



## Special Meeting Agenda

### City Council

12:00 p.m. (noon) Special Meeting  
Monday, April 4, 2016  
Large Conference Room-City Hall  
25 Center Street  
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Informational Session – Draft of the Capital Improvement Plan – John Prescott.**
3. **Briefing on the April 4, 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  
Monday, April 4, 2016  
City Council Chambers  
25 Center Street  
Vermillion, South Dakota 57069

### 1. Roll Call

### 2. Pledge of Allegiance

### 3. Minutes

- a. March 21, 2016 Special Meeting, March 21, 2016 Regular Meeting.

### 4. Adoption of the Agenda

### 5. Visitors To Be Heard

- a. Arbor Day proclamation.
- b. National Library Week proclamation.
- c. Carla Connors Appreciation Day proclamation.

### 6. Public Hearings

- a. Transfer of retail off sale malt beverage license to Jay Ambe-7, LLC from Freedom Valu Center, Inc for Erickson Freedom Valu Center at 830 E. Cherry Street.
- b. Special daily malt beverage and wine license on or about April 23, 2016 for Vermillion Area Arts Council at 202 Washington.
- c. Special daily malt beverage and wine license on or about April 23, 2016 for Vermillion Area Arts Council at the fairgrounds west arena.
- d. Special daily malt beverage and wine license on or about April 21, 2016 for Vermillion Area Chamber of Commerce & Development Company, Inc on Ratingen Platz and half block of Market Street south of Main Street for Thursday's on the Platz/Earth Day events.
- e. Special permit to exceed allowable sound levels on April 21, 2016 for Vermillion Area Chamber of Commerce & Development Company, Inc on Ratingen Platz and half block of Market Street south of Main Street for Thursday's on the Platz/Earth Day events.
- f. Special daily malt beverage and wine license on or about May 7, 2016 for Clay County Agricultural Fair Association at the fairgrounds west arena.
- g. Special permit to exceed allowable sound levels on April 14, 2016 for Pi Kappa Alpha in the northwest corner of Prentis Park for a fundraising concert event.

### 7. Old Business

- a. Second reading of Ordinance 1335 amending Chapter 92, Fire Prevention and Protection Section 92.07 to include definitions, hours for discharge of novelty fireworks, display permits, and sales permits.

### 8. New Business

- a. Request from the Vermillion Chamber of Commerce and Development Company to close Market Street from Main Street south for ½ block on Thursday, April 21, 2016 from 3:30 pm to 8:00 pm for Green Thursday on the Platz.
- b. First reading of Ordinance 1336 amending Chapter 92, Fire Prevention and Protection Section 92.08 to add installation of a Rapid Entry System on all fraternities and sororities.

- c. Resolution setting a fee for the permit to sell legal consumer fireworks.
- d. Resolution revising Wastewater Rates.
- e. Resolution to remove Main Street Project from Statewide Transportation Project list.
- f. Declaring one car, one pickup and six pieces of equipment surplus.
- g. Egress and ingress easement for 410 S. Dakota Street.
- h. Resolution to purchase an excavator for Solid Waste from National Joint Purchasing Alliance.
- i. Policies and Procedures Committee report on a policy on gender identity and expression discrimination.

**9. Bid Openings**

- a. Snow plow and dump body bids.
- b. Fuel Quotes.

**10. City Manager's Report**

**11. Invoices Payable**

**12. Consensus Agenda**

- a. Set a public hearing date of April 18, 2016 for a special permit to exceed allowable sound levels on June 18, 2016 for Old Lumber Company Bar & Grill, LLC on Kidder Street from Court Street to Market Street for Heartland Humane Society "Taste & Tour" event.

**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  
March 21, 2016  
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, March 21, 2016 at 12:00 noon at the City Hall large conference room.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Ward, Willson, Mayor Powell

Absent: Holly Meins, Price

2. Informational Session - Continue discussion on backyard chickens - Andy Colvin

Andy Colvin, Assistant to the City Manager, reported that the City Council had received a request about changing the ordinance to allow for chickens within the city limits. Andy stated that staff developed a draft ordinance that included information from other cities that was presented to the City Council on February 1, 2016 for consideration of what items to include, amend or remove. Andy noted that, at that time, the City Council wanted more time to review and asked that it be placed on the March 21st noon meeting. Andy noted that there was discussion at the February 1st meeting about the 100% signature requirement, slaughtering of chickens permitted on the property and restricting to owner occupied residences. Discussion followed on the question of what happens to the coop if there are no longer chickens permitted on the lot, the requirement for 100% signatures of adjoining property owners, allowing for owner occupied and if there should be chickens inside the city limits. The consensus of the City Council was to have the changes made and bring the ordinance for City Council consideration at the April 18<sup>th</sup> meeting to allow time for public notice that this item will be considered.

3. Educational Session - Expansion of Rapid Entry System (Knox Box) to fraternities and sororities - Matt Taggart

Matt Taggart, Fire Department Inspector, reported that through communications with the USD Director of Sorority/Fraternity Life they would like the City to amend the rapid entry system ordinance to require all sororities and fraternities to have the rapid entry systems for fire safety. Matt provided a letter from Laura Roof of USD and a sample ordinance that would require the rapid entry system for new

construction and existing sorority and fraternity housing. Discussion followed noting that the rapid entry ordinance was adopted in 2013 and this change would make it a requirement for sororities and fraternities structures. Matt Taggert and Shannon Draper answered questions of the City Council. The consensus was to bring the ordinance change to the City Council for consideration.

4. Briefing on the March 21, 2016 City Council Regular Meeting

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

5. Adjourn

64-16

Alderman Ward moved to adjourn the Council special session at 12:33 p.m. Alderman Collier-Wise seconded the motion. Motion carried 7 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21<sup>st</sup> day of March, 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  
March 21, 2016  
Monday 7:00 p.m.

The regular session of the City Council, City of Vermillion, South Dakota was called to order on Monday March 21, 2016 at 7:00 p.m. by Mayor Powell.

1. Roll Call

Present: Collier-Wise, Erickson, Holland, Clarene Meins, Holly Meins, Ward, Willson, Mayor Powell, Student Representative Ireland

Absent: Price

2. Pledge of Allegiance

3. Minutes

A. Minutes of March 7, 2016 Special Meeting, March 7, 2016 Regular Meeting, 2016.

65-16

Alderman Holland moved approval of the March 7, 2016 Special Meeting and March 7, 2016 Regular Meeting minutes. Alderman Clarene Meins seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

4. Adoption of Agenda

66-16

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

5. Visitors to be Heard

Dean Spader, 1823 E Main, addressed the City Council with the problem of the loss of species of plants, mammals, reptiles, birds and invertebrates in North America. Mr. Spader noted that the solution to the problem would be to restore native plants to our suburban ecosystems. Mr. Spader requested that a Council member or City staff member attend the Bring Nature Home discussions on April 4th & 11th from 3:30 p.m. to 5:00 p.m. at the Library and/or attend a presentation on April 18th at 3:30 p.m. at Churchill Haines Room 101.

6. Public Hearings

A. Wastewater Prentis Street Lift Station Project Community Development Block Grant and State Revolving Loan funding

Janice Gravning, representing SECOG, reported that SECOG is assisting the City with grant and loan applications for the Prentis Street lift station project with an estimated cost of \$1,327,000. Janice stated that SECOG is completing an application for State Revolving Fund for \$812,000 which may include principal forgiveness or grant. Janice stated that the loan will be for 20 years at 3% interest and if it was all a loan would have annual debt service of \$54,138. Janice stated that an application for Community Development Block Grant (CDBG) funding for \$515,000 is also in process. Janice stated that CDBG funds are to assist low to moderate income households and that Vermillion has

59% of its households at or below this level. Janice stated that Jose Dominguez, City Engineer, would explain the project.

Jose Dominguez, City Engineer, reviewed the Prentis Park lift station project noting that the area served for sanitary sewer is 120 to 130 acres of which part is developed and the remainder is growth area. Jose noted that the current lift station is 48 years old and due to the growth of multifamily in the service area will be reaching its capacity. Jose reported that Banner Engineering reviewed the options of replacing the lift station with a vault station with submersible pumps compared to a wetwell with can-style drywell and explained both options. Jose reported that Banner Engineering reviewed alternatives for the downstream sewer replacement of open cut construction, pipe bursting construction method and curried in place pipe and explained the three options. Jose reported that Banner Engineering recommended the wetwell with can-style drywell for the lift station and open cut construction for the pipe replacement. Jose reviewed the project timeline that would have project bidding in early 2017 with completion in June 2018. Jose answered questions of the City Council on the project.

Janice stated that the next item for the public hearing was to conduct a Community Development & Housing Needs Assessment.

Mayor Powell asked for public comment during the Community Development & Housing Needs Assessment.

Janice stated that she provided an outline of the three major areas to address and City staff has included some items and, through discussion, items were added to develop the following:

Community Development and Housing Needs of Low and Moderate-Income Persons.

- Continue with the rental-housing program along with continued improvements in the ordinance to enhance housing opportunities.
- The City Council created the Vermillion Housing Authority to operate as a separate entity to provide rental assistance to low to moderate income persons in the community. The City provides housing and some financial assistance to the Authority.
- The City has adopted the 2012 International Building Code; 2012 International Residential Code; 2012 International Mechanical Code; 2012 International Plumbing Code; 2012 International Electric Code; 2012 International Property Maintenance Code, to provide for proper housing construction and ongoing maintenance of the property.

- The City and County have adopted a Joint Jurisdictional Ordinance for the area in the county adjoining the city. The ordinance provides for a variety of housing classifications appropriate for low to moderate income persons.
- The City in working with the developers of rental housing delayed the interest on special assessments for street extension on North Norbeck so the street was completed in advance of the rental housing completion to provide timely access.
- The Planning Commission is reviewing for update the Comprehensive Plan which will include input from stakeholders in the community to address all issues in the plan including housing.

#### Other Community Development and Housing Needs.

- Continue the commitment to the water treatment system improvements to provide the needed quality water supply for current and future customers.
- Continue the commitment to the wastewater treatment system improvements to provide for the sanitary sewer treatment needs of the current and future customers. This includes the upgrade to the Prentis Street lift station to meet the growth in the area served by this facility.
- Continue the commitment to electric system improvement to provide the quality and reliable electric service to current and future customers. This will include the substation expansion that will continue the commitment to a redundant system of power supply to utility customers.
- Continue the conversion of overhead electric lines to underground to provide a more reliable electric system for current and future customers.
- Continue to upgrade and extend the bike path system.
- Continue the improvements to the park system including the upgrades to Prentis Park swimming pool, basketball courts and parking lot, playground equipment in Bliss Ponte Park, and new bathroom in Lions Park.

#### Planned or Potential Activities to Address Housing and Community Needs

- Continue the partnership with the Vermillion Area Chamber of Commerce/Development Company (VCDC) to encourage industrial development in Vermillion. The City has made contributions and pledged additional funds to the Vermillion NOW!, that was spearheaded by the VCDC, to provide a pool of economic development funds as another tool to assist development in the community.

- Continue to work with the VCDC on the Bliss Pointe development project to provide building sites for single family homes, townhomes and with future infrastructure multifamily housing.
- Continue to work with developers/builders to facilitate the needed infrastructure is in place as property is developed.
- The Vermillion Area Chamber of Commerce and Development Company (VCDC) and City of Vermillion contracted for a Talent Attraction Strategy and Workforce Housing Solution report. One of the report recommendations was to create an Integrated Community Advancement Program (ICAP) committee to address the workforce housing issues. The ICAP committee has been established with members from USD, Clay County, Vermillion Public School, City of Vermillion and the VCDC that have been meeting to address the community needs.

Hearing no further input, Mayor Powell closed the public hearing and noted that Janice has circulated a sheet for all present to sign in.

Mike Carlson, Finance Officer, stated that under new business later on the agenda are the resolutions authorizing the CDBG and SRF application and Project and Environmental certifying officer.

## 7. Old Business

### A. Lease abatement request from SBA Communications for a tower lease on E. Highway 50

John Prescott, City Manager, reported that SBA Communications who leases land from the City for a communications tower contacted the City in January regarding the lease. John reported that they stated that there were currently no tenants on this communications tower and they requested to have the land lease cost abated for a maximum of three years or until such time as they find a tenant. John stated that SBA Communications would continue to pay the property taxes and any tower maintenance costs. John stated that a list of questions was sent to SBA Communications and on other inquiry were told that this request was forwarded to another office to complete. John stated that the City Council reviewed the request at the February 1 and February 16, 2016 meeting with action being tabled to provide SBA Communications with time to respond to a request for more information. John reported that the lease for March 1, 2016 to February 28, 2017 in the amount of \$1,745.15 was paid on February 26, 2016 and, as no response has been received on the questions, it can be assumed that the request has been withdrawn. John recommended the City Council deny the request for the lease abatement.

67-16

Alderman Willson moved to deny the lease abatement request from SBA Communications for the tower lease. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

## 8. New Business

A. Permit for consumption of alcohol in the Café Brule Furniture Zone Use permit area (Market Street sidewalk as it abuts the building at 24 W. Main

John Prescott, City Manager, reported that Jim Waters, on behalf of Café Brule, Inc., has applied for a sidewalk furniture zone use permit for Café Brule for six two person tables on the Market Street side of the restaurant. John stated that administration has approved the use of the sidewalk furniture zone use permit for food consumption, but the request was to also include alcohol. John stated that City ordinance provides that the City Council may permit the consumption of alcoholic beverages within the furniture use zone. John stated that the ordinance provides additional rules to governing alcoholic beverages in the furniture zone, one of which is that the hours of operation for the sale and consumption shall be 7:00 a.m. to 10:00 p.m. John stated that the serving start time was changed from noon to 7:00 a.m. by ordinance last year. John noted that the application completed by Mr. Waters did not have the new start time updates, thus the written comment wanting the hours changed. The Police Chief has reported that there were no incidents during last year in this area. John reported that the application for furniture zone use permit, alcohol sales plan, certificate of insurance and the diagram of the area are included in the packet. Discussion followed noting the need to restrict sales on Dakota Days.

68-16

Alderman Holland moved approval of the sale and consumption of alcoholic beverages in the Café Brule Furniture Zone Use permit area during the hours outlined in the ordinance being 7:00 a.m. to 10:00 p.m. but the sale and consumption will be restricted on Dakota Days. Alderman Collier-Wise seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

B. First Reading of Ordinance 1335 amending Chapter 92, Fire Prevention and Protection to include definitions, hours for discharge of novelty fireworks, display permit requirements and sales permits

Cole Bockelmann, Communications Intern, reported that at the February 1, 2016 Noon meeting Fire Chief Shannon Draper proposed changes to the

City's ordinance regulating the discharge, sales and display of fireworks in city limits. Cole stated that the current City ordinance prohibits the use or discharge of any fireworks within the city, unless it is for a special event with a permit from the City. Cole stated that the proposed ordinance would allow the discharge of non-aerial consumer fireworks within city limits, such as sparklers, fire crackers, snakes, and smoke devices on the 4<sup>th</sup> of July. Cole noted that the proposed ordinance also addresses and regulates the sale of legal consumer fireworks within the city. Cole reported that the proposed ordinance identifies the licenses needed and that sales must take place on property zoned for commercial purposes. Cole noted that at second reading of the ordinance a resolution will be proposed to establish the fee for a permit. Cole stated that the proposed ordinance clarifies steps and provides the authority for inspections of the grounds for a public fireworks display by the Fire Chief prior to the event. Discussion followed with Cole and Fire Chief Draper answering questions of the City Council and it was the consensus to remove the word "possess" from section E.

69-16

Mayor Powell read the title to the above mentioned Ordinance and Alderman Holland moved adoption of the following Resolution with the removal of "possess" from section E:

BE IT RESOLVED that the minutes of this meeting shall show that the title to proposed Ordinance No. 1335 entitled An Ordinance amending Chapter 92, Fire Prevention and Protection to include definitions, hours for discharge of novelty fireworks, display permit requirements and sales permits of the City of Vermillion, South Dakota has been read and the Ordinance has been considered for the first time in its present form and content at this meeting being a regularly called meeting of the Governing Body of the City on this 21<sup>st</sup> day of March, 2016 at the Council Chambers in City Hall in the manner prescribed by SDCL 9-19-7 as amended.

The motion was seconded by Alderman Erickson. After discussion, the question of adoption of the Resolution was put to a vote of the Governing Body and 8 members voted in favor of and 0 members voted in opposition to the motion. Mayor Powell declared the motion adopted.

C. Labor and Finance Committee report on AFSCME (B) agreement negotiations

John Prescott, City Manager, reported that AFSCME (B) represents employees in the Telecommunications Department. John stated that until July 2015 these employees were represented by a different union and became affiliated with AFSCME in late 2015. John noted that the City of

Vermillion Labor and Finance Committee met in 2015 and 2016 to review progress on negotiating the union agreement with the AFSCME (B) union. John noted that a number of items related to negotiations with this union were largely completed with the other AFSCME agreement in late 2015 but a couple of outstanding items remained. John stated that the Labor and Finance Committee provided guidance on completing both AFSCME union negotiations. John reviewed the major items that were the same between the two unions and noted that the union will include two pay scales. John stated that the layout of the two AFSCME agreements will likely be different as the AFSCME (B) agreement will follow the same layout the previous union utilized due to member familiarity with the system. John stated that the telecommunications operators have some benefits unique to their line of work and the 24 hour nature of the Department that are not changing from what is currently provided which other AFSCME members do not have. John noted that the City Council cannot act on a report of a committee at the same meeting the report is received and recommended acceptance of the report and request the AFSCME agreement be considered at a future meeting. John noted that the final agreement has not yet been received from the union for review so the exact meeting for Council action cannot yet be set.

70-16

Alderman Willson moved to accept the report of the Labor and Finance Committee on the negotiations with the AFSCME (B) union noting that the contract will be considered at a future meeting. Alderman Ward seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

D. Resolution for Community Development Block Grant Sponsorship - Prentis Street Lift Station Project

Mike Carlson, Finance Officer, reported that earlier on the agenda the Prentis Street lift station project was explained and that part of the funding included a Community Development Block Grant (CDBG). Mike stated that the resolution is to authorize the application for the CDBG in the amount of \$515,000 for the lift station project.

71-16

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

RESOLUTION FOR  
CDBG GRANT SPONSORSHIP  
Prentis Street Lift Station Project

WHEREAS, the City of Vermillion has determined a need to upgrade the Prentis Street Lift Station; and

WHEREAS, the City of Vermillion wishes to request assistance from the Community Development Block Grant (CDBG) Program of the South Dakota Governor's Office of Economic Development in the amount of \$515,000 in order to meet the needs of the community; and

WHEREAS, the City of Vermillion is eligible for Federal assistance for the proposed project; and

WHEREAS, with the submission of the CDBG application the City of Vermillion assures and certifies that all CDBG program requirements will be fulfilled; and

WHEREAS, the City of Vermillion has held the required public hearing on Monday, March 21<sup>st</sup>, 2016 for the Community Development Block Grant.

NOW THEREFORE BE IT RESOLVED, that the Mayor be authorized to execute the CDBG application for the City of Vermillion.

Adopted this 21<sup>st</sup> day of March, 2016.

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA  
By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

ATTEST:

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

The motion was seconded by Alderman Erickson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

E. Resolution for State Revolving Fund Application Sponsorship - Prentis Street Lift Station Project

Mike Carlson, Finance Officer, reported that earlier on the agenda the Prentis Street lift station project was explained and that part of the funding included a State Revolving Fund loan. Mike stated that the resolution is to authorize the application for the State Revolving Fund loan in the amount of \$812,000 for 20 years at 3% interest for the lift station project. Mike stated that the loan will be repaid from the wastewater fund with the rates increasing 3% this year and 2.5% the next two years.

72-16

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

RESOLUTION FOR  
CW-SRF FUNDING APPLICATION SPONSORSHIP  
Prentis Street Lift Station Project

WHEREAS, the City of Vermillion has determined the need to upgrade the Prentis Street Lift Station; and

WHEREAS, grant and loan assistance is necessary to enable the City of Vermillion to construct these improvements; and

WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water, wastewater and storm water infrastructure projects; and

WHEREAS, the City Council is desirous of applying for grant/loan funding of up to \$812,000, with the loan funding to be repaid with wastewater fund revenues, at 3.0% for 20 years from the Clean Water State Revolving Fund Program of the South Dakota Department of Environment & Natural Resources for these improvements.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Vermillion hereby authorizes the filing of a grant and/or loan application with the South Dakota Department of Environment and Natural Resources, including all understandings and assurances contained therein, to fund its wastewater collection project.
2. Be it further resolved that the City of Vermillion hereby authorizes its City Manager to act as Project Certifying Officer in connection with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Adopted this 21<sup>st</sup> day of March, 2016.

THE GOVERNING BODY OF THE  
CITY OF VERMILLION, SOUTH DAKOTA  
By \_\_\_\_\_  
John E. (Jack) Powell, Mayor

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

Michael D. Carlson, Finance Officer

The motion was seconded by Alderman Erickson. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

F. Resolution for Project and Environmental Certifying Officer - Prentis Street Lift Station Project

Mike Carlson, Finance Officer, reported that earlier on the agenda the Prentis Street lift station project was explained and the resolution was approved for the Community Development Block Grant (CDBG). Mike stated that the CDBG requires the City Council appoint a Project and Environmental Certifying Officer and that for past projects this has been the City Manager. Mike stated that the resolution is to designate the City Manager as the Project and Environmental Certifying Officer for the lift station project.

73-16

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

RESOLUTION FOR  
PROJECT AND ENVIRONMENTAL CERTIFYING OFFICER  
Prentis Street Lift Station Project

WHEREAS, the City of Vermillion is applying for a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota for the Prentis Street Lift Station Project, and;

WHEREAS, the City of Vermillion is required to designate a Project Certifying Officer for the purpose of signing required documents pertaining to the grant; and

WHEREAS, the City of Vermillion is required to designate an Environmental Certifying Officer for the purpose of signing required environmental documents pertaining to the grant.

NOW THEREFORE BE IT RESOLVED, the City Manager for the City of Vermillion is hereby designated the City's Project and Environmental Certifying Officer, for the purpose of signing correspondence and other required documents and forms.

Adopted this 21<sup>st</sup> day of March, 2016.

THE GOVERNING BODY OF THE

CITY OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

The motion was seconded by Alderman Holland. Discussion followed and the question of the adoption of the Resolution was presented for a vote of the Governing Body. 8 members voted in favor of and 0 members voted in opposition to the Resolution. Mayor Powell declared that the Resolution was adopted.

G. Tractor Lease for Street and Solid Waste - Fred Haar Co.

Mike Carlson, Finance Officer, reported that the City was approached by Fred Haar Company about leasing two tractors for eight months. Mike noted that the lease rate is zero for the first 250 hours and then \$95 per hour thereafter. Mike noted that we did not exceed the 250 hours on the leased equipment in prior years. Mike stated that the City is responsible for insurance and normal maintenance and repair during this lease. Mike stated that the lease is the same as last year and is included in the packet. Mike noted that the insurance cost is estimated at \$200 per tractor and maintenance would be required on City vehicles if used. Mike stated that the use of the leased equipment reduces the hours placed on the other vehicles in the City fleet. Discussion followed.

74-16

Alderman Willson moved approval of the lease agreement with Fred Haar Company for two tractors for up to eight months. Alderman Ward seconded the motion. Discussion followed. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

9. Bid Openings - None

10. City Manager's Report

A. John reported that the City Council will be considering an ordinance to permit backyard chickens at their 7:00 p.m. April 18th meeting. A draft of the proposed ordinance will be posted on the City's website later this week.

B. John reported that the City Council will be considering an ordinance to require Knox Box on all fraternities and sororities.

C. John reported that the Landfill will begin Saturday morning hours on Saturday, April 2nd and the landfill vouchers will be available on April 4th.

D. John reported that there are two positions on the Library Board of Directors that will be open this year due to expiring of terms. John stated that information on how to apply for consideration, the timing of applying and when selection will take place will be posted on the City website by the end of the month.

E. John reported on the following raffle notifications:

USD Civil Service Advisory Council is having a 50/50 drawing at their meeting on May 17th in the MUC Ballroom. Tickets are \$1 each or \$5 for 6 tickets. Half of the money goes to the winning ticket holder. The balance of the money goes to the USD CSAC Scholarship fund. They award four scholarships each Spring.

Southeast South Dakota Pheasant Association will be selling \$20 tickets until April 23, 2016. The drawing will take place at their April 23rd event. The prize is a Polaris 570 Sportsman 4-wheeler valued at \$7,800. The proceeds of the raffle are used for Pheasant Association purposes such as wildlife habitat improvement acquisition and outdoor oriented youth activities.

USD student group Spectrum will be selling tickets at \$1 each, 6 for \$5, 15 for \$10, and 40 for \$20 during their event on March 24, 2016. Two prizes are available. A large collection of local items values at \$100 and a smaller collection valued at \$50. Proceeds go to benefit Spectrum which is the USD LGBTQ+ student group.

#### PAYROLL ADDITIONS AND CHANGES

Ambulance: Brady London \$8.55/hr, Filip Radev \$8.55/hr, Rachel Tverberg \$8.55/hr; Communications: William Kennedy \$15.05/hr; Wastewater: Rob Pickens \$18.75/hr; Pool: Aaron Baedke \$12.00/hr; Golf Clubhouse: Matt Mickley \$8.75/hr, Kyleigh Moran \$8.75/hr, Alexa Rudeen \$8.75/hr; Golf Maintenance: Aaron Baedke \$10.00/hr, Brian Juran \$8.75/hr, Lisa Loeffler \$8.75/hr, Madilyn Myers \$8.75/hr, Kody Nelson \$8.75/hr, Kraig Nelson \$8.75/hr

#### 11. Invoices Payable

75-16

Alderman Ward moved approval of the following invoices:

BHS Marketing, LLC	soda ash	6,822.86
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Broadcaster Press	advertising	216.00
Brunicks Service Inc	fuel	8,282.25
Bureau Of Administration	telephone	371.84
Centurylink	telephone	1,495.41
Clay Rural Water System	water usage	43.20
Clay-Union Electric Corp	electricity	1,895.25
Dept Of Revenue	transfer fee	75.00
Dept. Environment Natl Res	landfill operations fee	2,801.55
Division Of Motor Vehicle	plates	2.20
Gerstner Oil Co	aviation fuel	11,349.60
Gregg Peters	managers fee	6,000.00
John C. Prescott	meals reimbursement	63.00
Johnson Brothers Of SD	merchandise	18,828.37
Laynes World	Mayor's award	49.56
Loren Fischer Disposal	waste hauling	210.00
Matheson Tri-Gas, Inc	supplies	7.69
McCulloch Law Office	professional services	1,149.68
MidAmerican	gas usage	6,148.51
Midcontinent Communication	cable/internet service	553.68
Republic National Distributing	merchandise	9,700.50
Reserve Account	postage for meter	950.00
Ronald Anderson	fuel reimbursement	62.76
Sanford Health Plan	participation fee	60.00
Standard & Poor's	GO bond rating	10,750.00
The Equalizer	advertising	735.30
Treasurer-Clay County	storm drainage fee	6,587.39
United Parcel Service	shipping	15.07
Us Postmaster	utility bills postage	1,050.00
Visa/First Bank & Trust	supplies	34.20
Wendy Nilson	travel reimbursement	1,100.31
Tom Craig	Bright Energy Rebate	96.00
Danny Brown	Bright Energy Rebate	132.00
Danny Brown	Bright Energy Rebate	24.00
Harland Durkin	Bright Energy Rebate	12.00
Sandra Pederson	Bright Energy Rebate	12.00

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

## 12. Consensus Agenda

A. Set a public hearing date of April 4, 2016 for transfer of retail off sale malt beverage license to Jay Ambe-7, LLC from Freedom Valu Center, Inc for Erickson Freedom Valu Center at 830 E. Cherry Street.

B. Set a public hearing date of April 4, 2016 for special daily malt beverage and wine license on or about April 23, 2016 for Vermillion Area Arts Council at 202 Washington.

C. Set a public hearing date of April 4, 2016 for special daily malt beverage and wine license on or about April 23, 2016 for Vermillion Area Arts Council at the fairgrounds west arena.

D. Set a public hearing date of April 4, 2016 for a special daily malt beverage and wine license on or about April 21, 2016 for Vermillion Area Chamber of Commerce & Development Company, Inc on Ratingen Platz and half block of Market Street south of Main Street for Thursday's on the Platz/Earth Day events.

E. Set a public hearing date of April 4, 2016 for a special permit to exceed allowable sound levels on April 21, 2016 for Vermillion Area Chamber of Commerce & Development Company, Inc on Ratingen Platz and half block of Market Street south of Main Street for Thursday's on the Platz/Earth Day events.

F. Set a public hearing date of April 4, 2016 a special daily malt beverage and wine license on or about May 7, 2016 for Clay County Agricultural Fair Association at the fairgrounds west arena.

G. Set a public hearing date of April 4, 2016 for a special permit to exceed allowable sound levels on April 14, 2016 for Pi Kappa Alpha in the northwest corner of Prentis Park for a fundraising concert event.

76-16

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

13. Adjourn

77-16

Alderman Ward moved to adjourn the Council Meeting at 8:05 p.m. Alderman Erickson seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 21st day of March, 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 \_\_\_\_\_.



# Celebrate Arbor Day

## Proclamation

### Recognizing April 29, 2016 as Arbor Day

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify the community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED, that we, the Governing Body of the City of Vermillion, do hereby proclaim April 29, 2016 as **Arbor Day** in Vermillion and urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands.

BE IT FURTHER RESOLVED, that all citizens are urged to plant trees to gladden the heart and promote the well-being of current and future generations.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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  
Recognizing National Library Week 2016**

**WHEREAS**, our nation's public, academic, school and specialized libraries transform their communities; and

**WHEREAS**, libraries play a vital role in supporting the quality of life in all communities; and

**WHEREAS**, libraries are a significant place of learning for all ages that bring you a world of knowledge both in person and online; and

**WHEREAS**, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide;” and

**WHEREAS**, libraries, librarians, library workers and supporters across America have been celebrating National Library Week with the American Library Association since 1958; and

**WHEREAS**, this year’s National Library Week theme is “Libraries Transform”, which summarizes how libraries are places of opportunity, education self-help, and life-long learning; and

**WHEREAS**, National Library Week also includes National Library Workers Day on April 12.

**NOW, THEREFORE**, We, the governing body of the City of Vermillion, South Dakota do hereby proclaim the week of April 10-16, 2016 to be National Library Week and encourage all citizens to visit the Edith B. Siegrist Vermillion Public Library and take advantage of the wonderful resources available and thank their librarians and library staff for making information accessible to all who walk through the library’s doors.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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  
CARLA CONNORS APPRECIATION DAY**

**WHEREAS**, Carla Connors, a Vermillion High School and a University of South Dakota alum, is performing songs and stories of a Tanager at the Vermillion High School Auditorium on Monday, April 11<sup>th</sup>; and,

**WHEREAS**, her decorated career as a vocal artist has led her to perform at venues around the world; and,

**WHEREAS**, her accomplishments have been recognized through various awards and accolades bestowed by the National Association of Teachers Singing (NATS), the Lansing Symphony Orchestra's National Young Artist Competition, and the Music Guild of Boca Raton's Vocal Competition; and,

**WHEREAS**, her work in the fields of music and theater have been met with critical acclaim from publications such as the *New York Times* and the *Detroit Free Press*; and,

**WHEREAS**, her upcoming performance in Vermillion is a fundraiser for all Fine Arts programs at Vermillion High School.

**NOW, THEREFORE**, we, as the governing body of the City of Vermillion, South Dakota, do hereby proclaim April 11, 2016, as

**CARLA CONNORS APPRECIATION DAY**

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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:** April 4, 2016

**Subject:** Transfer of retail off-sale malt beverage license to Jay Ambe-7, LLC for Erickson Freedom Valu Center at 830 E. Cherry Street from Freedom Value Centers, Inc

**Presenter:** Mike Carlson

**Background:** An application for the transfer of the retail off-sale malt beverage license from Freedom Valu Centers, Inc. to Jay Ambe-7, LLC for Erickson Freedom Valu Center, at 830 E. Cherry Street was received. A copy of the notice that was published for the license transfer is included in the packet.

The application lists Kamlesh Kumar N. Patel and Karesh Kumar N. Patel as owners of 100% of the corporate stock.

**Discussion:** The City Council has the ability to transfer a license on basically two criteria: suitable person and suitable location. As to the suitable person, City ordinance provides that new applicants must submit to a criminal background check to determine suitability. As this is a corporation, there were two owners listed and they have provided the South Dakota Division of Criminal Investigation background check to the Chief of Police.

With respect to the location criteria, licenses have been previously approved for this location. A recent western South Dakota legal ruling defined that other items can impact the location criteria. The character of neighborhoods and businesses tend to change over time and a local governing body has a legitimate interest in managing the alcoholic beverage licensing in its jurisdiction to assess whether an alcohol sales location continues to be suitable. The following are the city ordinances on suitable person and suitable location.

### 112.20 SUITABLE PERSON.

- (A) South Dakota Codified Law § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applicants or their principals are suitable persons before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. In order to effectuate a thorough determination of suitable person eligibility for license

issuance, new applicants must submit to a criminal background check to determine suitability. Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to publication of hearing notice required by South Dakota law. The applicant's completed application will be attached to the certification of the law enforcement agency when received.

- (B) A disqualifying criminal record for alcoholic beverage license purposes means any conviction for any felony, a crime of violence as defined in SDCL § 22-1-2(9), a sex offense as defined in SDCL § 22-24B-1, or trafficking in controlled drugs or substances which when and where committed would constitute such in the state of South Dakota. Unpardoned convictions of any crime of moral turpitude as defined by SDCL § 22-1-2(25) which when and where committed would constitute such in the state of South Dakota may constitute a disqualifying record as determined by the City Council on a case-by-case basis. Any criminal conviction not disclosed by an applicant on his application form may be treated as a disqualifying record. Any criminal conviction may be considered in making license issuance decision. Suspended imposition of sentence will not be considered a conviction.
- (C) An applicant subject to this policy shall provide to the law enforcement agency performing the fingerprinting process cash, check, or money order in an amount necessary to cover the costs of fingerprints for the criminal record check.
- (D) An applicant or principal in any business entity that is an applicant having any indebtedness to the city must satisfy said indebtedness before the City Council will consider any application for alcoholic beverage license issuance or renewal, except for plan one or two special assessment obligations that are not in arrears.

#### 112.21 SUITABLE LOCATION.

- (A) South Dakota Codified Laws § 35-2-1.2 requires the City Council to determine whether retail alcohol beverage license applications propose suitable locations before issuing or renewing said licenses. This determination is required annually for each license the applicant seeks. The following are nonexclusive criteria established to assist in determining suitable location status:
  - (1) Identification of a garbage hauler to be utilized by the business and the frequency of the garbage pickup;
  - (2) Zoning restrictions, and
  - (3) Neighborhood characteristics.
- (B) In determining suitable location, the City Council will also utilize factors developed through South Dakota case law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages, such as noise and litter.

§ 112.22 SUITABLE PERSON AND SUITABLE LOCATION CONSIDERATION.

- (A) South Dakota codified laws and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the city hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant or principals and whether the location is suitable according to §§ 112.20 and 112.21 of this chapter.
- (B) Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses, residences, and activities deemed important by the City Council.

**Financial Consideration:** The transfer fee is \$150 for the license. The City retains half (\$75) of the malt beverage transfer fee with the balance going to the state. The malt beverage license will expire on June 30, 2016.

**Conclusion/Recommendations:** Following the input from the public hearing, the City Council is asked to make a decision on the transfer of the retail on-off sale malt beverage license. If a motion is made to deny, the reason needs to be included in the motion.

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)



03/10/16

Attn: Mike Carlson, Finance Director

From: Matt Betzen, Chief of Police

A handwritten signature in blue ink, appearing to be "MB", written over the text "Chief of Police".

Re: Ownership transfer for Erickson Freedom Store- Alcohol License Transfer

Sir,

A check of the Vermillion Police Department Records does not show any information regard the new proposed license holders, Haresh Kumar N Patel and Kamlesh Kumar N. Patel. Additionally, I have received information from the Division of Criminal Investigations in South Dakota that the fingerprints submitted by these subjects are not associated with any criminal history in South Dakota.

As a part of the application process the subjects submitted fingerprints for a Federal background check. These checks take several weeks. At this time, I have no information that would preclude the transfer of the Alcohol License to the new owners.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4<sup>th</sup> day of April, 2016 at the hour of 7:00 P.M. at City Hall Council Chambers 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, which has been presented to the City Council and filed in the Finance Officer's Office:

Transfer of Retail Off Sale Malt Beverage License until June 30, 2016:

Jay Ambe-7, LLC for Erickson Freedom Valu Center at 830 E. Cherry Street transfer from Freedom Valu Centers, Inc operating Erickson Freedom Valu Center.

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 18<sup>th</sup> day of March, 2016

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

Publish: March 23, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** April 4, 2016

**Subject:** Special Daily Malt Beverage License for the Vermillion Area Arts Council on or about April 23, 2016 at 202 Washington Street

**Presenter:** Mike Carlson

**Background:** The Vermillion Area Arts Council has submitted an application for a special daily malt beverage and wine license at 202 Washington Street for a special event.

Our city ordinance on special daily licenses reads as follows:

112.18 SPECIAL LICENSES FOR SALES OF MALT BEVERAGES AND/OR WINE.

The City Council may recommend to the State Department of Revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. 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. The fee for such license 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), (6), or (16) 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.

## 6. Public Hearing; item b

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. The local governing body may establish rules to regulate and restrict the operation of the special license.

**Discussion:** The notice of public hearing is attached, along with the Police Chief's memo. The routine Police Department records check of the parties involved with the special daily license revealed no alcohol related violations or felony convictions in reference to this application. City staff is not aware of any problems with previous special daily licenses granted to the Vermillion Area Arts Council. VAAC President Jim Wilson completed the application and stated that Jessi Wilharm would be attending the meeting to answer questions.

**Financial Consideration:** The City has received the \$15 per day license fee and \$15 advertising fee from the applicant.

**Conclusion/Recommendations:** Administration recommends approving the issuance of the special daily malt beverage license unless further information is provided at the public hearing.

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: 03/28/2016

From: Matthew Betzen   
Chief of Police

Subject: Vermillion Area Arts Council/Special Daily License Malt Beverage

I have reviewed the application for "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by the Vermillion Area Arts Council. This application is for an event to be held at 202 Washington St. After review of past events sponsored by the Vermillion Area Arts Council and of the officer of that organization, I have no concerns regarding this function/application.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4<sup>th</sup> day of April, 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 Arts Council on or about April 23, 2016 at 202 Washington Street.

Vermillion Area Arts Council on or about April 23, 2016 at the Clay County Fair Grounds west arena.

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 18<sup>th</sup> day of March, 2016.

Michael D. Carlson, Finance Officer

Publish: March 23, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** April 4, 2016  
**Subject:** Special Daily Malt Beverage License for the Vermillion Area Arts Council on or about April 23, 2016 at the Clay County Fairgrounds west arena  
**Presenter:** Mike Carlson

**Background:** The Vermillion Area Arts Council has submitted an application for a special daily malt beverage and wine license at the Clay County Fairgrounds west arena for a fundraising special event.

Our city ordinance on special daily licenses reads as follows:

112.18 SPECIAL LICENSES FOR SALES OF MALT BEVERAGES AND/OR WINE.

The City Council may recommend to the State Department of Revenue that a special malt beverage and/or wine license may be granted to a civic, charitable, educational or fraternal organization in conjunction with a special event. 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. The fee for such license 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), (6), or (16) 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.

## 6. Public Hearing; item c

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. The local governing body may establish rules to regulate and restrict the operation of the special license.

**Discussion:** The notice of public hearing is attached, along with the Police Chief's memo. The routine Police Department records check of the parties involved with the special daily license revealed no alcohol related violations or felony convictions in reference to this application. City staff is not aware of any problems with previous special daily licenses granted to the Vermillion Area Arts Council. VAAC President Jim Wilson completed the application and stated that Jessi Wilharm would be attending the meeting to answer questions.

**Financial Consideration:** The City has received the \$15 per day license fee and \$15 advertising fee from the applicant.

**Conclusion/Recommendations:** Administration recommends approving the issuance of the special daily malt beverage license unless further information is provided at the public hearing.

City of Vermillion  
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15 Washington Street  
Vermillion, SD 57069  
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[www.vermillionpd.org](http://www.vermillionpd.org)



To: Vermillion City Council

Date: 03/15/2016

From: Matthew Betzen  
Chief of Police

A handwritten signature in blue ink, appearing to be "M. Betzen", is written over the name "Matthew Betzen".

Subject: Vermillion Area Arts Council/Special Daily License Malt Beverage

I have reviewed the application for "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by the Vermillion Area Arts Council. This application is for a fundraiser regarding the refurbishment of old bicycles and is to be held at the Clay County Fairgrounds. After review of past events sponsored by the Vermillion Area Arts Council and of the officer of that organization, I have no concerns regarding this function/application.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4<sup>th</sup> day of April, 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 Arts Council on or about April 23, 2016 at 202 Washington Street.

Vermillion Area Arts Council on or about April 23, 2016 at the Clay County Fair Grounds west arena.

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 18<sup>th</sup> day of March, 2016.

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

Publish: March 23, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** April 4, 2016

**Subject:** Special Daily Malt Beverage and Wine License for Vermillion Chamber of Commerce and Development Company on or about April 21, 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 Earth Day event on Thursday, April 21, 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. 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. The duration of the event may minimize the need for specific restroom facilities.
- Require a list of those individuals selling alcohol and checking IDs be provided to the City Manager 24 hours before the event. All individuals on the list were required to be at least 21 years of age.
- Hours of sale may be limited. The noise permit states the hours will be from 4:00 pm to 8:00 pm and the street closing request is from 4:30 p.m. to 8:00 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.

**Conclusion/Recommendations:** Administration recommends approval of the April 21, 2016 special daily malt beverage and wine license, 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: 04/21/2016

From: Matthew Betzen   
Chief of Police

Subject: Special Daily License (On-Sale) Malt Beverage and Wine License-Thursday on the Platz/Earth Day event

The Vermillion Area Chamber and Development Company, Inc is making this application for the annual first Thursday on the Platz/Earth Day Event.

The applicants are clear of any criminal history that would be cause for concern. This event has historically been well managed and I believe this license should be granted.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4<sup>th</sup> day of April, 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 April 21, 2016 on Ratingen Platz and half block of Market Street south of Main Street for Thursdays on the Platz/Earth Day 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 18<sup>th</sup> day of March, 2016.

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

Publish: March 23, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** April 4, 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 half block of Market Street south of Main Street on April 21, 2016 from 4:00 p.m. to 8:00 p.m. for Earth Day Activities

**Presenter:** Mike Carlson

**Background:** The VCDC has applied for a special permit to exceed allowable noise levels for Earth Day events on April 21, 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 Street 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 on Thursday night for the Earth Day event on April 21, 2016.

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 Thursdays on the Platz events of the last couple of years.

**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 Elijah BONDE Phone (605) 624-5571

Contact Person Address 6 W. MAIN St., Vermillion, SD

Location of Event RATINGEN PLATZ Date of Event 4-21-16

Duration of event from time 4pm to Time 8pm

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

YES, the PLATZ has hosted these type of outdoor music, food events for years. Electric, table space, parking are all appropriate for this event.

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

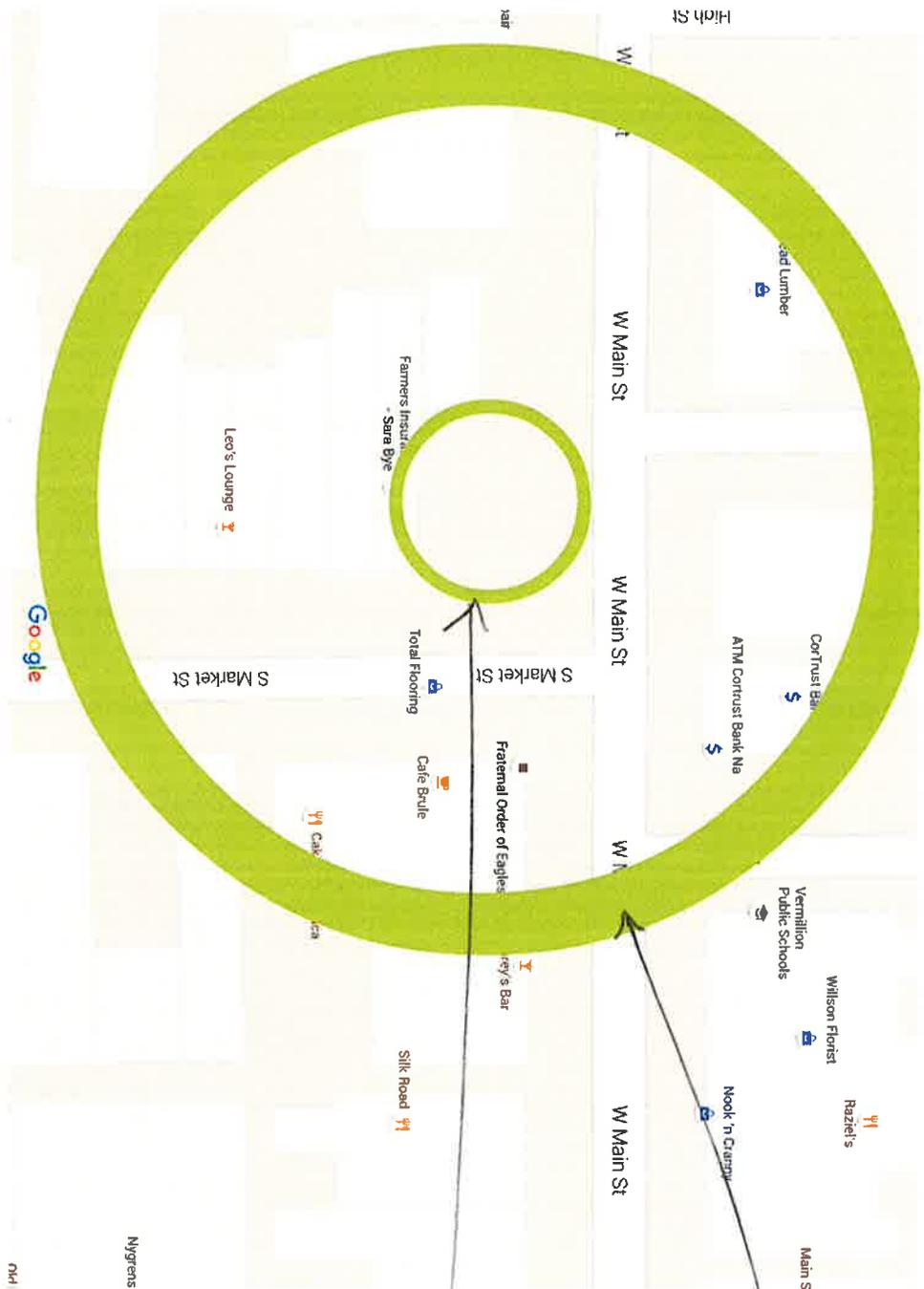
This is an annual event hosted by the Vermillion-NEXT (Thursdays on the PLATZ) group/VCDC, to draw attention to EARTH DAY / EARTH WEEK activities in Vermillion

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 \_\_\_\_\_

Thursday  
on the  
Platz



(50' @ 90db)

(200' ft.  
@ -75db)

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

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4<sup>th</sup> day of April, 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 on Ratingen Platz and half block of Market Street south of Main Street on April 21, 2016 from 5:30 p.m. to 8:00 p.m. for Earth Day Activities and Thursdays on the Platz.

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 18<sup>th</sup> day of March, 2016.

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Michael D. Carlson, Finance Officer

Publish: March 23, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** April 4, 2016

**Subject:** Special Daily Malt Beverage and Wine License for the Clay County Agricultural Fair Association, Inc. on or about May 7, 2016 at the Clay County Fair Grounds

**Presenter:** Mike Carlson

**Background:** The Clay County Agricultural Fair Association, Inc. has submitted an application for a special daily malt beverage and wine license for a spring Demo Derby on May 7, 2016. There will be a beer garden in the arena for the Demolition Derby on Friday, May 7. City Code for special licenses is 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 and the report from the Police Chief are attached.

**Financial Consideration:** The City has received the \$15 per day licensing fee and the \$15 advertising fee from the applicant for a sum total of \$30.

**Conclusion/Recommendations:** Administration recommends approving the issuance of the special daily malt beverage and wine license for May 7, 2016 unless additional information is provided at the public hearing.

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: 03/18/2016

From: Matthew Betzen   
Chief of Police

Subject: Clay County Agricultural Fair Assoc., Clay County Fair Alcohol License for May 7, 2016.

I have reviewed the application for the "Special Daily License (On-Sale) Malt Beverage and Wine License" submitted by the Clay County Agricultural Fair Association, Inc. for service at the Clay County Fairgrounds, west arena, on May 7, 2016.

A check of department records does not reveal any felonies for the applicants. Additionally, this is an annual event and there are no records regarding behavior in the past that would cause me hesitation in supporting this application.

NOTICE OF PUBLIC HEARING OF APPLICATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES

NOTICE IS HEREBY GIVEN THAT the Vermillion City Council on the 4<sup>th</sup> day of April, 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:

Clay County Agricultural Fair Association, Inc on or about May 7, 2015 at the Clay County Fair Grounds west arena.

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 18<sup>th</sup> day of March, 2016.

Michael D. Carlson, Finance Officer

Publish: March 23, 2016

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

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer

**Meeting:** April 4, 2016

**Subject:** Special permit to exceed allowable sound levels on April 14, 2016 for Pi Kappa Alpha in the northwest corner of Prentis Park for a fundraising concert event

**Presenter:** Mike Carlson

**Background:** Dallas Humphries contacted the city on March 17<sup>th</sup> regarding a noise permit for Pi Kappa Alpha hosting their annual event "Pikes in the Park" philanthropy event in Prentis Park on April 14<sup>th</sup> from 5:00 pm - 7:00 pm. Dallas was provided the application forms. I have exchanged emails with Mr. Humphries but have not received the completed application or diagram for the event. The city has approved a permit to exceed allowable sound levels for this event in past years and Mr. Humphries was the contact for last year's event.

**Discussion:** As the public hearing was included on the March 21<sup>st</sup> consensus agenda it moves forward to this agenda.

**Financial Consideration:** None

**Conclusion/Recommendations:** No action is necessary as a complete application has not been received the hearing can be closed and no special permit will be issued.

## *Council Agenda Memo*

**From:** Cole Bockelmann, Communications Intern  
**Meeting:** April 4, 2016  
**Subject:** Second Reading of Ordinance 1335 – Fireworks Changes  
**Presenter:** Shannon Draper, Fire Chief

**Background:** At the February 1, 2016 noon meeting Fire Chief Shannon Draper proposed changes to the City’s ordinance regulating the discharge, possession and display of fireworks in city limits. Currently, ordinance prohibits the use or discharge of any fireworks within the city, unless it is for a special event with a permit from the City. The first reading of the ordinance was approved on March 21<sup>st</sup> after some minor language changes were made.

**Discussion:** Staff originally put together some proposed changes that would allow the discharge of non-aerial consumer fireworks within city limits, such as sparklers, fire crackers, snakes, and smoke devices on the 4<sup>th</sup> of July.

The ordinance change also addresses and regulates the sale of legal consumer fireworks within the city. The ordinance identifies the licenses needed and that sales must take place on property zoned for commercial purposes. With the second reading of the ordinance, a resolution to establish the fee for a permit is part of New Business.

An additional change clarifies steps and provides the authority for inspections of the grounds for a public fireworks display by the Fire Chief prior to the event. Definitions of the different types of fireworks are also added to the code with the proposed ordinance.

**Financial Consideration:** None other than publication of the ordinance.

**Conclusion/Recommendations:** Administration recommends approval of the second reading of Ordinance 1335. A roll call vote is required with a second reading.

## ORDINANCE 1335

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 92 FIRE PREVENTION AND PROTECTION, SECTION 92.07 OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA TO INCLUDE DEFINITIONS, HOURS FOR DISCHARGE OF NOVELTY FIREWORKS, DISPLAY PERMIT REQUIREMENTS, SALES REQUIREMENTS, AND PENALTY FOR VIOLATIONS,**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA** that Title IX, Chapter 92 section 92.07 be amended as set forth below:

### **§ 92.07 FIREWORKS**

**(A) DEFINITIONS.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LEGAL CONSUMER FIREWORKS.** Novelty consumer or aerial consumer fireworks designed primarily to produce visible effects by combustion, that must comply with the construction, chemical composition, and labeling regulations promulgated by the U.S. Consumer Product Safety Commission (C.F.R. Title 16--Commercial Practices, Part 1507), effective January 1, 1998 and that are enumerated in the American Pyrotechnics Association Inc., Standard 87-1, April, 1993 edition of SDCL 34-37-5. All other fireworks would be considered illegal.

**ILLEGAL CONSUMER FIREWORKS.** Any fireworks that do not comply with the U.S. Consumer Product Safety Commission (C.F.R. Title 16--Commercial Practices, Part 1507), effective January 1, 1998 and that are enumerated in the American Pyrotechnics Association Inc., Standard 87-1, April, 1993 edition or SDCL 34-37-4.

**NOVELTY CONSUMER FIREWORKS.** Non-aerial fireworks including, but not limited to, sparklers, smoke devices, snakes, snappers, party poppers, ground-based sparklers, or fountains up to 500 grams, and small firecrackers.

**AERIAL CONSUMER FIREWORKS.** Legal consumer fireworks including, but not limited to sky rockets, bottle rockers, roman candles, reloadable shell devices, mortar type fireworks, and any airborne open flame, including sky lanterns.

### **(B) SALE AND USE REGULATION.**

(1) It shall be unlawful for any person to shoot, discharge, or explode, or cause to be shot, discharged, or exploded, any firecrackers, sky rockets, blank cartridges, fireworks, or other explosives used for fireworks or fire display in the City except for Novelty Consumer Fireworks. Novelty Consumer Fireworks shall only be discharged within City limits in areas other than public streets, sidewalks, parks, grounds, or within the downtown business district of the City. The discharge of Novelty Consumer Fireworks shall be allowed, in accordance with state law, between the hours of 9:00 a.m. and 11:59 p.m. on July 4<sup>th</sup>. It shall be unlawful for any person to launch Aerial Consumer Fireworks within City limits except if provided for by permit.

(2) Nothing in this section shall prohibit the use of a public display of fireworks in the City, provided that any individual, firm, partnership, or corporation, prior to making the public display of fireworks, shall

first secure a written permit to do so from the governing body of the City. Permit applications must be submitted at least twenty days prior to the event on forms provided by the Fire Chief. Site inspection is required prior to the approval of the permit. Site inspection is also required on the day of the event not less than thirty minutes before the listed event show. The Fire Chief or designee will complete all site inspections.

(3) It shall be unlawful to sell Legal Consumer Fireworks without a permit from the City. Application for a permit shall be made to the Fire Chief on forms provided. Applicants for permit to sell Legal Consumer Fireworks must first obtain a Retail Fireworks License from the South Dakota State Fire Marshal. The sale of Legal Consumer Fireworks is allowed in accordance with City codes and SDCL 34-37. The sale of Legal Consumer Fireworks must take place on property zoned for commercial use. The fee for the permit shall be set by resolution of the City Council. The City may deny a permit if a site, hours, or applicant is deemed unsuitable. The City may revoke a permit for any violation of this Section 92.07.

(4) It shall be unlawful to sell or use any fireworks other than Legal Consumer Fireworks within the City of Vermillion.

**§ 92.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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: March 21, 2016  
Second Reading: April 4, 2016  
Publish: April 9, 2016  
Effective Date: April 29, 2016

## *Council Agenda Memo*

**From:** Cole Bockelmann, Communications Intern

**Meeting:** April 4, 2016

**Subject:** Street Closure Request to close a portion of Market Street on April 21 for Green Thursday on the Platz

**Presenter:** Cole Bockelmann

**Background:** The Vermillion Chamber of Commerce is again holding “Green Thursday on the Platz” for Earth Day events in downtown Vermillion on April 21, 2016. Due to the number of anticipated attendees, a street closure request has again been submitted for Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street. The street closure request is the same as previous years.

This event is being sponsored by Thursdays on the Platz and the Vermillion Chamber of Commerce and Development Company as part of the Earth Day events in the community.

**Discussion:** The group requests to have Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street closed from 3:30 p.m. to 8:00 p.m. on Thursday, April 21, 2016. The street closure request application indicates that neighboring businesses and residents have been notified. Volunteers for the Thursdays on the Platz Committee will clean up the area after the events.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends the City Council approve the closure of Market Street from W. Main Street to the East/West alley between W. Main Street and Kidder Street on Thursday, April 21, 2016 for “Green Thursday on the Platz” event.

Request to Close Public Street

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

**REQUEST TO CLOSE CITY STREET  
CITY OF VERMILLION**

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

Organization Requesting Vermillion AREA Chamber + Development Co.

Contact Person Elijah BONDE Phone (605) 624-5571

Contact Person Address 6 W. MAIN St., Vermillion, SD

Event GREEN THURSDAY on the PLATZ Date(s) of Event 4-21-16

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

Street Market St. from corner of MAIN ST. to Alley/LEO'S (1/2 BLOCK)

Street Closing Times 3:30pm to 8pm

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

Have arrangements been made for clean up after the event and other facilities? Please describe:

YES, barricades are to be delivered to Platz prior to 3:30, and retrieved after 8pm by the city. Trash is to be left adjacent to Bye Insurance for pick-up.

If approved the contact person will need to make arrangements with the Street Department for barricades to properly denote the street closing.

Signature of applicant [Signature] date \_\_\_\_\_

11  
Thursdays  
on the  
Platz



## *Council Agenda Memo*

**From:** Cole Bockelmann, Communications Intern

**Meeting:** April 4, 2016

**Subject:** First Reading of Ordinance 1336 Proposed change to City Code requiring Key Lock Box on all Fraternity and Sorority Housing structures

**Presenter:** Shannon Draper, Fire Chief

**Background:** In August of 2013, the City Council adopted Ordinance 1303 which required a rapid entry system (Knox Box) to be installed on certain types of new structures. Recently, City Staff received a letter from USD's Office of Sorority/Fraternity Life requesting that section 92.08 of City Code be amended to require a rapid entry system on all current and future fraternity and sorority housing.

At the March 21, 2016 noon meeting, Fire Inspector Matt Taggart presented the USD request and how the City Code could be modified to include all existing and new fraternities and sororities housing structures be required to have a Knox Box. He also reviewed the Fire Department system to account for when and who could access the rapid entry system. The consensus of the City Council was for staff to draft an ordinance to require the rapid entry system on fraternities and sororities for consideration at a future meeting.

**Discussion:** The attached ordinance would change the Rapid Entry System of Vermillion City Code as requested. The new item would require all newly constructed and existing fraternity and sorority housing to have a key lock box near the entrance of the housing complex. Having a rapid entry system in place at sororities and fraternities would allow the Fire Department to quickly and safely enter the building during an emergency when nobody may be available to provide entry to the structure.

It made sense to insert the proposed language as subsection (B). The existing subsections (B) to (K) are relabeled as (C) to (L) but the language of these sections does not change.

**Financial Consideration:** None other than the publication of the ordinance.

**Conclusion/Recommendations:** Administration recommends approval of the first reading of Ordinance 1336.

## ORDINANCE 1336

### AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 92 FIRE PREVENTION AND PROTECTION, SECTION 92.08 RAPID ENTRY SYSTEM, ADDING FRATERNITY AND SORORITY HOUSING, OF THE REVISED ORDINANCES OF THE CITY OF VERMILLION, SOUTH DAKOTA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VERMILLION, SOUTH DAKOTA that Title IX, Chapter 92 be amended as set forth below:

#### § 92.08 RAPID ENTRY SYSTEM.

(A) The following newly constructed structures shall be equipped with a key lock box at or within 15 feet of the main entrance or such other location required by the Fire Chief.

- (1) Commercial or industrial structures that are secured in a manner that restricts access during an emergency;
- (2) Multifamily residential structures that have restricted access; and
- (3) Governmental structures and nursing care facilities.

**(B) All newly constructed and existing fraternity and sorority housing.**

~~(B)~~ (C) All newly constructed structures or complexes subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

~~(C)~~ (D) The Fire Chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.

~~(D)~~ (E) The owner or operator of a structure or complex required to have a key lock shall, at all times, keep a key in the lock box, or maintain the operation of the box at all times.

~~(E)~~ (F) The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

~~(F)~~ (G) Any person who owns or operates a structure or complex subject to this section shall be subject to the penalties set forth in all sections of the Code for any violation of this section, provided that the maximum fine for a conviction for a violation of this section shall be \$100.

~~(G)~~ (H) All requests for the designated key lock box system shall be coordinated through the Fire Chief. The Fire Chief shall approve the location of the box on each site.

~~(H)~~ (I) (1) The Fire Chief shall provide a list of compatible entry systems.

- (2) Box systems must be UL Listed and text box system.

~~(J)~~ (J) All surface mount box systems shall be securely installed on the address side of the building and 7-10 feet from ground level or if a recessed box is installed, the box may be installed at eye level on the address side of the building.

~~(K)~~ (K) Inside the box system, a master key for all exterior and interior locks must be placed inside.

(1) No more than 2 keys permitted inside the box without approval of the Fire Chief.

(2) If 2 keys are present inside the box, the keys must be clearly labeled "Exterior Doors," and the like.

(3) Master electronic key cards may be placed inside instead of a physical key.

~~(L)~~ (L) The location of the installation must be approved by the Fire Chief or his designee prior to being installed.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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: April 4, 2016  
Second Reading: April 18, 2016  
Publish: April 23, 2016  
Effective Date: May 13, 2016

3/4/2016

Sorority/Fraternity Life  
414 East Clark Street  
Vermillion, SD 57069

Vermillion City Council  
25 Center Street  
Vermillion, SD 57069

Vermillion City Council Members:

I am pleased to write to you today in support of the purposed amendment to Chapter 92 of the Vermillion City Code: Fire and Protection; which would mandate all newly constructed and existing fraternity and sorority houses to be equipped with a key lock box.

In my capacity as the Director of Sorority/Fraternity Life at the University of South Dakota, I understand fully the powerful relationship that can be formed between the Vermillion Fire Department and the Office of Sorority/Fraternity Life; and the importance that relationship can play in the time of emergencies. It is because of this positive relationship that has been formed and the importance fire safety plays in a fraternal community setting, that I am happy to support this City Code amendment, which would allow our community first responder's easier access to our chapters in the case of emergencies.

Our community appreciates your support and consideration of this important amendment.

Best,

Laura Roof

--  
Laura Roof  
Director of Sorority/Fraternity Life  
University of South Dakota  
Muenster University Center 203  
414 East Clark Street  
Vermillion, SD 57069  
605-677-5632



UNIVERSITY OF  
SOUTH DAKOTA

## *Council Agenda Memo*

**From:** Cole Bockelmann, Communications Intern  
**Meeting:** April 4, 2016  
**Subject:** Resolution setting a fee for the permit to sell legal consumer fireworks  
**Presenter:** Shannon Draper, Fire Chief

**Background:** Earlier on the agenda the City Council considered the second reading of Ordinance 1335 amending Chapter 92 for fireworks that provides for a permit for the sale of legal consumer fireworks. The ordinance provides that the permit fee is to be set by resolution of the City Council. This resolution will set the permit fee for the sale of legal consumer fireworks.

**Discussion:** Ordinance 1335 requires a permit from the City for the sale of legal consumer fireworks. The sale of legal consumer fireworks is allowed in accordance with City ordinance and SDCL 34-37 to take place on property zoned for commercial use. The permit is to be issued by the Fire Chief.

**Financial Consideration:** The only cost to the City associated with the adoption of this resolution is publication. All revenue from the permits goes into the City's General Fund.

**Conclusion/Recommendations:** Administration recommends approval of the resolution setting the permit fee for the sale of legal consumer fireworks at \$25.

**RESOLUTION  
ESTABLISHING A PERMIT FEE  
FOR THE SALE OF LEGAL CONSUMER FIREWORKS**

**WHEREAS**, the adoption of Ordinance 1335 created Section 92.07 (B) that provides for a city permit for the sale of legal consumer fireworks within the City of Vermillion; and,

**WHEREAS**, the newly created Section 92.07 (B) of the Vermillion, South Dakota Code of Ordinances provides the fee for such a permit be set by resolution of the City Council; and,

**WHEREAS**, the City wishes to establish a permit fee to recover the costs associated with ordinance enforcement of the selling of legal consumer fireworks, as allowed in Section 92.07 (B), which allows the sale of legal consumer fireworks; and

**WHEREAS**, said permit fee for the sale of legal consumer fireworks specified in 92.07 (B) shall be set at \$25.00; and

**BE IT HEREBY RESOLVED**, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 4<sup>th</sup> day of April, 2016, that the permit fee for the sale of legal consumer fireworks as provided for in Section 92.07 (B) is established at \$25.00.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 2016.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

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

ATTEST:

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

Adopted: April 4, 2016  
Published: April 9, 2016  
Effective: April 29, 2016

## *Council Agenda Memo*

**From:** Mike Carlson, Finance Officer  
**Meeting:** April 4, 2016  
**Subject:** Resolution revising wastewater rates  
**Presenter:** Mike Carlson

**Background:** The annual wastewater rate for customers is computed as a percentage of the average monthly consumption based on the January, February and March water billing for each utility account. The new wastewater fee is computed in April of each year and remains the same for the next twelve months. Since the water usage of each account varies from year to year, wastewater fees are determined on an annual basis.

The wastewater rates were last adjusted in April 2014 to 126% of the January, February and March water billing. As wastewater rates are based on water billing it needs to be noted that water rates were increased 2.5% in January 2015 and 2% in January 2016. Based upon this the wastewater revenues would be increasing by 127% of the water rate increase if the volume of sales remained the same. The first quarter 2016 water sales volume decreased 4% over the same period in 2015.

**Discussion:** As actual water sales revenues are known for the first quarter of 2016 and at the current wastewater rate of 126%, the projections for 2016 revenues would be just under the wastewater budget for 2016. Adjusting the wastewater rate to 127% is projected to generate \$1,907,800 or \$12,800 more than the wastewater 2016 budget of \$1,895,000. The 2016 budget project a 3% increase anticipating extra costs with the Prentis Street lift station.

The resolution also adjusts the surcharge fee percentage of the wastewater rate to provide the necessary revenue in the surcharge fund to meet the 110% annual debt service requirement.

**Financial Consideration:** Administration recommends adjusting the wastewater charge to 127% that will increase the monthly billing by 2.95% from \$30.78 to \$31.69 or \$.91 per month for the customer using the city average of 465 cubic feet of water.

**Conclusion/Recommendations:** Administration recommends the adoption of the wastewater rate resolution to meet the 2016 budget and provide the rates needed for the SRF Loan covenants.

## RESOLUTION AMENDING SEWER RATES

WHEREAS, Section 53.018 of Title V, Public Works, of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish and change sewer rates and reads as follows:

The monthly sewer charge to each user for ordinary use of the public sanitary sewer utility shall be equal to a percentage, set from time to time by resolution of the council, of the average monthly charges made for water during the last January, February and March period to any person occupying any premises served by the utility and to his successors in the occupancy. In cases where the premises were unoccupied during the months of January, February and March and/or where the use of the premises has significantly changed the water usage, the sewer charge may be based on the average usage during three (3) other months of the year; and

WHEREAS, the State Revolving Loan for the Phase II improvements required the creation of a surcharge fee sufficient to produce net revenues for each fiscal year at least equal to one hundred ten (110) percent of the principal and interest on the bonds coming due in such fiscal year be established; and

WHEREAS, the City Council has approved the application for SRF loan/grant funding for the Prentis Street lift station project that will require a rate adjustment for the increased debt service; and

WHEREAS, the rates being proposed are projected to produce the revenues necessary to cover the wastewater operations and the debt service requirements.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 4<sup>th</sup> day of April, 2016, that the percentage for calculating the sewer charge be established or charged as follows:

- (a) Total charge: ~~One hundred twenty-six percent (126%)~~ One hundred twenty-seven percent (127%).

This rate include a surcharge fee defined in (b) below.

- (b) Debt Service Surcharge Fees effective until the 2008 loan is retired: There is hereby established and imposed, pursuant to the authority of SDCL ch. 9-40, a surcharge upon the sewer service in the City of Vermillion. The surcharge shall apply to all classes of customers. The debt service surcharges is a special charge for the use of the wastewater plant and lift station improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2008 Clean Water State Revolving Fund Loan. The City does hereby establish the debt service surcharge fees for each customer of its System who received or benefits from the Project or services of the Project. Such allocation

shall be set at a level which, assuming a ten percent (10%) delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the borrower 2008 bonds and the administrative expense surcharges and all other payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The debt service surcharge percentage included in (a) above, per monthly billing shall be ~~twenty-two and five-tenth percent (22.5%)~~ twenty one and nine tenth percent (21.9%).

The Debt Service Surcharge may be combined with the Meter Service Charge on the monthly billing for ease of reporting.

Effective Date of Rate:

The effective date of the rates listed in Vermillion City Ordinance 53.018 is for bills with a billing date after April 20, 2016.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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

## **RESOLUTION AMENDING SEWER RATES**

WHEREAS, Section 53.018 of Title V, Public Works, of the 2008 Revised Ordinances of the City of Vermillion, allows the City Council to establish and change sewer rates and reads as follows:

The monthly sewer charge to each user for ordinary use of the public sanitary sewer utility shall be equal to a percentage, set from time to time by resolution of the council, of the average monthly charges made for water during the last January, February and March period to any person occupying any premises served by the utility and to his successors in the occupancy. In cases where the premises were unoccupied during the months of January, February and March and/or where the use of the premises has significantly changed the water usage, the sewer charge may be based on the average usage during three (3) other months of the year; and

WHEREAS, the State Revolving Loan for the Phase II improvements required the creation of a surcharge fee sufficient to produce net revenues for each fiscal year at least equal to one hundred ten (110) percent of the principal and interest on the bonds coming due in such fiscal year be established; and

WHEREAS, the City Council has approved the application for SRF loan/grant funding for the Prentis Street lift station project that will require a rate adjustment for the increased debt service; and

WHEREAS, the rates being proposed are projected to produce the revenues necessary to cover the wastewater operations and the debt service requirements.

BE IT HEREBY RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof, in the Council Chambers of said City, at 7:00 p.m. on the 4<sup>th</sup> day of April, 2016, that the percentage for calculating the sewer charge be established or charged as follows:

- (a) Total charge: One hundred twenty-seven percent 127%.

This rate include a surcharge fee defined in (b) below.

- (b) Debt Service Surcharge Fees effective until the 2008 loan is retired: There is hereby established and imposed, pursuant to the authority of SDCL ch. 9-40, a surcharge upon the sewer service in the City of Vermillion. The surcharge shall apply to all classes of customers. The debt service surcharges is a special charge for the use of the wastewater plant and lift station improvements and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the 2008 Clean Water State Revolving Fund Loan. The City does hereby establish the debt service surcharge fees for each customer of its System who received or benefits from the Project or services of the Project. Such allocation shall be set at a level which, assuming a ten percent (10%) delinquency rate, will

produce income at the times and in amounts sufficient to pay when due the principal of and interest on the borrower 2008 bonds and the administrative expense surcharges and all other payments as may be required under the loan agreement. The charges shall be reviewed annually by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15.1 and 9-40-15 to such amounts as may be necessary to pay principal, administrative surcharge and other charges as may become due and owing under the loan agreements. The debt service surcharge percentage included in (a) above, per monthly billing shall be twenty one and nine tenth percent (21.9%).

The Debt Service Surcharge may be combined with the Meter Service Charge on the monthly billing for ease of reporting.

Effective Date of Rate:

The effective date of the rates listed in Vermillion City Ordinance 53.018 is for bills with a billing date after April 20, 2016.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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:** Jose Dominguez, City Engineer

**Meeting:** April 4, 2016

**Subject:** Resolution to Remove the Main Street Signal project from the Statewide Transportation Improvement Program (STIP)

**Presenter:** Jose Dominguez

**Background:** On January 2013 the City Council placed the project upgrading all of the signals along Main Street on the State's Statewide Transportation Improvement Program (STIP). Last year the State announced that they would not be managing the STIP program any longer. Rather, the money allotted to the cities from the Federal government would be sent directly to the cities. The cities would be required to spend the money on transportation projects. The State has asked if the City would be interested in removing the signal project from the STIP fund.

**Discussion:** Removing the project from the STIP program has both positives and negatives. However, the positives, in this case, outweigh the negatives in the opinion of city staff. See below for list:

- Negatives:
  - The State would not be managing the funds (paying consultants or contractors).
  - The State would not be reviewing the plans.
  - The State would not be conducting the soils explorations or completing the design of the signal footing.
  - The funding would drop by approximately 9%.
- Positives:
  - The City would have control of the project (if we wanted to remove intersections from the project we could).
  - The City would have control of the bid schedule.
  - The review turn around would be much quicker (weeks when compared to months).
  - The City would not be required to complete right-of-way plans or do an encroachment survey.
  - The City would have more control of costs associated with construction administration and materials testing.
  - No Federal requirements when it comes to contractor wages.

By removing the project from the STIP program the signal project would essentially be ran as an old 90/10 project. This was a program that allowed cities to have complete control of the project with the understanding that the city would give the State 10% of the Federal funds for that the project. The 90/10 program was eliminated in 2009. Prior to that the City only completed projects using the 90/10 program. The reason was that the City saw considerable savings during construction, in the range of 20-25 percent.

**Financial Consideration:** The State will be closing the City's STIP fund account. The money in the account would be send to the City. At this point the State estimates that there is approximately \$130,000 in the account. In addition to this money the State would also be sending approximately \$11,700. The money from the State amounts to half of the State match (the State match is 18-percent). In essence, the total that the City should receive would be close to \$142,000.

Additionally, we would be entering into a new contract with the consultant, Banner Associates. We expect the new contract to be larger than the one with the State. The expected increase is due to the fact that we will have to hire a geotechnical engineer to perform the soils exploration and a structural engineer to complete the design of the signal footings. We estimate that the cost should increase from \$79,721.25 to \$90,000.

**Conclusion/Recommendations:** Administration recommends passing the resolution to remove the Main Street project from the STIP program.

**FEDERAL AID SURFACE TRANSPORTATION PROGRAM DELETE RESOLUTION  
FOR COUNTY AND URBAN PROJECTS**

WHEREAS, \_\_\_\_\_ wishes to delete the referenced project from the Statewide Transportation Improvement Program (STIP):

LOCATION AND LENGTH (PROJECT NUMBER & PCN IF AVAILABLE):

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the STIP that project described above.

Vote of Commissioners/Council: Yes \_\_\_\_\_ No \_\_\_\_\_

Dated at \_\_\_\_\_, SD, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Auditor/City Finance Officer

\_\_\_\_\_  
Chairman/Mayor

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** April 4, 2016

**Subject:** Declaring One Car, One Pickup and Six Pieces of Equipment Surplus.

**Presenter:** Jose Dominguez

**Background:** In 2015 the City Council budgeted for the purchase of several pieces of equipment during 2016. The equipment being purchased will replace the current equipment. Staff is asking the Council to declare the list of equipment to be replaced as surplus so that it may be sold in the future. The equipment to be declared surplus consists of:

DEPARMENT	YEAR PURCHASED	EQUIPMENT
Police	2006	Ford Crown Victoria
Engineering	1996	Chevrolet S-10
Street	2010	Elgin Pelican NP
Street	1995	Ford 6640SL
Light and Power	2000	GMC C7500
Wastewater	2002	Bobcat 463
Golf	2005	Toro MultiPro 1200

**Discussion:** Staff would like the City Council to declare the above-mentioned vehicles/equipment surplus and have the Surplus Property Appraisal Committee meet to appraise the Street Departments 2010 Elgin Pelican NP (street sweeper). Staff recommends appraising the street sweeper at \$55,000. Staff will market the sweeper to other government entities, and if not sold, staff will advertise for sale by sealed bids.

At a later meeting Staff will ask that the Surplus Property Appraisal Committee meet to appraise the other items. Once the vehicles have been appraised Staff would again market the surplus vehicles to other government entities, and if not sold, staff would advertise for sale by sealed bids. If we are unable to sell the equipment beyond that, it will be listed at the next City auction.

**Financial Consideration:** Sale of the equipment will go to the Equipment Replacement Fund.

**Conclusion/Recommendations:** Administration recommends declaring the above listed vehicles/equipment as surplus and moving forward with an appraisal by the Surplus Property Appraisal Committee to be marketed to other governmental entities or sold by sealed bids.

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer  
**Meeting:** April 4, 2016  
**Subject:** Egress and ingress easement for 410 S. Dakota Street  
**Presenter:** Jose Dominguez

**Background:** The City has been approached by Clay County Abstract on behalf of the owner of 410 S. Dakota Street to acquire an egress/ingress easement to access their property. The current property owner is hoping to sell the property and recently learned that the lot does not currently abut a public street. Many years ago, S. Dakota Street abutted a portion of the property which provided access to a public street.

This easement is necessary for the owner of 410 S. Dakota Street to complete a property sales transaction.

**Discussion:** The proposed easement would run along the west property line (approximately 322.1-feet). The easement would be 20-feet in width. The easement is written in such a way that the City will not be required to maintain the access to the property (gravel maintenance or snow removal), and that the easement will not be considered a right-of-way.

**Financial Consideration:** All costs associated with the easement will be paid by the owner of 410 S. Dakota Street.

**Conclusion/Recommendations:** Administration recommends signing the easement allowing egress/ingress through the City's property to the owner of 410 S. Dakota Street.

Prepared by  
Margaret Crew  
121 Kidder St #104  
Vermillion SD 57069  
605-624-2068

### **EGRESS AND INGRESS EASEMENT**

CITY OF VERMILLION, a municipal corporation duly existing under the laws of the State of South Dakota, is the owner of the following described real property:

LOT D, COTTON PARK ADDITION, CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA;

Elleri Ann Odens (a/k/a Eleri Odens), is the owner of the following described real property:

AUDITOR'S TRACT 1A OF GOVERNMENT LOT 4, SECTION 24, TOWNSHIP 92 NORTH, RANGE 52 WEST OF THE 5<sup>TH</sup> P.M., CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA

The CITY OF VERMILLION hereby grants an Egress and Ingress Easement to Elleri Ann Odens over the City's property described hereafter for the purpose of access to and from the Odens property from the driveway to Dakota Street:

A TWENTY FOOT STRIP OF LAND LYING ADJACENT TO AND WESTERLY AND SOUTHERLY OF AUDITOR'S TRACT 1A OF GOVERNMENT LOT 4, SECTION 24, TOWNSHIP 92 NORTH, RANGE 52 WEST OF THE 5<sup>TH</sup> P.M., CITY OF VERMILLION, CLAY COUNTY, SOUTH DAKOTA (See attached drawing)

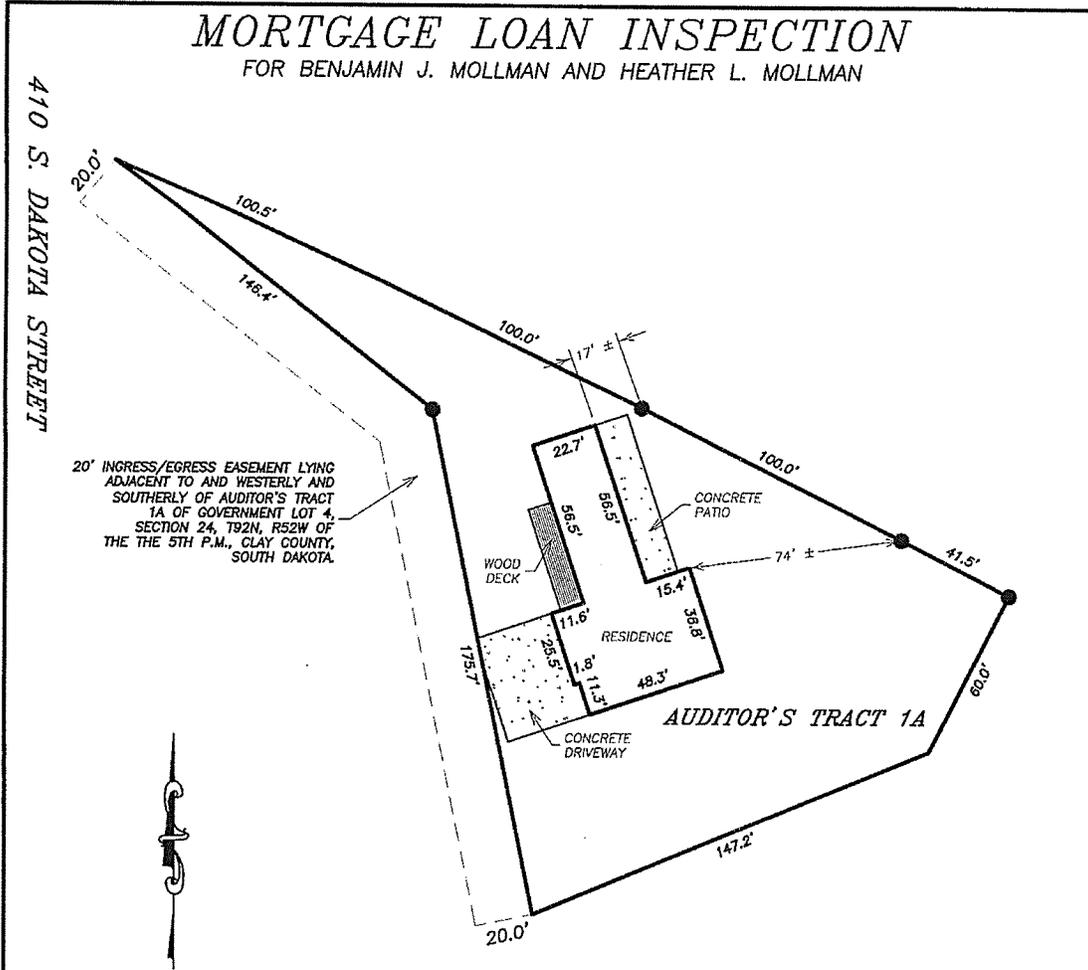
The purpose of this easement is to allow Elleri Ann Odens, her tenants, servants, visitors and licensees to pass and repass on the easement area; the easement is only for egress and ingress and does not create a right-of-way. Odens may not use the easement area for parking. In addition, there is no obligation upon the CITY OF VERMILLION to maintain the easement area.

This easement shall run with the Odens property and be binding on any successors in interest of the CITY OF VERMILLION.



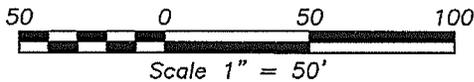
# MORTGAGE LOAN INSPECTION

FOR BENJAMIN J. MOLLMAN AND HEATHER L. MOLLMAN



### LEGAL DESCRIPTION

AUDITOR'S TRACT 1A OF GOVERNMENT LOT 4, SECTION 24, T92N, R52W OF THE THE 5TH P.M., CLAY COUNTY, SOUTH DAKOTA.



### LEGEND:

- FD. MONUMENT
- (R) RECORD DISTANCE
- (M) MEASURED DISTANCE

<b>DRAWN BY:</b>	<b>NOTES:</b>	<b>PREPARED BY:</b>
JLB	<p>1) THE SOLE PURPOSE OF THIS INSPECTION IS TO OBTAIN MORTGAGE TITLE INSURANCE. IT IS A LOCATION OF IMPROVEMENTS AND A CURSORY CHECK FOR VIOLATIONS OR ENCROACHMENTS ONTO OR FROM THE SUBJECT PROPERTY BASED ON EXISTING BUT NOT CONFIRMED EVIDENCE.</p> <p>2) THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. NO PROPERTY CORNERS HAVE BEEN SET AND IT SHOULD NOT BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, STRUCTURE, OR OTHER IMPROVEMENT.</p> <p>3) SETBACK VIOLATIONS AND FENCE LINES ARE NOT VERIFIED OR NOTED AS AN ENCROACHMENT.</p> <p>4) DIMENSIONS ON LOT LINES ARE BASED ON RECORD OR DEED INFORMATION UNLESS NOTED.</p> <p>5) NO WARRANTY IS EXTENDED THEREIN TO THE PRESENT OR FUTURE OWNER OR OCCUPANTS.</p>	<h2>BRANDT LAND SURVEYING</h2> <p>1202 WILLOWDALE ROAD YANKTON, SD 57078 BUS.: (605) 665-8455 CELL: (605) 661-2457 FAX: (605) 665-1623</p>
<b>CHECKED BY:</b>		
JLB		
<b>DATE:</b>		
3-1-2016		
<b>PROJ. NO.:</b>	<p><b>SURVEYORS CERTIFICATE:</b></p> <p>I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE INSPECTED THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE DRAWING IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF INSPECTION.</p>	
15372	<p>JOHN L. BRANDT * NO. 5349</p>	

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer

**Meeting:** April 4, 2016

**Subject:** Resolution Authorizing the Purchase of an Excavator for the Solid Waste Department from the National Joint Purchasing Alliance

**Presenter:** Jose Dominguez

**Background:** During the August budget sessions, the City Council reviewed the 2016 Joint Powers Fund for the Joint Landfill. The adopted budget included \$200,000 for equipment purchases.

In reviewing the equipment needs Landfill Supervisor, Bob Iverson, is recommending the purchases of an excavator for cell and pond maintenance.

**Discussion:** This new piece of equipment will be purchased using the National Joint Purchasing Alliance (NJPA) contract with Caterpillar, Inc. With City Council authorization, the City may purchase one 2013 Caterpillar 318EL HEX ADSD-N DCA 1 through the NJPA at a cost of \$186,449. The excavator has not been used for construction purposes; it has been on display at different dealers throughout the area. We would expect to take possession of the excavator within one month of the paperwork being completed. The excavator is currently in Sioux Falls.

**Financial Consideration:** The 2016 Joint Powers Fund for the Joint Landfill includes the purchase of an excavator for \$200,000.

**Conclusion/Recommendations:** Administration recommends approving the Resolution to purchase one 2013 Caterpillar 318EL HEX ADSD-N DCA 1 through the NJPA at a cost of \$186,449.

**RESOLUTION AUTHORIZING THE PURCHASE OF EXCAVATOR**

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

**WHEREAS**, the City of Vermillion has reviewed and determined that the National Joint Purchasing Alliance (NJPA) price of \$186,449 for a 2013 Caterpillar 318EL HEX ADSD-N DCA 1 offers an advantageous price to the City for said item; and

**WHEREAS**, the City has contacted Butler CAT of Sioux Falls, South Dakota and they have agreed to allow the City to purchase one excavator for the awarded price and terms as they have contracted with the NJPA; and

**WHEREAS**, the City will not take delivery or make payment for the street sweeper until it has been delivered in 2016.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the City of Vermillion, that the City Finance Officer is hereby authorized to purchase one new 2013 Caterpillar 318EL HEX ADSD-N DCA 1 for the total price of \$186,449.

Dated at Vermillion, South Dakota this 4<sup>th</sup> day of April, 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:** John Prescott, City Manager  
**Meeting:** April 4, 2016  
**Subject:** Policies and Procedures Committee report  
**Presenter:** John Prescott

**Background:** The Policies and Procedures Committee met on March 29<sup>th</sup>. There were two items on the agenda. The first item was a question on amending the duty to cut grass to provide for low maintenance lawns or more drought tolerant landscaping that may grow taller than the six inches currently permitted for developed properties. Staff is gathering additional information for the Committee at this time. No recommendation is currently being presented on this matter.

The second agenda item dealt with gender identity and expression as they pertain to the delivery of City services and employment. The minutes of the Committee are attached.

**Discussion:** With respect to gender identity and expression, staff offered that there were two questions. The first had to do with gender identity and expression as it pertains to employment practices. While the City's employment application does not specifically list gender identity or expression, the Department of Labor confirmed that they will review gender identity or expression discrimination, whether or not it is listed on the City's employment application.

The second question pertained to the provision of City services. The provision of many City services is provided without knowledge of gender or any of the categories found in the equal opportunity statement.

The Committee reviewed an equal opportunity statement from another community. The thought was that the current City of Vermillion equal opportunity statement be modified to read:

It is the policy of the City of Vermillion to provide equal opportunity for all residents, applicants, and employees as it pertains to the provision of services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, color, religion, sex, age, gender identity and expression, national origin, ancestry, political affiliation, or any other basis prohibited by state or federal law.

The Committee suggests having the City Council adopt a resolution with this language in a future meeting.

**Financial Consideration:** None.

**Conclusion/Recommendations:** Administration recommends that the Council receive the Policies and Procedures Committee report at this time. A future Council meeting will include a resolution pertaining to this topic.

City of Vermillion  
Policies and Procedures Committee Meeting  
Tuesday, March 29, 2016  
1:30 p.m. City Hall first floor conference room

The meeting of the City of Vermillion Policies and Procedures Committee was held on Tuesday, March 29, 2016 at 1:30 p.m. in the City Hall first floor conference room.

Present: Willson Chairman, Collier-Wise, Clarene Meins  
Absent: Ward

Also present: John Prescott, Andy Colvin, Farrel Christensen and Mike Carlson

Chairman Willson stated the first item on the agenda is the request to amend the duty to cut ordinance for drought resistant low maintenance types of grasses requested by Myanna Dellinger. Chairman Willson stated he has done some research on low maintenance grasses and provided a handout. Chairman Willson stated that fine fescue grasses are referenced in the information noting that these types of grasses take a number of years to get established and during that time require a lot of maintenance to control the weed but once established are great low maintenance lawns that can be mowed. He stated the fine grasses will fall over before getting very tall. Farrel Christensen, Code Enforcement Officer, stated our current ordinance requires a living ground cover and we rely on mowing to control the height of this ground cover. Farrel stated he has been researching low maintenance grasses and agrees that fine fescues that grow 7 to 9 inches would be an alternative but noted it requires a number of years to get established and during that time period there will be a need to control the height of other growth.

Discussion followed on no mow and low maintenance alternatives noting the need to maintain these grasses so that other grasses or weeds do not reestablish. The discussion included requiring the property owner to obtain a permit for these types of grasses that explains the need to maintain and control the height of all vegetation that may require mowing.

The consensus of the committee was to have staff draft an ordinance to allow low maintenance or no mow alternatives with a height restriction of 8 inches through a permit process that would outline to the property owner the need to maintain all vegetation.

Chairman Willson said that after this draft is prepared the committee will meet again to review before presenting to the City Council.

Chairman Willson stated the second item on the agenda was a question about having an Equal Opportunity Statement addressing discrimination on the basis of gender identity or expression. John Prescott stated this is two questions. One is discrimination in the employment hiring, discharge and related employee issues the second is discrimination in the provision of City services. John stated in talking to the SD Department of Labor gender identity and expression are covered even if not listed in our current Equal Opportunity Statement and information on the job application. John stated the second question is of discrimination in providing city services and to his knowledge the city has not adopted any such policy. John stated that for most city

services such as plowing snow or sweeping streets there is no personal contact such as in other businesses. John passed out a resolution that he found adopted by another city that the committee could review and consider. Discussion followed with the consensus of the committee to report to the City Council the adoption of this type of resolution. It was noted that committee will report at next City Council meeting and the resolution would be considered at the following City Council meeting.

Clarene Meins moved to adjourn the committee meeting at 2:10 p.m. Kelsey Collier-Wise seconded the motion. Motion carried 3 to 0. Chairman Willson declared the meeting adjourned.

## *Council Agenda Memo*

**From:** Jose Dominguez, City Engineer  
**Meeting:** April 4, 2016  
**Subject:** Dump Body, Hoist and Reversible Plow Purchase  
**Presenter:** Jose Dominguez

**Background:** The replacement of the 1996 dump truck is budgeted in the 2016 Equipment Replacement fund. The City awarded the bid for the truck chassis at the March 7<sup>th</sup> meeting. This bid award would cover the dump body, hoist and reversible plow for the truck.

The City opened bids on March 23, 2016 for the dump body, hoist and reversible plow. A copy of the bid tabulation sheet is attached.

**Discussion:** The City sent out four bid requests and received bids from three bidders. The bids ranged from \$37,782 to \$45,448. The low bid was from Northern Truck Equipment of Sioux Falls.

The low bid break down is the dump body and hoist will cost \$26,315, while the reversible plow will cost \$11,467.

**Financial Consideration:** The 2016 Equipment Replacement Fund includes a budget of \$120,000 for the purchase of the chassis and dump body. The low bid for the truck chassis was \$77,596 which leaves \$42,404 for the purchase of the dump body. The reversible plow will be paid out of the Street Department's second penny equipment line item.

**Conclusion/Recommendations:** Administration recommends awarding the dump body, hoist and reversible plow bid to Northern Truck Equipment of Sioux Falls for \$37,782.

DUMP BODY, HOIST AND REVERSIBLE PLOW (MARCH 23, 2016 @ 2:00 P.M.)

**BID TABULATION**

NORTHERN TRUCK EQUIPMENT CORP.	\$37,782
SANITATION PRODUCTS	\$40,364
CUSTOM TRUCK EQUIPMENT, INC.	\$45,448
STEFFEN	NO BID

CITY OF VERMILLION  
 INVOICES PAYABLE-APRIL 4, 2016

1 JOHN POWELL	APPA TRAVEL REIMBURSEMENT	1,969.35
2 ALL CLEANER	PROFESSIONAL SERVICES	550.00
3 ALLEGIANT EMERGENCY SERVICE	REPAIRS	99.65
4 APPLIED CONCEPTS, INC	ANTENNA CABLE	77.50
5 ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	271.93
6 ARGUS LEADER MEDIA #1085	SUBSCRIPTION	26.00
7 AUTOMATIC BUILDING CONTROL	ANNUAL INSPECTION	2,175.00
8 AWWA	MEMBERSHIP	364.00
9 BAKER & TAYLOR BOOKS	BOOKS	463.54
10 BANNER ASSOCIATES, INC	PROFESSIONAL SERVICES	3,926.50
11 BARRY BRATTEN	SAFETY BOOTS REIMBURSEMENT	84.99
12 BATTERIES PLUS	SUPPLIES	47.90
13 BHS MARKETING, LLC	SODA ASH	6,822.86
14 BIERSCHBACH EQPT & SUPPLY	SUPPLIES	328.23
15 BLACKBURN MANUFACTURING CO.	SUPPLIES	173.34
16 BLACKSTONE AUDIO INC	BOOKS	150.00
17 BLICK ART MATERIALS	SUPPLIES	52.65
18 BORDER STATES ELEC SUPPLY	SUPPLIES	2,413.74
19 BOUND TREE MEDICAL, LLC	SUPPLIES	1,302.78
20 BROADCASTER PRESS	ADVERTISING	141.00
21 BRUNICKS SERVICE INC	FUEL	1,800.00
22 BUTLER MACHINERY CO.	PARTS	4,745.97
23 CALLAWAY GOLF	MERCHANDISE	2,718.83
24 CALLE ANGLIN	MEALS REIMBURSEMENT	79.00
25 CAMPBELL SUPPLY	SUPPLIES	537.99
26 CASK & CORK	MERCHANDISE	1,004.15
27 CENTURYLINK	TELEPHONE	743.88
28 CHESTERMAN CO	MERCHANDISE	791.66
29 CITY OF VERMILLION	COPIES/POSTAGE	1,159.15
30 CITY OF VERMILLION	UTILITY BILLS	36,935.97
31 CLASS C SOLUTIONS GROUP	SUPPLIES	111.83
32 CLAY COUNTY EMS ASSOCIATION	CPR CARDS	255.00
33 CLEVELAND GOLF	MERCHANDISE	1,969.70
34 COLONIAL LIFE ACC INS.	INSURANCE	3,106.27
35 CONCRETE MATERIALS	SUPPLIES	843.74
36 CONFLUENCE	PROFESSIONAL SERVICES	2,925.00
37 CONTINENTAL RESEARCH CORP	CHEMICALS	1,821.74
38 CREDIT COLLECTIONS BUREAU	COMMISSION	122.24
39 CRESCENT ELECTRIC SUPPLY	PARTS	245.92
40 CUTTER & BUCK	MERCHANDISE	861.46
41 D-P TOOLS	TOOLS	135.29
42 DAIGLE LAW GROUP, LLC	TRAINING	475.00
43 DAKOTA BEVERAGE	MERCHANDISE	12,030.18
44 DAKOTA PC WAREHOUSE	SUPPLIES	21.99
45 DAKOTA PUMP INCORP	REPAIRS	3,482.15

46 DAN GOEDEN	SAFETY BOOTS REIMBURSEMENT	100.00
47 DANKO EMERGENCY EQUIPMENT	SUPPLIES	736.00
48 DELTA DENTAL PLAN	INSURANCE	6,230.76
49 DEMCO	SUPPLIES	32.09
50 DENNIS MARTENS	MAINTENANCE	833.34
51 DEPT OF REVENUE	TESTING	150.00
52 DGR ENGINEERING	PROFESSIONAL SERVICES	8,713.74
53 DUST TEX	ENTRY MATS	80.00
54 EBSCO	SUBSCRIPTION	22.62
55 ECHO ELECTRIC SUPPLY	SUPPLIES	1,383.27
56 ELECTRONIC ENGINEERING	REPAIRS	3,299.55
57 EMBROIDERY & SCREEN WORKS	UNIFORM SHIRTS	1,765.29
58 ENERGY LABORATORIES	TESTING	1,150.00
59 ENVIRONMENTAL RESOURCE ASSOC.	TESTING	1,135.45
60 ERIC BIRKELAND	MEALS REIMBURSEMENT	83.00
61 FARMER BROTHERS CO.	SUPPLIES	164.70
62 FERGUSON ENTERPRISES, INC	SUPPLIES	854.80
63 FINDAWAY WORLD LLC	BOOKS	655.80
64 FLAGS UNLIMITED	FLAGS	434.84
65 FLINT TRADING INC	SUPPLIES	12,870.80
66 FRAME ALIGNERS, INC	REPAIRS	706.40
67 GALE	BOOKS	19.99
68 GRAHAM TIRE CO.	TIRES	785.02
69 GRAINGER	SUPPLIES	130.50
70 GRAYBAR ELECTRIC	SUPPLIES	2,681.57
71 GRAYMONT CAPITAL INC	CHEMICALS	3,986.94
72 GREGG PETERS	FREIGHT	1,634.40
73 GREGG PETERS	RENT	937.50
74 GUARANTEE OIL CO INC	SUPPLIES	332.80
75 HACH CO	SUPPLIES	1,266.77
76 HANSEN LOCKSMITHING	REPAIRS	1,456.99
77 HARLAND TECHNOLOGY SERVICE	MAINTENANCE	1,807.00
78 HD SUPPLY WATERWORKS	SUPPLIES	951.68
79 HEARTLAND GLASS CO.	REPAIRS	117.65
80 HEIMAN, INC.	INSPECTION	205.92
81 HELGET SAFETY SUPPLY, INC	SUPPLIES	200.13
82 HELMS & ASSOCIATES	PROFESSIONAL SERVICES	13,767.79
83 HENDERSONS ULTIMATE CAR WASH	WASH CARD	50.00
84 HERC-U-LIFT	REPAIRS	1,123.18
85 HERREN-SCHEMPP BUILDING	SUPPLIES	4.99
86 HORNUNGS PRO GOLF	MERCHANDISE	240.75
87 HY VEE FOOD STORE	SUPPLIES	71.33
88 IMPERIAL HEADWEAR, INC	MERCHANDISE	280.19
89 IN CONTROL, INC	PROFESSIONAL SERVICES	8,438.10
90 INDEPENDENCE WASTE	WASTE HAULING	778.50
91 INFOGROUP	BOOKS	405.00
92 INGRAM	BOOKS	2,420.27
93 JACKS UNIFORM & EQPT	UNIFORM	264.49
94 JANITOR'S CLOSET, LTD	SUPPLIES	319.45

95 JIM BALLEWEG	SAFETY BOOTS REIMBURSEMENT	100.00
96 JOHN A CONKLING DIST.	MERCHANDISE	8,393.78
97 JOHNSON BROTHERS OF SD	MERCHANDISE	20,362.01
98 JOHNSON CONTROLS	SERVICE AGREEMENT	2,096.60
99 JONES FOOD CENTER	SUPPLIES	688.55
100 KALINS INDOOR COMFORT	REPAIRS	125.27
101 KARSTEN MFG CORP	MERCHANDISE	877.79
102 KELLEN CUSICK	MEALS REIMBURSEMENT	79.00
103 KOBLE'S ELECTRIC	INSTALL CONTROLLER	25.00
104 KOMLINE-SANDERSON	PARTS	221.59
105 KYLE BLAKE	MILEAGE REIMBURSEMENT	120.98
106 LAWSON PRODUCTS INC	SUPPLIES	382.67
107 LESSMAN ELEC. SUPPLY CO	SUPPLIES	2,244.00
108 LIZ RAKNESS	MEALS REIMBURSEMENT	79.00
109 LOCATORS AND SUPPLIES, INC	SUPPLIES	480.10
110 M.J DAL SIN CO OF SD, INC	ROOF CONTRACT	22,860.00
111 MALLOY ELECTRIC	PARTS	63.53
112 MART AUTO BODY	TOWING	825.00
113 MASABA, INC	REPAIRS	1,170.31
114 MATHESON TRI-GAS, INC	MEDICAL OXYGEN	465.89
115 MATTHEW BETZEN	MEALS/MILEAGE REIMBURSEMENT	148.56
116 MC2, INC	REPAIRS	8,713.13
117 MCCULLOCH LAW OFFICE	PROFESSIONAL SERVICES	1,314.00
118 MCLEODS PRINTING	SUPPLIES	467.42
119 MEAD LUMBER	SUPPLIES	164.27
120 MEDICAL WASTE TRANSPORT, INC	HAUL MEDICAL WASTE	350.00
121 MEDICO LIFE & HEALTH INSURANCE	INSURANCE	460.59
122 MELBY APPRAISALS	APPRAISAL	450.00
123 MICRO MARKETING LLC	BOOKS	591.87
124 MID-AMERICAN RESEARCH CHEM	CHEMICALS	538.02
125 MIDWEST ALARM CO	ALARM MONITORING	231.75
126 MIDWEST BUILDING MAINTENANCE	MAT SVC	338.80
127 MIDWEST STRIPING	LIGHT BAR	307.00
128 MIDWEST TURF & IRRIGATION	PARTS	2,894.57
129 MIDWEST WHEEL COMPANIES	PARTS	94.14
130 MISSOURI VALLEY MAINT & REPAIR	REPAIRS	990.76
131 MOORE WELDING & MFG	REPAIRS	262.55
132 NATL GOLF FOUNDATION	MEMBERSHIP	225.00
133 NCL OF WISCONSIN, INC	CHEMICALS	798.36
134 NETSYS+	REPAIRS/PROFESSIONAL SERVICES	586.25
135 NEW YORK LIFE	INSURANCE	84.02
136 NEWMAN TRAFFIC SIGNS	SUPPLIES	34.20
137 NORTHERN SAFETY CO. INC	SAFETY GLASSES	74.95
138 O'REILLY AUTO PARTS	SUPPLIES	74.96
139 ONE OFFICE SOLUTION	CHAIR	329.00
140 OVERHEAD DOOR OF SIOUX CITY	REPAIRS	221.00
141 PAULS PLUMBING	REPAIRS	71.43
142 PCC, INC	COMMISSION	2,015.58
143 PENGUIN RANDOM HOUSE LLC	BOOKS	127.50

144 PENWORTHY COMPANY	BOOKS	223.24
145 PEOPLEFACTS, LLC	TESTING MATERIALS	31.07
146 PITNEY BOWES	POSTAGE METER LEASE	289.71
147 PITNEY BOWES, INC	SUPPLIES	183.57
148 POMPS TIRE SERVICE, INC.	TIRES	11,733.34
149 PRESTO-X-COMPANY	INSPECTION/TREATMENT	51.36
150 PRINT SOURCE	SCORECARDS/ADVERTISING	813.80
151 PSYCHOLOGICAL SOLUTIONS	SCREENING EVAL QUESTIONNAIRE	350.00
152 PUMP N PAK	FUEL	36.50
153 QUEEN CITY WHOLESale	MERCHANDISE	327.70
154 QUILL	SUPPLIES	429.69
155 RACOM CORPORATION	MAINTENANCE CONTRACT	1,343.55
156 RECORDED BOOKS, INC	BOOKS	268.60
157 REEL SHARP	REPAIRS	480.00
158 REPUBLIC NATIONAL DIST	MERCHANDISE	22,261.48
159 SANITATION PRODUCTS	PARTS	182.17
160 SD ASSOC. OF CODE ENFORCEMENT	REGISTRATION	50.00
161 SD ELECTRICAL COMMISSION	WIRING PERMIT	85.00
162 SD FIRE CHIEFS ASSN.	MEMBERSHIP DUES	100.00
163 SD LICENSED BEVERAGE DEALERS	VIDEO LOTTERY FEE	145.00
164 SD REDBOOK FUND	TRAINING BOOKS	443.27
165 SD RETIREMENT SYSTEM	CONTRIBUTION	49,041.34
166 SECURITY SHREDDING SERVICE	SUPPLIES	35.00
167 SEH, INC	DRAINAGE STUDY	4,909.10
168 SERVALL TOWEL & LINEN	SHOP TOWELS	16.80
169 SHANE GRIESE	TRAVEL REIMBURSEMENT	260.46
170 SHORTYS HVAC SUPPLIES LLC	REPAIRS	1,312.00
171 SIGN PRO	PROFESSIONAL SERVICES	50.00
172 SIOUX CITY FORD	PARTS	77.32
173 SIOUX CITY FOUNDRY CO	PARTS	692.70
174 SIOUX FALLS TWO WAY RADIO	REPAIRS	280.95
175 SIOUXLAND SCALE SERVICE	REPAIRS	1,109.55
176 SPECIAL T'S AND MORE	UNIFORM T-SHIRTS	674.15
177 STAPLES ADVANTAGE	SUPPLIES	561.06
178 STEFFEN	PARTS	293.38
179 STEVE'S HEATING & A/C INC	REPAIRS	415.66
180 STEWART OIL-TIRE CO	REPAIRS	75.00
181 STUART C. IRBY CO.	SUPPLIES	4,995.50
182 STURDEVANTS AUTO PARTS	PARTS	1,900.85
183 SUBWAY	MEALS	204.00
184 SUPPLYWORKS	SUPPLIES	197.01
185 TAYLOR MADE	MERCHANDISE	9,674.97
186 THE EQUALIZER	ADVERTISING	184.00
187 THE NEW SIOUX CITY IRON CO	SUPPLIES	89.32
188 THE WALKING BILLBOARD	UNIFORM SHIRTS	290.00
189 TIGERT ART GALLERY	FRAMING	100.00
190 TITLEIST DRAWER CS	MERCHANDISE	9,578.48
191 TOMAHAWK LIVE TRAP COMPANY	TRAPS	320.60
192 TONY RYDSTROM	MEALS REIMBURSEMENT	79.00

193 TOTAL FLOORING	SUPPLIES	12.52
194 TRI TECH SALES	PARTS	251.94
195 TRI-B-TRIM SHOP	REPAIRS	250.00
196 TRUE BRANDS	SUPPLIES	1,046.18
197 TRUE VALUE	SUPPLIES	439.08
198 TURFWERKS	PARTS	79.37
199 TWIN CITY HARDWARE	REPAIRS	533.99
200 TYS BUILDING SERVICE	INSTALL DOOR	989.30
201 ULTRAMAX	SUPPLIES	2,817.00
202 UNITED WAY	CONTRIBUTIONS	559.70
203 US POSTMASTER	POSTAGE DUE	50.00
204 USA BLUEBOOK	SUPPLIES	793.30
205 USD MARKETING & U RELATION	MERCHANDISE	58.65
206 VALIANT VINEYARDS	MERCHANDISE	180.00
207 VAST BROADBAND	911 CIRCUIT/DIALUP SERVICE	1,416.45
208 VERIZON WIRELESS	CELL PHONES	1,734.18
209 VERMEER HIGH PLAINS	REPAIRS	146.41
210 VERMILLION ACE HARDWARE	SUPPLIES	331.54
211 VERMILLION CHAMBER OF COMMERCE	CONTRIBUTION/BANQUET TICKETS	100,150.00
212 VERMILLION FIRE EMS	AMBULANCE CALL	150.00
213 VERMILLION FORD	PARTS	305.92
214 VERMILLION GIRLS FASTPITCH	SPONSORSHIP	250.00
215 VERMILLION HOUSING & REDEVELOPMENT	CONTRIBUTION	5,950.00
216 VGSA	ONLINE REGISTRATION	3,059.38
217 VISA/FIRST BANK & TRUST	FUEL/LODGING/SUPPLIES	5,091.37
218 VOLANTE	ADVERTISING	34.50
219 WAL-MART COMMUNITY	SUPPLIES	666.21
220 WALT'S HOMESTYLE FOODS, INC	SUPPLIES	122.40
221 WESCO DISTRIBUTION, INC	SUPPLIES	2,370.00
222 WH OVER MUSEUM	CONTRIBUTION	15,000.00
223 WILLSON FLORIST	FLORAL ARRANGEMENT	55.00
224 YANKTON FIRE & SAFETY	EXTINGUISHER RECHARGE	52.50
225 YANKTON JANITORIAL SUPPLY	SUPPLIES	139.50
226 YANKTON MEDICAL CLINIC	TESTING	139.00
227 ZEE MEDICAL SERVICE	SUPPLIES	72.75
228 ZIMCO SUPPLY CO	SUPPLIES	5,228.20
229 LYLE WAGNER	BRIGHT ENERGY REBATE	24.00
230 MONTY MUNKVOLD	BRIGHT ENERGY REBATE	20.00
231 NICK SLATTERY	BRIGHT ENERGY REBATE	498.00
	GRAND TOTAL	\$549,382.76