT ENERGY REBATE	296.00
248 MARJORIE SCHISSEL	BRIGHT ENERGY REBATE	6.00
249 NANCY BETZEN	BRIGHT ENERGY REBATE	102.00
250 ERNETTA FOX	BRIGHT ENERGY REBATE	525.00
251 KALINS INDOOR COMFORT	BRIGHT ENERGY REBATE	100.00
	GRAND TOTAL	\$1,085,955.39



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

- 1. Organization sponsoring raffle/lottery: St. Agnes School
2. Person to contact: Darla Hamm
3. Phone number: 605-624-4144 4. Email address: darla.hamm@k12.sd.us
6. Date(s) ticket(s) will be sold: August 2016-August 2017 (Most buy August or September)
7. Cost per ticket(s): \$120 per member
8. Date(s) drawing(s) will be held: We hold the drawings at the monthly PTSA meetings.
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: Each month we draw for three prizes. One person wins \$300, and two win \$100, so \$500 is given back to members/winners each month.
12. What will the proceeds be used for? The proceeds go to the PTSA funds. Those funds are used to fill teacher requests, host assemblies, sponsor school hospitality, send teachers to workshops, etc.

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

St. Agnes School's PTSA (Parents & Teachers of St. Agnes) group offers the PTSA 100 Club every year as a fund raiser for the group. The PTSA 100 Club runs with the school calendar from September through August. Anyone interested can purchase a number for \$120, from 1 to 100. Each month we randomly draw a number from a set of 100 balls. The first number drawn wins \$300 and the next two balls drawn receive \$100 each. If all 100 spots are sold at \$120, then the total raised is \$12,000, with \$6,000 being paid back to the winning members and \$6,000 raised for the PTSA 100 Club. If not all the spots are sold, the same \$6,000 is still paid out, but the profit to the PTSA Club decreases. The drawings take place at the PTSA Meetings held the first Tuesday of each month.

[Signature]
Applicant's Signature

8/30/16
Date

APPROVED BY:
[Signature]
City Manager
8-30-16
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 Youth Group

2. Person to contact: Ray Hofman

3. Phone number: 605-624-6457      4. Email address: rhofman@vyn.midco.net

6. Date(s) ticket(s) will be sold: Sept 1, 2016

7. Cost per ticket(s): 1.00 dollar

8. Date(s) drawing(s) will be held: Oct 16, 2016

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:  
2003 Jeep Liberty SUV \$2,200

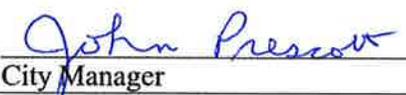
12. What will the proceeds be used for?  
St Agnes Youth Group Activites

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.

This is the annual St Agnes Youth Car Raffle held with the St Agnes Church Fall Festival on Oct 16, 2016. The funds raised will go to the St Agnes Youth Group Activites.

  
Applicant's Signature

Aug 28, 2016  
Date

APPROVED BY:  
  
City Manager      8-29-16  
Date



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

- 1. Organization sponsoring raffle/lottery: USD Veteran Club
2. Person to contact: Brittany Schultz- Club Advisor
3. Phone number: 605-677-8858 4. Email address: Brittany.Schultz@usd.edu
6. Date(s) ticket(s) will be sold: upon city approval until Nov. 10th 2016
7. Cost per ticket(s): \$10 per ticket
8. Date(s) drawing(s) will be held: November 10th
9. Who is eligible to purchase ticket(s)? Persons 18+ of age
10. Will prize winner(s) be selected at random? [X] Yes No
11. Description and approximate value of grand prize: Main prize will be a AR-15 Rifle with estimated value of \$650. If we exceed 300 tickets we will purchase a laptop/electronic device for equal value and raise the cap to 600 tickets
12. What will the proceeds be used for? Proceeds will be used for future community supper expenses, Vets Club t-shirts, and professional & leadership development activities.

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 Community Supper will be held on Nov. 10th in honor of Veterans Day. We will be hosting this event a 6pm at the Eagles Club with a guest speaker, presentation of flags, and an exciting raffle. We would like to host a raffle in order to raise funds to enhance the community supper experience to truly honor those who have served our country and to develop our club members into even better leaders of our community and country.

Brittany Schultz
Applicant's Signature

8/24/16
Date

APPROVED BY:

John Prescott
City Manager

8-25-2016
Date